

The Second Protocol Agreement

(signed at Mexico City December 13, 1912; ratifications exchanged January 29, 1913)¹

President of the United Mexican States To all whom these presents may concern, know ye.

That on the sixteenth day of December of the year one thousand nine hundred and eleven, a Protocol was concluded and signed in Mexico City, by means of duly authorized Plenipotentiaries, between the Government of the United Mexican States and that of China, the former desiring by this act to demonstrate its good feelings of friendship toward the latter, as well as its willingness to assist the Chinese residents in Mexican territory, who suffered damages to their persons and property, and the relatives of those who perished as a result of the revolution that took place in Mexico in the year one thousand nine hundred and ten, granting them voluntary and gracious compensation.

Whereas the deadlines set forth in Articles 2 and 4 of the same Protocol for the exchange of their instruments of ratification and for the payment of said indemnity having expired, without both events having taken place, the Contracting Governments agreed to transfer the dates for fulfilling said commitments, to which end, also through duly authorized Plenipotentiaries, they adjusted and signed another Protocol in the same Mexico City on the thirteenth day of December of the current year, the texts and forms of the Protocols referred to being the following:

Chang Yin Tang Envoy Extraordinary and Minister Plenipotentiary from the Chinese Empire to the United Mexican States, and Manuel Calero, Secretary of Foreign Relations of the United Mexican States, have agreed to sign in the name of their respective Governments the following Protocol.

Whereas: Various Chinese subjects have suffered, within Mexican territory, damages in their persons and property, and in some instances in a cruel and inhuman manner, for which the Government of the United Mexican States has expressed its regret to the Government of the Chinese Empire, since it has considered these acts to be contrary to the spirit of friendship and benevolence which should be extended to all men, and especially toward citizens of a friendly nation;

Whereas: The Government of the United Mexican States, though maintaining the principle that the Nation is not and cannot be responsible for the acts of revolutionists or riotous mobs, except in such special cases as are established by International Law and among which the Government of the United Mexican States does not consider that the events to which allusion is made in the preceding paragraph are included, is nevertheless willing to

¹ The English translation of the first and second protocol here is from the signed copy held by the Taiwanese Ministry of Foreign Affairs Archives in Taipei.

voluntarily and graciously indemnify the Chinese subjects who² have sustained injuries, in accordance with the terms of this agreement, and without thereby establishing a precedent;

And whereas: The Chinese Government acknowledges the good will of the Mexican Government, it being the desire of both Governments to avoid by an amicable agreement any discussion or question which might arise from the events related in the foregoing paragraphs;

They have agreed upon the following stipulations;

Art. 1. The Mexican Government will deliver to the Chinese Government the sum of Three Million One Hundred Thousand Pesos (\$3,100,000.00) Mexican money, of the present standard of value.

Art. 2. The sum mentioned in the foregoing paragraph shall be received by the diplomatic representative of the Chinese Government duly accredited to Mexico, or by any other agents of the said Government proving his authority, delivery to be made in this City of Mexico on or before the first of July, one thousand nine hundred and twelve.

Art. 3. It is expressly agreed by both Governments that in consequence of the delivery of the amount referred to in this agreement, neither the Chinese Government nor its subjects can make any claim of any character whatsoever against the Mexican Government or Mexican citizens for damages or injuries to property, personal injuries or losses of life which may have been suffered, directly or indirectly, by Chinese subjects in the Republic of Mexico, during the Revolution of 1910, or in consequence thereof and within the period of time from the 20th of November, 1910, to the date of the present agreement. Any claim which may have been drawn up or presented by Chinese subjects due to the said Revolution, will be terminated ipso-jure by virtue of the stipulation of this clause.

Art. 4. This Protocol shall be subject to the ratification required by the laws of both countries and the exchange of the ratifications will be effected in the Mexican Embassy in the City of Washington, United States of America, not later than the fifteenth of June, one thousand nine hundred and twelve.

In faith whereof, the respective Plenipotentiaries have signed this Protocol in the Spanish, Chinese and English languages and have hereunto affixed their seals. In the event of any doubt arising as to the precise meaning of any part of this Protocol, the English version shall govern.

² The English translation in the Taiwanese Ministry of Foreign Affairs Archives in Taipei has "to" instead of "who". The Diario Oficial, Tomo CXXV, No 9, March 11, 1913 has "who" (See p.87 of Diario Oficial, Tomo CXXV, Marzo y Abril [Mexico: Imprenta Del Gobierno Federal, 1913]).

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

(signed) Manuel Calero (L.S.)

(signed) Chang Yin Tang (L.S.)

Second Protocol

The Constitutional President of the United States of Mexico and the Chinese Government considering that the dates mentioned in the Protocol signed in the City of Mexico the sixteenth day of December of this year one thousand nine hundred and eleven have elapsed and that the exchange of the instruments of ratification of the said Arrangement dit [sic] not take place neither the payment for the voluntary and gracious indemnification in which the Mexican Government engaged himself for damages, injuries in connection with property, personal injuries and losses of life suffered by chinese [sic] subjects resident in the Republic of Mexico during the revolution which broke out in its territory the year one thousand nine hundred and ten or caused by it, have resolved to modificate the said Arrangement with an Additional Article and with this object have appointed their Plenipotentiaries to wit:

The Constitutional President of the United States of Mexico Señor Licenciado Don Julio Garcia, acting Subsecretary in the Department of Foreign Affairs; and

The Chinese Government, Woo Chung Yen, His Charge d’Affaires “ad-interim” near the Mexican Government:

Who; having communicated to each other their respective full powers found in good and due form, have agreed on the following Article:

Only Article.

The Governments of the United States of Mexico and of China respectively agree on transferring the dates mentioned in the Articles second and fourth of the Protocol signed by their respective Plenipotentiaries in the City of Mexico the sixteenth day of December of the year one thousand nine hundred and eleven for the delivery of the voluntary and gracious indemnification which the Mexican Government has engaged himself to pay to that of China on accounts of the motives above indicated: fixing the first object the fifteenth day of February of the year one thousand nine hundred and thirteenth and for the second the thirty first day of January of the same year. Consequently the above mentioned Articles will be as follows:

“Article 2.”

“The sum mentioned in the foregoing paragraph shall be received by the diplomatic representative of the Chinese Government duly accredited to Mexico, or by any other agent of the said Government proving his authority, delivery to be made in this City of Mexico on or before the fifteenth of February of the year one thousand nine hundred and thirteen.”

“Article 4.”

“This Protocol shall be subject to the ratification required by the laws of both Countries and the exchange of the ratifications will be effected in the Mexican Embassy in the City of Washington, United States of America, not later than the thirty first of January, one thousand nine hundred and thirteen.”

In testimony whereof the said Plenipotentiaries have signed the present Convention drawn up in two originals and have hereunto affixed their seals in the City of Mexico the thirteenth day of December of the year one thousand nine hundred and twelve.

(L.S.) (signed) Julio Garcia.

(L.S.) (signed) Woo Chung Yen.

Whereas the aforementioned Protocols were approved by the Chamber of Senators of the United Mexican States on the fourteenth day of the month of December of the current year.

Therefore, I, Francisco I. Madero, Constitutional President of the United Mexican States, in exercise of the power conferred upon me by section ten of article eighty-fifth of the Federal Constitution, ratify, accept, and confirm the aforementioned Protocols and promise, in the name of the same United Mexican States, to fulfill them, obey them, and ensure their fulfillment and observance.

In witness whereof, I have had these presents issued, signed by my hand, authorized with the Great Seal of the Nation, and countersigned by the Secretary in Charge of the Office of Foreign Affairs, in Mexico City on the twenty-fourth day of December of the year one thousand nine hundred and twelve.

FRANCISCO I. MADERO Signature