

ARBITRATION OF CLAIM OF GEORGE C. BENNER, ET AL.

*Protocol signed at Rio de Janeiro September 6, 1902*¹

Treaty Series 413

PROTOCOL OF AN AGREEMENT SUBMITTING TO ARBITRATION THE CLAIM OF GEORGE C. BENNER, ET AL., AGAINST THE REPUBLIC OF THE UNITED STATES OF BRAZIL

The Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of the United States of Brazil having agreed to submit to arbitration the claim of George C. Benner and others against the Republic of the United States of Brazil;

The United States of America and the Republic of the United States of Brazil, through their representatives, Charles Page Bryan, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Brazil, and Doctor Olyntho Maximo de Magalhães, Minister of State for Foreign Relations of the Republic of the United States of Brazil, have agreed upon and signed the following protocol:

Whereas the owners of the vessel, "James A. Simpson", citizens of the United States of America, have claimed through the Government of the United States of America from the Government of the Republic of the United States of Brazil indemnity on account of the damage inflicted upon the said vessel and her long boat by the firing of the soldiers of the Government of the Republic of the United States of Brazil and for the damage caused by the detention of the said vessel at the port of Rio de Janeiro, Brazil, it is agreed between the two Governments:

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That the question of the liability of the Republic of the United States of Brazil to pay an indemnity in said case, and, if so found by the Arbitrator, the further question of the amount of said indemnity to be awarded and the questions of law and fact brought in issue, shall be referred to Mr. A. Grip, Envoy Extraordinary and Minister Plenipotentiary of Sweden and Norway at Washington, who is hereby appointed as Arbitrator to hear said causes and to determine the question of said liability and the amount of indemnity, if any, found by said Arbitrator to be justly due.

¹ When claimants failed to produce evidence to establish substantial damages claimed in the memorial, the United States withdrew from the arbitration of the case with the understanding that the claim would not be presented to Brazil again.