

CONVENTION BETWEEN THE GOVERNMENTS OF MEXICO AND CHINA FOR
THE PAYMENT OF AN INDEMNITY ¹

Signed in the City of Mexico, December 16, 1911

Chang Ying Tang, Envoy Extraordinary and Minister Plenipotentiary of the Chinese Empire to the United States of Mexico, and Manuel Calero, Secretary of State of the United States of Mexico, have agreed to sign, in behalf of their respective governments, the following protocol:

Considering: That several Chinese subjects have suffered, within Mexican territory, damages in their persons and property, in some cases in cruel and inhuman form, acts which the Government of the United States of Mexico considers contrary to the sentiments of friendship and amity which should be held for all men and especially for those who are subjects of a friendly nation and for which it has expressed its sorrow to the Government of the Chinese Empire.

Considering: That the Government of the United States of Mexico, while it maintains the principle that the nation neither is nor can be responsible for the acts of rebels or riotous mobs, except in the exceptional cases prescribed by international law, which the Government of the United States of Mexico does not consider to include the happenings alluded to in the preceding paragraph, is ready, however, voluntarily and as an act of grace, to indemnify the injured Chinese subjects to the extent provided by the present convention, and with the understanding that this act of grace shall not be considered as establishing a precedent;

Considering: That the Chinese Government concurs in the friendly spirit which animates the Mexican Government, it being the wish of both governments to prevent, by a friendly agreement, all discussion or controversy which might arise out of the occurrences mentioned in the preceding considerations:

Have agreed upon the following articles:

ARTICLE I

The Mexican Government shall deliver to the Chinese Government the sum of Three Million One Hundred Thousand Pesos (\$3,100,000.00) in Mexican coin of the weight and fineness which are actually in use.

¹ Translated from the *Boletín Oficial de la Secretaría de Relaciones Exteriores, México*, February, 1913, pages 118-122.

ARTICLE II

The sum mentioned in the preceding article shall be received by the diplomatic representative of the Chinese Government duly accredited at Mexico, or by some other agent of said government who shall produce his authority, and the delivery shall be made in the city of Mexico on or before the first day of July, one thousand nine hundred and twelve.

ARTICLE III

It is the express intention of both governments that as a consequence of the delivery of the sum to which this convention refers, neither the Chinese Government nor its subjects shall be entitled to make any claim whatsoever against the Mexican Government or Mexican citizens for damages to property, bodily harm or loss of lives directly or indirectly suffered by Chinese subjects within the Mexican Republic during the revolution of 1910, or as a result of it, and within the period of time from the 20th of November, 1910, to the date of the present convention. Any claim already formulated or presented by Chinese subjects on account of the aforesaid revolution, shall terminate *ipso jure* by virtue of the provisions of the present clause.

ARTICLE IV

The present convention shall be submitted to the ratification prescribed by the laws of both countries, and the exchange of ratifications shall take place at the Mexican Embassy in the City of Washington, United States of America, at the latest on the 15th day of June, 1912.

In faith whereof, we, the respective Plenipotentiaries, have signed the present convention in the Spanish, Chinese and English languages, and affixed thereto our seals. In case of doubt as to the meaning of any expression or sentence in this convention, the English text shall be decisive.

Done in duplicate in the City of Mexico, this 16th day of December, one thousand nine hundred and eleven.

(L. S.) MANUEL CALERO.

(L. S.) CHANG YING TANG.

Additional protocol signed at Mexico City December 13, 1912; ratifications exchanged January 29, 1913

The Constitutional President of the United States of Mexico and the Government of China, taking into consideration that the dates fixed in

the protocol signed in the City of Mexico on the 16th day of December, 1911, have passed without the exchange of the instruments of ratification of said convention or the payment of the voluntary and gratuitous indemnity which the Mexican Government promised to pay to the Chinese Government for the damages and injury to property, bodily harm and loss of lives suffered by the Chinese residents in the Mexican Republic during the revolution which took place in its territory in the year one thousand nine hundred and ten or as a consequence of it, have agreed to modify the said convention with an additional protocol, and for that purpose have appointed as their plenipotentiaries, that is to say:

The Constitutional President of the United States of Mexico: Señor Licentiate Don Julio Garcia, Subsecretary in Charge of the Office for Foreign Affairs; and

The Chinese Government: Woo Chung Yen, its Chargé d'Affaires ad interim to the Mexican Government;

Who, after having communicated to each other their full powers, found in due and good form, agreed upon the following articles.

ARTICLE I

The Government of the United States of Mexico and the Government of China, agree to extend the dates fixed in Articles II and IV of the protocol signed by their respective plenipotentiaries in the City of Mexico on the 16th day of December, one thousand nine hundred and eleven, for the payment of the voluntary and gratuitous indemnity which the Government of Mexico shall pay to the Government of China for the reasons above mentioned, fixing for the first purpose, the 15th day of February, one thousand nine hundred and thirteen, and for the second, the thirty-first day of January of the same year. In consequence, the articles referred to will read as follows:

ARTICLE II

The sum mentioned in the preceding article shall be received by the diplomatic representative of the Chinese Government duly accredited at Mexico, or by some other agent of said government who shall produce his authority, and the delivery shall be made in the City of Mexico on or before the fifteenth day of February, one thousand nine hundred and thirteen.

ARTICLE IV

The ratifications of this convention shall be exchanged at the Mexican Embassy in the City of Washington, United States of America, at the latest on the thirty-first of January, one thousand nine hundred and thirteen.

In faith whereof, the said plenipotentiaries have signed the present protocol in duplicate and affixed thereto their seals in the City of Mexico, this thirteenth day of December, one thousand nine hundred and twelve.

(L. S.) JULIO GARCIA.

(L. S.) WOO CHUNG YEN.
