

N° 3593.

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ÉTATS-UNIS D'AMÉRIQUE  
ET  
ÉTATS-UNIS DU MEXIQUE

Convention relative au règlement global des réclamations présentées par le Gouvernement des États-Unis d'Amérique à la commission établie par la Convention spéciale sur les réclamations, conclue le 10 septembre 1923. Signée à Mexico, le 24 avril 1934.

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UNITED STATES OF AMERICA  
AND  
UNITED MEXICAN STATES

Convention providing for the « en bloc » Settlement of the Claims presented by the Government of the United States of America to the Commission established by the Special Claims Convention concluded on September 10th, 1923. Signed at Mexico, April 24th, 1934.

No. 3593. — CONVENTION<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES PROVIDING FOR THE *EN BLOC* SETTLEMENT OF THE CLAIMS PRESENTED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE COMMISSION ESTABLISHED BY THE SPECIAL CLAIMS CONVENTION CONCLUDED SEPTEMBER 10TH, 1923. SIGNED AT MEXICO, APRIL 24TH, 1934.

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*English and Spanish official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Convention took place January 29th, 1935.*

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THE UNITED STATES OF AMERICA and THE UNITED MEXICAN STATES, desiring to settle and adjust amicably the claims comprehended by the terms of the Special Claims Convention concluded by the two Governments on the 10th day of September, 1923, without resort to the method of international adjudication provided by the said agreement, have decided to enter into a Convention for that purpose, and to this end have nominated as their Plenipotentiaries :

THE PRESIDENT OF THE UNITED STATES :

The Honorable Josephus DANIELS, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico ; and

THE PRESIDENT OF THE UNITED MEXICAN STATES :

The Honorable José Manuel PUIG CASAURANC, Secretary of State for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following Articles :

#### *Article I.*

The claims of the United States of America covered by the Special Claims Convention of September 10th, 1923, shall be adjusted, settled and forever thereafter barred from further consideration by the payment by the Government of Mexico to the Government of the United States of a sum of money which shall equal the same proportion of the total amount claimed by the United States in all such cases (after the deductions provided for in Article IV hereof), as the proportion represented — in respect to the total sum claimed by the Governments of Belgium, France, Germany, Great Britain, Italy and Spain — by the total amount found to be due from the Mexican Government in the settlement of similar claims and under the Conventions concluded with those Governments by the Government of Mexico during the years from September 25th, 1924, to December 5th, 1930.

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<sup>1</sup> The exchange of ratifications took place at Mexico, December 13th, 1934.

## TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3593. — CONVENCION<sup>1</sup> ENTRE LOS ESTADOS UNIDOS DE AMÉRICA Y LOS ESTADOS UNIDOS MEXICANOS RELATIVA AL ARREGLO GLOBAL DE LAS RECLAMACIONES PRESENTADAS POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA ANTE LA COMISION CREADA POR LA CONVENCION ESPECIAL DE RECLAMACIONES CONCLUIDA EL 10 DE SEPTIEMBRE DE 1923. FIRMADA EN MEXICO EL 24 DE ABRIL DE 1934.

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*Textes officiels anglais et espagnol communiqués par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement de cette convention a eu lieu le 29 janvier 1934.*

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LOS ESTADOS UNIDOS DE AMÉRICA y LOS ESTADOS UNIDOS MEXICANOS, deseando arreglar y ajustar amigablemente las reclamaciones comprendidas dentro de las disposiciones de la Convención Especial de Reclamaciones celebrada entre ambos Gobiernos el día 10 de septiembre de 1923, sin recurrir al sistema de arbitraje internacional establecido en dicho Convenio, han resuelto celebrar una Convención con tal fin, y al efecto han nombrado como sus Plenipotenciarios :

EL PRESIDENTE DE LOS ESTADOS UNIDOS :

Al honorable Josephus DANIELS, Embajador Extraordinario y Plenipotenciario de los Estados Unidos en México, y

EL PRESIDENTE DE LOS ESTADOS UNIDOS MEXICANOS :

Al Honorable José Manuel PUIG CASAURANC, Secretario de Relaciones Exteriores ;

Quienes, después de haberse comunicado mutuamente sus respectivos plenos poderes y encontrándolos en buena y debida forma, han convenido en los Artículos siguientes :

*Artículo I.*

Las reclamaciones de los Estados Unidos de América comprendidas en la Convención Especial de 10 de septiembre de 1923, quedarán ajustadas, arregladas y para siempre excluidas de toda consideración ulterior, mediante el pago por el Gobierno de México al Gobierno de los Estados Unidos de una suma de dinero que representará la misma proporción de la suma total reclamada por los Estados Unidos en todos los casos (después de las deducciones que establece el Artículo IV de esta Convención), que la proporción que significa — respecto de la suma total reclamada por los Gobiernos de Bélgica, Francia, Alemania, Gran Bretaña, Italia y España — el monto total que se halló debe el Gobierno de México en el arreglo de esas reclamaciones similares y de acuerdo con los términos de las Convenciones concluidas con esos Gobiernos por el de México durante el período de tiempo comprendido entre el 25 de septiembre de 1924 y el 5 de diciembre de 1930.

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<sup>1</sup> L'échange des ratifications a eu lieu à Mexico, le 13 décembre 1934.

To determine said general average percentage resulting from the settlements with said countries for similar claims, the classic arithmetical procedure shall be used, that is to say, the total amount awarded to Belgium, France, Germany, Great Britain, Italy and Spain shall be multiplied by one hundred and the product shall be divided by the total amount claimed by said countries.

Having thus determined the general average percentage, in order to ascertain the amount that Mexico should pay to the United States, said percentage shall be multiplied by the total amount claimed by the United States (after the deductions provided for in Article IV of this Convention) and the resulting products shall be divided by one hundred.

#### *Article II.*

The amount provided for in Article I above shall be paid at Washington, in dollars of the United States, at the rate of 500,000.00 (five hundred thousand) dollars per annum, beginning January 1st, 1935, and continuing until the whole amount thereof shall have been paid.

#### *Article III.*

Deferred payments, by which term is meant all payments made after January 2nd, 1935, shall bear interest at the rate of one-fourth of one percent per annum for the first year counting from January 1st, 1935, and an additional one-fourth of one percent for each additional year until the maximum of one percent is reached which shall be applied beginning January 1st, 1939. In the event of failure to make annual payments when due, however, this rate shall be increased at the rate of one-fourth of one percent per annum on the amount of deferred payments during the period of any such delay until a maximum additional rate of three percent on such overdue amounts is reached.

#### *Article IV.*

In computing the total amount of claims mentioned in Article I above, there shall be deducted from the total amount of all special claims filed by the United States under the terms of the Special Claims Convention of September 10th, 1923, the following items :

*First* : Claims decided.

*Second* : One-half of the amount represented by the total claimed in all cases in which the same claim has been filed twice, either for the same or for different amounts, with the Special Claims Commission.

*Third* : From the claims registered for the same reason with both Commissions, there shall be deducted the total amount of all claims that in fact or apparently should have registered only with the General Claims Commission established by the Convention of September 8th, 1923.

The determination, by the representatives of both Governments referred to in Article V of this Convention, of claims that ought to be withdrawn from the Special Commission because in fact or apparently they should have been registered only with the General Commission for presentation and adjudication, does not prejudice the jurisdiction in and validity of said claims, which shall be determined in each case when examined and adjudicated by the Commissioners or Umpire in accordance with the provisions of the General Claims Convention of September 8th, 1923, and the Protocol of April 24th, 1934, or the Special Claims Convention of September 10th, 1923, and the Protocol of June 18th, 1932, in the event it shall be found by the Commissioners or Umpire to have been improperly eliminated from the Special Claims settlement. In the latter event, the claims improperly eliminated in the opinion of the Commissioners or Umpire shall be settled and

adjusted by the same *en bloc* procedure prescribed by this Convention for all claims registered with the Special Commission.

*Article V.*

The total amount of the special claims of the United States, as well as the deductions to be made therefrom, in accordance with Article IV above, and the proportionate amount thereof to be paid in accordance with Article I above, shall be determined by a Joint Committee consisting of two members, one to be appointed by each Government, whose joint report, after due conference and consideration, shall be accepted as final.

*Article VI.*

It is agreed that, for the purpose of facilitating a proper distribution by the United States to the respective claimants of the amount to be paid as provided for herein, the Mexican Government shall deliver to the United States, upon request, all evidence in its possession bearing upon the merits of particular claims and to procure, at the cost of the United States, such additional evidence as may be available in Mexico and as may be indicated by the Government of the United States to be necessary to the proper adjudication of particular claims, leaving to the judgment of the Mexican Government the furnishing of originals or certified copies thereof and with the specific reservation that no documents shall be delivered which owing to their nature cannot be furnished by said Government.

*Article VII.*

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions, such ratifications being exchanged in Mexico City as soon as practicable, and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate, in English and Spanish, at Mexico City this 24th day of April 1934.

Josephus DANIELS.

damente eliminadas a juicio de los Comisionados o del Arbitro, se arreglarán y ajustarán mediante el mismo procedimiento de arreglo global que, para todas las reclamaciones registradas ante la Comisión Especial, establece esta Convención.

*Artículo V.*

El importe total de las reclamaciones presentadas por los Estados Unidos ante la Comisión Especial, así como las deducciones que deben hacerse de dicha cantidad de acuerdo con el Artículo IV anterior y la cantidad proporcional de dicha suma que deberá pagarse según el Artículo I de esta Convención, serán determinadas por un Comité Unido compuesto de dos miembros, cada uno nombrado por su respectivo Gobierno, cuyo dictamen, que se emitirá conjuntamente, después de discutido y considerado debidamente, será aceptado como definitivo.

*Artículo VI.*

Se conviene en que, con objeto de facilitar la debida distribución por los Estados Unidos entre los reclamantes respectivos de la cantidad que deberá pagarse de acuerdo con esta Convención, el Gobierno Mexicano entregará al de los Estados Unidos, a solicitud de este último, todas las pruebas que obren en su poder relativas a los fundamentos de determinadas reclamaciones en particular y recabar, a costa de los Estados Unidos, todas aquellas pruebas adicionales que puedan obtenerse en México y que manifieste el Gobierno de los Estados Unidos ser necesarias para la debida adjudicación de determinados casos, quedando a juicio del Gobierno Mexicano proporcionar los originales o copias certificadas de ellos y con la salvedad expresa de que no se entregarán documentos que por su propia naturaleza no puedan ser suministrados por este Gobierno.

*Artículo VII.*

La presente Convención será ratificada por las Altas Partes Contratantes de acuerdo con sus respectivas Constituciones, ratificaciones que serán canjeadas en la ciudad de México tan pronto como sea factible, y empezará a surtir sus efectos en la fecha del canje de ratificaciones.

En testimonio de lo cual, los Plenipotenciarios respectivos firmaron esta Convención y fijaron en ella sus sellos.

Hecha por duplicado en inglés y en español en la Ciudad de México, el día 24 de abril de 1934.

PUIG.

Certified to be a true and complete  
textual copy of the original Convention  
in all the languages in which it was signed.

For the Secretary of State  
of the United States of America :

C. E. MacEachran,

*Chief Clerk and Administrative Assistant.*

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 3593. — CONVENTION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LES ÉTATS-UNIS DU MEXIQUE, RELATIVE AU RÈGLEMENT GLOBAL DES RÉCLAMATIONS PRÉSENTÉES PAR LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE A LA COMMISSION ÉTABLIE PAR LA CONVENTION SPÉCIALE SUR LES RÉCLAMATIONS, CONCLUE LE 10 SEPTEMBRE 1923. SIGNÉE A MEXICO, LE 24 AVRIL 1934.

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LES ÉTATS-UNIS D'AMÉRIQUE et LES ÉTATS-UNIS DU MEXIQUE, désireux de régler et de liquider à l'amiable les réclamations visées par les dispositions de la Convention spéciale sur les réclamations, conclue par les deux gouvernements le 10 septembre 1923, sans recourir au système d'arbitrage international prévu par ledit accord, ont décidé de conclure une convention à cette fin et ont, à cet effet, désigné pour leurs plénipotentiaires :

LE PRÉSIDENT DES ÉTATS-UNIS :

L'honorable Josephus DANIELS, ambassadeur extraordinaire et plénipotentiaire des États-Unis d'Amérique au Mexique, et

LE PRÉSIDENT DES ÉTATS-UNIS DU MEXIQUE :

L'honorable José Manuel PUIG CASAURANC, secrétaire d'Etat aux Affaires étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, reconnus en bonne et due forme, sont convenus des articles ci-après :

*Article premier.*

Les réclamations des États-Unis d'Amérique visées par la Convention spéciale sur les réclamations du 10 septembre 1923 seront considérées comme réglées, liquidées, et ne devant plus faire l'objet d'aucun examen ultérieur, lorsque le Gouvernement du Mexique aura versé au Gouvernement des États-Unis une somme égale à la proportion du montant total réclamé par les États-Unis dans tous ces cas (après avoir opéré les déductions prévues à l'article IV de la présente convention) que représente — par rapport au total des sommes réclamées par les Gouvernements de Belgique, de France, d'Allemagne, de Grande-Bretagne, d'Italie et d'Espagne — le montant total reconnu comme étant dû par le Gouvernement mexicain pour le règlement de réclamations analogues et aux termes des Conventions conclues entre ces gouvernements et le Gouvernement mexicain, du 25 septembre 1924 au 5 décembre 1930.

Afin de déterminer ledit pourcentage général résultant des règlements avec lesdits pays en raison de réclamations analogues, il sera fait usage de la méthode arithmétique classique, c'est-à-dire que le montant total adjugé à la Belgique, à la France, à l'Allemagne, à la Grande-Bretagne, à l'Italie et à l'Espagne sera multiplié par 100 et le produit divisé par le montant total réclamé par lesdits pays.

Après avoir ainsi déterminé le pourcentage général, afin de fixer le montant que le Mexique devra payer aux États-Unis, on multipliera ledit pourcentage par la somme totale réclamée par

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.