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**RECUEIL DES SENTENCES
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**Opinions in the Spanish-Venezuelan Commission: Extension of time for
submission of claims**

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PERSONNEL OF SPANISH-VENEZUELAN COMMISSION¹

Umpire. — Luis Gutierrez-Otero, of Mexico City, Mexico.

Spanish Commissioner. — Juan Riaño, Chargé d'Affaires at Washington, D.C.

Venezuelan Commissioner. — F. N. Guzmán Alfaro.

Spanish Agent. — Aristides Tello.

Venezuelan Agent. — F. Arroyo-Parejo.

Assistant Venezuelan Agent. — José T. Arnal.

Spanish Secretary. — José Gil Delgado y Olazábal.

Venezuelan Secretary. — Luis Julio Blanco.

OPINIONS IN THE SPANISH-VENEZUELAN COMMISSION

EXTENSION OF TIME FOR SUBMISSION OF CLAIMS

Under the terms of the protocol no general extension can be allowed for the presentation of claims; but on cause shown any particular claim may be admitted for consideration and decision for ninety days after the time set for its presentation under the protocol.

GUTIERREZ-OTERO, Umpire:

The umpire, having examined and reached a decision concerning the point on which the Commissioners have disagreed, relative to the extension of time which the Legation of His Catholic Majesty in Venezuela demands for the presentation of claims of Spanish subjects to this Mixed Commission;

Has decided that a general decision, which would permit the presentation of *any* claim without exception after thirty days, and during the three months additional, to which the second clause of the protocol refers, would not be compatible with a true interpretation of the protocol in question;

Nor could the decision be made limiting its effects to claimants who reside in the State or territory of Venezuela where a difficulty or lack of communication exists, which is considered sufficient to prevent their presentation during the first thirty days, since there is no reliable information upon which to base such a finding; besides this means might not always be in accord with absolute equity, which ought to control the decisions of the Commission.

But as equity demands — and it is universally recognized as justice — that the length of time granted for the exercise of a right should be sufficient and should be properly taken advantage of by the interested parties, it is certain, that in accordance with the proper interpretation of the protocol and the motive of its execution, the Commission may receive during the three additional months mentioned in the article already cited, claims which could not have been presented during the first thirty days, provided that in the judgment of the commissioners, or of the umpire, as the case may be, it is shown that a sufficient cause for not having made prompt presentation existed;

And thus the umpire decides this question which has arisen and been submitted for his determination.

ESTEVES CASE

Spanish nationality of claimant may be shown by production of certificate from consulate of Spain showing that claimant is enrolled on register of Spanish citizens resident in Venezuela.

¹ No rules of procedure were formulated in this Commission.