CLAIMS

Convention signed at Washington July 4, 1868
Senate advice and consent to ratification July 25, 1868
Ratified by Mexico December 26, 1868
Ratified by the President of the United States January 25, 1869
Ratifications exchanged at Washington February 1, 1869
Entered into force February 1, 1869
Proclaimed by the President of the United States February 1, 1869
Modified by conventions of April 19, 1871; November 27, 1872; November 20, 1874; and April 29, 1876
Terminated upon fulfillment of its terms

15 Stat. 679; Treaty Series 212

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so to strengthen the system and principles of Republican Government on the American Continent; and whereas since the signature of the Treaty of Guadalupe Hidalgo of the 2nd. of February 1848, claims and complaints have been made by citizens of the United States on account of injuries to their persons and their property by authorities of that Republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican Republic have resolved to conclude a Convention for the adjustment of the said claims and complaints and have named as their Plenipotentiaries:

The President of the United States, William H. Seward, Secretary of State;

And the President of the Mexican Republic, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Re-
public to the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following Articles.

**Article I**

All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of corporations, companies or private individuals, citizens of the Mexican Republic, upon the government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either government for its interposition with the other since the signature of the Treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2nd. of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two commissioners, one to be appointed by the President of the United States by and with the advice and consent of the Senate, and one by the President of the Mexican Republic. In case of the death, absence or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican Republic respectively shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The Commissioners so named, shall meet at Washington within six months after the exchange of the ratifications of this Convention, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice and equity, without fear, favor or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the Governments of the United States and of the Mexican Republic respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each 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 umpire in that particular case. The person or persons so to be chosen to be 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 already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence or incapacity
of such person or persons or of his or their omitting or declining or ceasing to
act as such umpire, another and different person shall be named as aforesaid
to act as such umpire in the place of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Article II

The commissioners shall then jointly proceed to the investigation and
decision of the claims which shall be presented to their notice in such order
and in such manner as they may conjointly think proper, but upon such evi-
dence or information only as shall be furnished by or on behalf of their re-
spective governments. They shall be bound to receive and peruse all written
documents or statements which may be presented to them by or on behalf
of their 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 on
each and every separate claim. Should they fail to agree in opinion upon any
individual claim, they shall call to their assistance the umpire whom they
may have agreed to name or who may be determined by lot, as the case may
be; and such 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 there-
on finally and without appeal. The decision of the commissioners and of
the umpire shall be given upon each claim in writing, shall designate whether
any sum which may be allowed shall be payable in gold or in the currency of
the United States, and shall be signed by them respectively. It shall be com-
petent for each government to name one person to attend the commissioners
as agent on its behalf, to present and support claims on its behalf, and to
answer claims made upon it, and to represent it generally in all matters
connected with the investigation and decision thereof.

The President of the United States of America and the President of the
Mexican Republic, hereby solemnly and sincerely engage to consider the
decision of the commissioners conjointly or of the 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.

It is agreed that no claim arising out of a transaction of a date prior to the
2nd of February, 1848, shall be admissible under this Convention.

Article III

Every claim shall be presented to the Commissioners within eight months
from the day of their first meeting, unless in any case where reasons for delay
shall be established to the satisfaction of the commissioners or of the 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 three months longer.

The commissioners shall be bound to examine and decide upon every
claim within two years and six months from the day of their first meeting. It
shall be competent for the commissioners conjointly or for the umpire if
they differ, to decide in each case whether any claim has or has not been duly
made, preferred and laid before them, either wholly, or to any and what
extent, according to the true intent and meaning of this Convention.

**Article IV**

When decisions shall have been made by the commissioners and the arbiter
in every case which shall have been laid before them, the total amount
awarded in all the cases decided in favor of the citizens of the one party shall
be deducted from the total amount awarded to the citizens of the other party,
and the balance to the amount of three hundred thousand dollars, shall be
paid, at the City of Mexico or at the City of Washington, in gold or its
equivalent within twelve months from the close of the commission to the
government in favor of whose citizens the greater amount may have been
awarded, without interest or any other deduction than that specified in
Article VI of this Convention. The residue of the said balance shall be paid
in annual instalments to an amount not exceeding three hundred thousand
dollars in gold or its equivalent in any one year until the whole shall have
been paid.

**Article V**

The High Contracting Parties agree to consider the result of the proceed-
ings 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 con-
sidered and treated as finally settled, barred and thenceforth inadmissible.

**Article VI**

The commissioners and the umpire shall keep an accurate record and cor-
rect minutes of their proceedings with the dates. For that purpose they shall
appoint two Secretaries versed in the language of both countries to assist
them in the transaction of the business of the commission.

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For extensions of term of commission, see conventions of Apr. 19, 1871 (TS 214) post, p. 834; Nov. 27, 1872 (TS 215) post, p. 836; Nov. 20, 1874 (TS 217) post, p. 838; and Apr. 29, 1876 (TS 218) post, p. 841.
Each government shall pay to its commissioner an amount of salary not exceeding forty-five hundred dollars a year in the currency of the United States, which amount shall be the same for both governments.

The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each government upon the joint recommendation of the commission.

The salary of the Secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission; provided always that such deduction shall not exceed five per cent. on the sums so awarded.

The deficiency, if any, shall be defrayed in moieties by the two governments.

**ARTICLE VII**

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic with the approbation of the Congress of that Republic, and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

William H. Seward  [seal]
M. Romero  [seal]