

before them on the part of the Governments of Her Britannic Majesty and His Majesty the Emperor of Brazil, respectively; and such declaration shall be entered on the record of their proceedings.

The Secretary on either side, when called upon to act as Commissioner for the first time, and before proceeding to act as such, shall make and subscribe a similar declaration, which shall be entered in like manner as aforesaid.

The Commissioners shall, before proceeding to any other business, name a third person to act as an Arbitrator or Umpire, in any case or cases on which they may themselves differ in opinion.

If they should not be able to agree upon the selection of such a person, the Commissioner on either side shall name a person; and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be Arbitrator or Umpire in that particular case.

The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn Declaration, in a form similar to that which shall have already been made and subscribed by the Commissioners, which Declaration shall be entered on the record of their proceedings.

In the event of the death, absence, or incapacity of such person, or of his omitting, or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place or stead of the person so originally named as aforesaid, and shall make and subscribe such Declaration as aforesaid.

#### ARTICLE II.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice.

They shall investigate and decide upon such claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments.

They shall be bound to receive and peruse all written or printed documents or statements which may be presented to them by or on behalf of the respective Governments, in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each Government, as counsel or agent for such Government, on each and every separate claim.

Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they have agreed to name, or who may be determined by lot, as the case may be; and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the Commissioners, shall decide thereupon finally, and without appeal.

The decision of the Commissioners, and of the Arbitrator or Umpire, shall be given upon each claim in writing, and shall be signed by them respectively.

It shall be competent for each Government to name one person to attend the Commission as agent on its behalf, to present and support claims, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Her Majesty the Queen of Great Britain and

Ireland, and His Majesty the Emperor of Brazil, hereby solemnly and sincerely engage to consider the decision of the Commissioners, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

#### ARTICLE III.

Every claim shall be presented to the Commission within twelve months from the day of its first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commission, or of the Arbitrator or Umpire in the event of the Commissioners differing in opinion thereupon; and then and in any such case, the period for presenting the claim may be extended to any time not exceeding six months longer.

The Commissioners shall be bound, under this Convention, to hold, for the consideration of the claims, at least eight sittings in each month, from the date of their first sitting until the completion of their labours.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting, unless on account of some unforeseen and unavoidable suspension of the sittings, the two Governments may mutually agree to extend the time.

The Arbitrator or Umpire shall be bound to come to a final decision on any claim within fifteen days from the time of such claim being submitted to his consideration, unless the Commissioners consider a more extended period absolutely necessary.

It shall be competent for the Commissioners, or for the Arbitrator or Umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before the Commission, either wholly or to any and what extent, according to the true intent and meaning of this Convention.

#### ARTICLE IV.

All sums of money which may be awarded by the Commission, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the decision, without interest, and without any deduction save as specified in Article VI hereinafter.

#### ARTICLE V.

The High Contracting Parties engage to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of every claim upon either Government, arising out of any transaction of a date prior to the exchange of the ratifications of the present Convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

#### ARTICLE VI.

The Commissioners and the Arbitrator or Umpire, with the assistance of the Secretaries, shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ a Clerk, if