

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Italian-Venezuelan Commission: Time for submitting Claims (questions of
procedure)**

1903

VOLUME X pp. 484-485



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

VIII

Amendments. — The Commission reserves the right at all times to change these rules as occasion demands.

OPINIONS ON QUESTIONS OF PROCEDURE

TIME FOR SUBMITTING CLAIMS

Extension of time for submitting claims should only be granted upon cause shown. Such cause being shown an extension is granted under conditions to November 1, claims to be notified to the Commission by August 9.

RALSTON, *Umpire*:

I have carefully considered the application, under date of June 8, made by the royal Italian legation at Caracas for a reasonable delay, for the purpose of transmitting claims of Italian subjects as well as of obtaining proofs in connection therewith, such delay being requested under the protocol of May 7, by virtue of which, together with that of February 13, 1903, this tribunal is in existence, and the application in question being referred to me as umpire because of a difference of opinion arising between the Commissioners for Italy and Venezuela.

The language of the protocol is that —

The claims shall be presented to the Commissioners by the royal Italian legation at Caracas before the 1st day of July, 1903. A reasonable extension of the term may eventually be granted by the Commissioners.

According to my interpretation of the words "may eventually" the Commission is not obliged as a matter of course to grant the delay, but it should only be allowed upon a reasonable cause shown. I feel myself sustained in this opinion by the definition of the word "eventual" given in Webster's Dictionary, which is, "in an eventual manner; final; ultimate." The word "eventually" is also defined as "coming or happening as a consequence; final; ultimate; (law) dependent on events; contingent."

The reasonable cause justifying extension is stated by the royal Italian legation at Caracas to exist in the difficulty, which has continued up to the present time (though now with diminishing force), of reaching certain portions of the Republic by mail or otherwise, and further, in the fact that owing to recent disturbances many Italian merchants have gone to distant regions to avoid danger, and apparently as a consequence it has been impossible for them to yet present their claims, and will be impracticable to present them by July 1. That the application is reasonable and justifies some delay is evidenced by the fact that the Commissioner for Venezuela offers no objection to an extension of thirty-two days, and this premise being granted, it remains for me to consider what, under all the circumstances, would be a proper period.

From such information as I have been able to gather, a letter from Caracas to the most distant point in Venezuela reached at all by the post-office authorities may be sent in twenty days, and even as to such a place as Ciudad Bolívar, now in possession of the revolutionists, my information is, that by transshipment at Trinidad a letter will reach its destination in about a week.

I further consider it is to be remembered, in reaching a conclusion, that the first protocol looking to the formation of a mixed commission was signed February 13, and that the knowledge of it was sought to be disseminated by the Italian legation as thoroughly as possible some time in the month of April.

It has, therefore, seemed to me that an extension of forty days from July 1 (sufficient to enable a letter from Caracas to reach the most distant part of

Venezuela and a reply to be obtained), would, in addition to the period of four and one-half months now elapsing, from February 13 to July 1, meet all reasonable requirements.

Furthermore, however, the Commission might properly take into consideration at a later period any claim the existence of which should be made known to the Commission at any time before the termination of the additional time now proposed.

In view of the foregoing, the following order may be entered upon the minutes:

Ordered, That the period for the presentation of claims before the Italian and Venezuelan Commission be extended to and including August 9, 1903: *Provided, however*, That the royal Italian legation shall be at liberty after that date, and before November 1, 1903, to present any claim, official knowledge of the existence of which shall be brought to the Commission on or before August 9, but with relation to which, for lack of data, the royal Italian legation shall not then have been able to submit a formal claim: *And provided further*, That for cause shown, on or before said date, this order may be enlarged as of this day.

TIME EXTENDED FOR SUBMITTING CLAIMS

Further allowing an extension of time for submitting certain claims to November 1, 1903.

RALSTON, *Umpire*:

The royal Italian legation has duly submitted an application for an enlargement of the time for presenting certain claims in accordance with the reservation contained in the order of the umpire of June 18, 1903, and in support shows that thirty claims are expected to arrive from Ciudad Bolívar, but that the names of the possible claimants have not yet come to hand; and further, that although registered letters have been sent to some 37 places named, neither the original letters nor the signed receipts have been returned, indicating want of proper postal communication.

The umpire believes that liberality should be shown in the application of the clause of the protocol referring to extensions, to the end that this Commission may fulfill as far as possible the object of its formation by determining all Italian claims. At the same time he recognizes that the labors of the Commission must be brought to a speedy finality.

He will therefore sign an order enlarging as of the date of June 18 the order then made, so that the 30 claims to be submitted from Ciudad Bolívar and any from the 37 places named may be entirely presented for action by November 1.

On behalf of the Venezuelan Government the umpire is asked to interpret the order of June 18, so that all claims, the names of whose owners are at this time to be submitted to the Commission, may at once be fully presented.

The umpire recognizes the difficulty of the situation in this respect, owing to the large number of papers recently received by the royal Italian legation, and at this time prefers accepting the assurance of the legation that all claims will be presented as rapidly as the papers can possibly be arranged. He does, however, in the enlarged order, change the former one by specifically requiring all claims to be presented formally and fully, with all supporting evidence, by November 1, his personal desire, however, being that they should be completely filed by October 1.

The royal Italian legation submits the question whether the claims not presented within the period limited shall on this account be excluded from