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VENEZUELA'S SIDE OF AMERICAN CLAIMS

(From New York Times.)
Venezuela's side of the controversy which has culminated in the severance of diplomatic relations with the United States has been only meagerly presented through the press to the American public, according to some of those having knowledge of both sides of the controversy.

In the opinion of a lawyer in this city who is thoroughly familiar with the cases in which arbitration is demanded by the United States government, the American public is almost entirely ignorant of the contentions upon which Venezuela bases her attitude on the questions at issue.

This lawyer shares with others who have closely followed the Venezuelan controversy the opinion that it should be understood that Venezuela bases her stand in the matter on grounds which her government considers right and legal, and is not merely refusing to behave with common decency toward the United States, as is generally supposed in the country.

The lawyer in question gave his views on the subject to a representative of the New York Times and showed documents on the various American claims which have brought about the present critical state of affairs between the United States and Venezuela. From these documents the following resume of the questions pending is taken, including in each case the legal grounds upon which Venezuela bases her action.

Bermudez Asphalt Case.
The most important case, and the one most strongly sustained by the department of state, is the suit of the New York and Bermudez Asphalt Company. It has been maintained by Venezuela that this company stipulated in its contract that the disputes and controversies arising therefrom should be decided by the tribunals of Venezuela. Venezuela holds further that the company entered into a conspiracy to overthrow the government of Venezuela. The courts of Venezuela decided that the company's concession was forfeited because of its failure to comply with the terms of the contract and its complicity with the Matos revolution. It appeared from evidence heard in a New York court that the asphalt company had supplied funds to General Manuel Antonio Matos to aid him in his endeavor to overthrow the Castro government.

In the case of Arthur F. Jaurert, who claims damages from Venezuela as an American citizen for forcible expulsion from that country, Venezuela maintains that he conspired against the Venezuelan government, and that in expelling him she was fully within her rights.

The claim of the Orinoco Steamship company was submitted to the Arbitration commission held at Caracas in the summer of 1902, and, on its main issues, was decided against the company, although an award of \$28,224 out of a total claim of about \$1,400,000, was made to the claimant.

The department of state demands that this case be reopened. Venezuela insists that by the terms of the arbitration protocol the award must be held as final. The umpire making this award was C. A. H. Barge of Holland, ex-governor of Curacao.

The claim of the Orinoco company was likewise submitted to arbitration in 1903 and decided adversely to the company. The reopening of this case is not asked, but it is alleged that fresh wrongs have been inflicted, upon

on the company by Venezuela, and it is insisted that the claims for damages on that account should be submitted to arbitration. But Venezuela insists that these latter claims present the same question that was involved in the decision of the arbitration tribunal of 1902, to the effect that claims arising out of the contract of the company must be adjusted in the courts of Venezuela, and that they are not a proper subject for reference to an arbitration tribunal.

The Critchfield Claim.
The last case is that of the United States and Venezuela company, commonly known as the Critchfield case. This, too, is based upon a contract with the government of Venezuela containing the stipulation that controversies arising from the contract be settled by the Venezuelan courts. The company has not yet appealed to these courts.

In replying to a note from the American minister at Caracas regarding the re-arbitration of claims, the Venezuelan minister of foreign affairs called attention to the following statement contained in a note from Secretary Hay to the government of Salvador in reference to a request from the latter that a case already decided by arbitration be reopened:

"A failure to comply with the award would involve a grave discourtesy to the eminent arbitrators who sat in this case and a serious injury to the cause of arbitration."

Venezuela applied the above words of Secretary Hay to the reopening of the cases already decided by the arbitration commission of 1902.

The arbitration tribunal passed upon 55 American claims against the Venezuelan government for damages aggregating over \$14,000,000, of which \$456,450, or less than 3 per cent of the sum claimed, was awarded to the American claimants.

Further argument that the contentions of Venezuela are worthy at least of respectful hearing is contained in an article published recently in the North American Review, wherein the writer practically accuses the United States of repudiating international arbitration by her attitude in the Venezuelan question.

"By refusing to accept the award merely because the arbitrator's view of equity and justice is different from that of the claimant," declares this writer, "or different from even those of the secretary of state, our government takes a position unworthy of a great nation. If an award be manifestly unjust, the evidence could be referred to congress for investigation, and, if necessary, money appropriated to satisfy the claimant. Surely such a course is far better than discrediting international arbitration, as has been done in the case now under consideration."

And the same writer says in concluding his article:

Criticizes Our Refusal to Accept Award.
"Unless fraud is alleged, the United States should set the example of abiding by the decision of international arbitration as at present constituted, no matter how crude the system, and find some other way of dealing with a claimant who is dissatisfied with an award than sending ultimatums to weaker nations. Otherwise the impression will soon prevail that international arbitration is final only when the award is satisfactory to the stronger nation."

SHERMAN WILL NOT TAKE PART

TAFT'S RUNNING MATE WILL NOT CAMPAIGN.

May Not Speak at All and Is Sure Not to Go Out of His Own State—New Yorker a Cipher on the Ticket—His Health Compels Inactivity.

Republican campaign managers do not expect to receive much assistance in the campaign this fall from James S. Sherman, nominee for vice-president. Sherman's health, though it may improve, will hardly permit him to make a strenuous campaign, and it is more than likely that the Utica man will not be heard out side of his own state, if at all. The fact is that the republican leaders are awakening to the fact that the selection of Sherman was not a particularly bright piece of work on the part of the republican national convention, even from the view-point of the anti-Roosevelt crowd, who manipulated the selection of a running mate for Taft. Sherman, in his present physical condition, can not even represent his wing of the party in a way to attract particular notice.

If the republican ticket is elected, and Sherman regains his health, he will not, as has been predicted in some quarters, become an obstructionist in the path of the administration; he will not be in a position where he can interfere. Sherman can do no more to annoy Taft than Fairbanks has been able to obstruct the politics of Roosevelt, and throughout the present administration Fairbanks has left not the faintest impress upon legislation or upon the other achievements of Mr. Roosevelt and his party. Fairbanks, like other vice-presidents, has presided over the senate, but has had no voice in shaping or carrying out politics, and a careful review of past events will fall to show that Fairbanks either antagonized or aided the president. So it will be with Sherman.

As vice-president, Mr. Sherman will be presiding officer of the senate, but he will have no vote, except in case of a tie, and such occasions are very rare. Neither will he have any say in the organization of the senate, the naming of committees or the selection of chairman. He will not be a member of the steering committee which maps out the work of the senate, nor will he be admitted to the "inner circle," which has long been a powerful though not recognized body of the senate. He will be an outsider from first to last, and he will always be treated as an outsider.

When policies of administration are being formed, Sherman will not be one of the men to assist the president, unless, in advance, he utterly and absolutely renounces his old alliances and pledges his unqualified support to Taft and the recognized powers of the administration. But in all this Mr. Sherman will be merely following precedent, tramping along in the footsteps of his elongated predecessor. He knew this when he first announced himself as a candidate for the vice-presidential nomination, and he will not be disappointed.—Special Washington correspondence to Portland Oregonian.

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