THE CASE OF THE REPUBLIC OF NICARAGUA: SUBMITTED TO HIS EXCELLENCY HON. GROVER CLEVELAND, PRESIDENT OF THE UNITED STATES, ARBITRATOR, UNDER THE TREATY OF GUATEMALA OF DECEMBER 24TH, 1886

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HON. GROVER CLEVELAND,

President of the United States,

ARBITRATOR,

UNDER THE TREATY OF GUATEMALA OF DECEMBER 24TH, 1886.

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INTRODUCTION.

THE Government of Nicaragua, in presenting to His Excellency the President of the United States HER CASE under the provisions of the treaty of Guatemala, of December 24, 1886, with the Republic of Costa Rica, congratulates herself upon the acceptance by His Excellency the President of the post of Arbitrator, and conveys to him her grateful sentiments for thus aiding in an amicable adjustment of her differences with the Republic of Costa Rica, and accepts it as an additional token of the good will and kindly interest which His Excellency feels in the welfare of both Republics.

STATEMENT.

The questions presented for the determination of His Excellency the President of the United States, the Arbitrator chosen by the treaty between the governments of Nicaragua and Costa Rica of Dec. 24, 1886 (Appendix "A"), is—

FIRST. Whether the treaty signed by both on the 15th day of April, 1858 (Appendix "B"), is or is not valid; and

SECOND. Should the validity of the treaty be established, whether under its terms Costa Rica has the right of navigation of the river San Juan with vessels of war or of the Revenue Service, and such other questions of interpretation as may be submitted under the provisions of paragraph six.

The argument upon these latter questions on behalf of Nicaragua is reserved, pending the discussion and decision of the leading question, that Government holding herself in readiness to submit such argument whenever the Arbitrator shall signify his readiness to enter upon that question should its discussion become necessary.

ARGUMENT.

The Government of Nicaragua affirms the invalidity of the treaty of 1858, and insists that it ought not to be bound thereby, for the reason—

First. That it has not received that sanction which the Constitution of the State of Nicaragua requires to give effect to, and validate, a treaty of its character.

Second. It has not been ratified by the Government of San Salvador, so as to give effect to the guarantees on behalf of that Government of the tenth article of the treaty.

Third. That the pretended ratifications of the treaty were exchanged before the treaty had been submitted to the Congress of Nicaragua, and it was not approved by the first