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Questões movidas pela United States Navigation contra o governo do Paraguai...

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The Paraguay Commission.

Of the entire equity of the award made by the Paraguay Commission in reference to the claims of a Rhode Island Company against the Government of Gen. LOPEZ, there will be little question in the minds of any who take the trouble to peruse the Opinion and Report of Mr. CAVE JOHNSON, the American referee. That document has just appeared in print. Stating fairly the points raised by counsel in favor of claimants and respondents, it proceeds to a careful review of the evidence, to which the main contributors were not, as might have been anticipated, citizens of Paraguay, but citizens of the United States, familiar with the operations of the Company, and many of them members of the Company itself. The award may in fact be said to proceed upon the showing of the claimants themselves. Their case was its own refutation. "Out of their own mouths they are condemned."

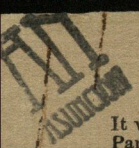
The Company, it may be remembered, was organized some eight years ago, with a view to developing and profiting by the resources of Paraguay and the adjoining regions. Mr. E. A. HOPKINS, a gentleman familiar with the country, and recently named Consul at Asunción, was the contriver of the enterprise, and was to have the general management of its affairs. Some vessels were bought and freighted; some machinery, not exceeding in gross value \$5,000, was shipped; and in Paraguay small tracts of land were purchased and cheaply improved. From the government of Paraguay the most favorable and friendly concessions were obtained, insomuch that several branches of industry, such as the sawing of lumber and the manufacture of tobacco, were fairly commenced, with promise of remunerative returns. Capital, however, seems to have been wanting, even in the presence of this flattering prospect. Resort was had to the generosity of LOPEZ, who promptly advanced \$10,000 without security, thus fostering an enterprise which he is alleged to have destroyed.

The whole of this glowing promise was blighted not by LOPEZ, but by HOPKINS. His arrogance and insolence to the President seem to have been insufferable. Had he been the Plenipotentiary of a first-class Power in Europe, instead of the local Commercial Agent of the United States, without diplomatic functions, he could not have been more independent, exacting and defiant. He fell into difficulties with the soldiers and the people. His open and loudly announced dislike of the people and the Government tended to excite distrust; and repeated acts of violence and folly tended to arouse animosity. He managed in a very short time after seeking pecuniary aid from LOPEZ, to provoke that chief, by claiming as his own certain lands upon which stood a Government barrack, which LOPEZ had, in the absence of other place to inaugurate the new industry, permitted him to occupy temporarily. He persisted in disregarding the laws of the Republic, even when warned of his transgressions. In short, no means seem to have been neglected by this ingenious gentleman of rendering himself unendurable, and his enterprise a failure.

Finally, the Government, provoked to the last degree at these incessant annoyances, declared its intention to withdraw the concessions to the Foreign Company unless some other manager should be substituted for the impracticable HOPKINS, whose exequatur as Consul was at the same time withdrawn. To the amazement of American officers and other advisers in Paraguay at the time, HOPKINS announced that he should regard this proceeding as a violent breach of plighted faith, and that, abandoning the property of the Corporation, he should seek redress and indemnity through the Government of the United States. The abandoned property, which was of trifling moment, for HOPKINS removed everything of value, was sold after he had been vainly requested by the government of LOPEZ to remove it, and the proceeds placed at his disposal. There was no expulsion of persons, no confiscation of property. LOPEZ did not even reserve enough to reimburse his liberal loan, already mentioned.

Upon this state of facts the Hopkins party have demanded as indemnity for their losses a sum, originally of \$200,000, but latterly swollen to a fraction less than \$1,000,000. To make up this plump figure they charge against their unhappy debtor such items as a steamer and cargo, bound from New-York to Asunción, wrecked, however, on its passage near the mouth of the Amazon, and other vessels for the same port lost before entering Paraguayan waters. They charge for all the incalculable profits the Company might have made, had they not by ill-management forfeited their privileges. They charge at full value for steamers, ships, machinery, etc., "rendered useless" by that forfeiture, as if there was no alternative for such property but employment in Paraguay, or dry rot and rust elsewhere. And on all these aerial and irreducible amounts, they calculate interest for seven years. Is there any wonder that upon such a presentation as this the judgment should be distinctly against the claim? To have made it otherwise would have been to sacrifice irrecoverably the national character for fair dealing, and to lose what little prestige we may have secured in South America by the ridiculous mission of the magnanimous and magniloquent BOWLIN.

Perhaps, it is for these latter reasons that our ever-perverse President is said to thirst for an opportunity for setting aside this award. There is evidently a settled determination on the part of the baffled speculators to play this last card, if it be available. Fortunately, the power to set aside is not in the President's hands. The Commission has been executed in exact pursuance of treaty provisions, solemnly approved by both Governments; and no reserve of power is left in possession of either Government to supersede the adjudication. Under these circumstances we stand some chance of witnessing an act of international justice which will redound infinitely more to the credit of the country, than all the honors harvested by the imposing folly of the Paraguay expedition.



REJECTION OF THE AMERICAN CLAIMS AGAINST PARAGUAY.

It will probably be remembered that one object of the costly expedition lately sent to Paraguay by the Government of the United States was to enforce a claim for damages, amounting to nearly a million of dollars, made by an American company, for injuries alleged to have been inflicted by President Lopez. Hostilities being avoided, through the good offices of General Urquiza, President of the Argentine Confederation, and the judicious management of Mr. Bowlin, the United States Commissioner, it was agreed to submit the claim to two commissioners, one appointed by the Government of Paraguay, the other by that of the United States. It appears from the report of the referees, Mr. Cave Johnson and Senor Berges, that the company, which was organized in 1852, with a view to trading in the products of Paraguay, was managed by Mr. Hopkins, the American consul at Asuncion, whose overbearing disposition was the sole cause of the failure of the enterprise. Most favourable concessions were granted by the Paraguayan Government, and when funds ran low, through the loss of a steamer belonging to the company, 10,000 dollars were advanced by President Lopez without security; but Mr. Hopkins disregarded the laws, insulted the people, and embroiled himself with the authorities so systematically that the Government was obliged to withdraw his *aequequatur* as consul. He immediately abandoned the company's property, and claimed an indemnity of 400,000 dollars, which President Lopez refused to pay. Subsequently the sum demanded was swelled to nearly 1,000,000 dollars by charging for a steamer and her cargo lost at sea, for ships and machinery which the failure of the enterprise was represented to have rendered useless, for profits which might have been made, and seven years' interest on the whole. The Commissioners, after hearing counsel on both sides, and examining witnesses, declared the claim of the company untenable. "It has always," says Mr. Johnson, in closing his report, "been the pride and the glory of the Government and citizens of the United States to submit to nothing wrong from any Government or people, but at the same time to demand of them nothing but what is right. The day is far distant, I sincerely hope, when East India fortunes are to be accumulated, with their approbation and sanction, by the plunder of feeble states, extorted from them at the cannon's mouth." The decision appears to have given general satisfaction in the United States, judging from the tone of the press. "We are glad," says the *New York Herald*, "that the facts of this iniquitous claim have been thoroughly sifted and exposed. Whilst the award rejecting it will be a lesson to such of our citizens as seek to make the State Department the instrument of their dishonest speculations, its moral effect upon the South American governments cannot fail to be beneficial to our interests. The fact of an American commissioner not only deciding against the pecuniary claims and exaggerated grievances of his countrymen, but doing full justice to the conduct and motives of a ruler whom we had humiliated and forced to this inquiry, will go farther to convince them of the fairness of our disposition towards them than all the assurances that can be conveyed through a diplomatic medium." Similar language is held by the *Times*, *Sun*, and all the leading independent New York journals.