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Jackson B. Cox

**MEMORANDUM**

**SHOWING EXTENT OF DESTRUCTION**

**OF LIFE AND PROPERTY**

**OF**

**CHINESE SUBJECTS**

**DURING THE RECENT REVOLUTION IN MEXICO**

**AND**

**MEXICO'S RESPONSIBILITY THEREFOR**

**TOGETHER WITH**

**CITATION OF AUTHORITIES.**

**WILFLEY & BASSETT.**

Presented in Mar 1939 to  
The University of Texas  
Library Jackson B Cox

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**Losses of life and property of Chinese subjects.**

**Number of Chinese killed during the late revolution by soldiers:**

Torreón .....	303
Sonora .....	11
Lower California .....	1
Sinaloa .....	1
Chihuahua .....	1
	<u>317</u>

Assassinated or killed by unknown persons:

Sonora .....	4
Durango .....	1
Oaxaca .....	1
Sinaloa .....	1
	<u>7</u>

Total number killed..... 324

Total number of claims..... 608

Distributed as follows:

Coahuila .....	271
Chihuahua .....	38
Sonora .....	235
Durango .....	11
Sinaloa .....	11
Tepic .....	3
Lower California .....	33
Puebla .....	1
Oaxaca .....	1
San Luis Potosí .....	1
Guanajuato .....	1
Tamaulipas .....	1
Nuevo León .....	1
	<u>608</u>

Amount of claims from Torreón and vicinity..... \$ 849,928.69

Amount of claims from other parts of the Republic..... 287,298.35

Total amount of claims presented. \$ 1,137,227.04

Claims with receipts of revolutionary officers attached..... \$ 91,383.82

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*June 2, 1928 Rec Jackson B. Carr 1917*

## Mexico's responsibility.

### I

The investigation which the Chinese Minister has just concluded discloses the fact that during the recent revolution in Mexico 324 of his nationals were killed—317 by soldiers—and 608 of his nationals suffered property losses amounting to over One Million Pesos.

Lives and property were destroyed in various parts of the Republic, and on the 15th of May 303 Chinese were killed by the soldiers of the revolution in the City of Torreón in a manner that shocked and horrified mankind. The facts in regard to the Torreón massacre are undisputed. The officers of that branch of the Army of the Revolution which was under the command of Emilio Madero, brother of Francisco I. Madero, the leader of the revolution, testified before the military court of investigation at Torreón that the Chinese were killed by their soldiers acting under their orders.

They alleged that they ordered the Chinese killed because they opened fire upon their soldiers when they entered the city. The joint commission appointed by the two nations found upon investigation that this was not true. *On the contrary, it found that the Chinese were unarmed and defenseless and offered no resistance.*

The investigation of this commission also established the fact that *the Chinese were massacred in a most cruel and barbaric manner.*

Señor Delfino Ríos, a Mexican citizen, an old resident of Torreón who was in the city when the massacre took place, published, on the 16th of July, an account of the massacre in "Diogenes," a Torreón newspaper, which he signed "An eye witness." Señor Ríos appeared before the joint commission and testified that the facts recited in his published statement were true. His account is as follows:

"They (the Maderista soldiers) riddled the two men they found there (in the Chinese Bank) with bullets, as well as all the others and followed this up in a fury by proceeding to butcher all the Chinese they could

find, not even sparing children of five years of age or less. This was the Day of Judgment. Scenes were enacted which would horrify a Kaffir or a Hottentot.' "These men who wore on their hats the images of the Holy Child of Tongo, our Lady of Guadalupe, the Master of Mercy, and of their patron saints, had no mercy for any one. Their work became an ecstasy. The number of killed reached 303."

"The streets of Torreón at 3 o'clock in the afternoon were strewn with corpses, among which were those of Mexicans who resembled Chinese."

"The residents were terrorized and families wept openly."

This account is in accord with the usual descriptions of the massacre, and it is believed that it is not exaggerated.

**It would be difficult to overstate the horrors of that cruel and inhuman slaughter of innocent human beings. After the slaughter ended the dead bodies were stripped of their clothing, robbed and mutilated.**

These facts are given to show the *animus* with which the Chinese have been murdered. The property destroyed at Torreón on this occasion is valued at \$850,000.00. It will be observed from the figures set out on the first page of this memorandum that outside of Torreón 21 Chinese were killed, 14 of whom were killed by soldiers. The property losses outside of Torreón amount to something over \$287,000.00.

The foregoing facts and figures evidence an *unfriendly* and *malicious* spirit on the part of the Mexicans toward Chinese subjects domiciled in Mexico, *and this is the serious feature of the whole situation.*

## II

**It is a well established rule of International Law that when lives and property of foreigners are destroyed by the constituted authorities of the country in which they are domiciled, a right is violated and a legal obligation, is created. The right violated is that of protection, and the obligation created is that of according satisfaction.**

Those cases in which life and property are destroyed by *mob violence* do not come within the scope of the above mentioned rule. The reason for this is that mobs are liable to arise in any country at any time, and often do so despite the efforts of the authorities to restrain them. Claims for damages arising from losses in such cases are generally met, however, as a matter of "*friendship and good will*" and "*in the interests of humanity.*"

In the light of these principles the foregoing facts give rise to the following question: Were the forces of the revolutionary army which entered Torreón and massacred the Chinese Colony on the 15th of May the duly constituted authorities of the country or not?

**It is a recognized rule of International Law that when a revolutionary government is successful, its officials are regarded as the duly constituted authorities in the country from the date of its inception.**

This being so, it would appear that the Maderista troops were the legal authorities in Torreón on the 15th of May for the following reasons:

*First.* —The town had been evacuated by the federal forces.

*Second.* —The revolutionary soldiers took charge of the city immediately after its evacuation and have been in charge of it from that date to the present time.

*Third.* —The National Government has paid them for their services, thus recognizing their official character.

*Fourth.* —The revolutionary army, of which they formed a part, was successful.

It is immaterial, however, for the purpose of determining the responsibility of Mexico in this case, whether the constituted authorities were the revolutionary soldiers or the federal forces under General Lojero. Either the Maderista forces were responsible authorities, or they constituted a lawless and irresponsible mob. If they were the latter, the action of General Lojero in evacuating the city without warning and without protection would give rise to a legal obligation, by reason of his failure to exercise the care and diligen-

ce necessary for the protection of the inhabitants of the city.

It would seem that the weight of the reasoning is in favor of the proposition that the revolutionary troops constituted the responsible authorities in this instance. But in either event, the liability of Mexico for the massacre remains the same.

In view of the foregoing, the proposition that the destruction of Chinese life and property during the recent revolution *was in violation of treaty obligations* and hence gives rise to a *legal obligation* on the part of Mexico to render full and prompt satisfaction to China, is too clear to need the support of argument.

**Citation of authorities showing amount of indemnity paid by various nations for injuries inflicted upon neutral aliens by soldiers.**

CASE	FACTS	INDEMNITY
WEBSTER	Webster, American citizen, mortally wounded by soldier of the Mexican republican army, in a house which had the American flag raised over it.	\$ 10,000 (gold)
STANDISH, PARSONS and CONROW	Standish, Parsons and Conrow, American citizens, killed by Mexican soldiers while traveling on horseback from Monterrey to Matamoros, Mexico.	\$ 20,000 (gold) \$ 25,000 „ \$ 25,000 „
PORTUONDO	Portuondo, American citizen, shot without trial by Spanish soldiers during Cuban insurrection in 1870.	\$ 60,000 (gold)
ETZEL	Etzel, American newspaper correspondent, accidentally killed by Chinese soldier at Niuchwang, China. Soldier punished.	\$ 12,500 (gold)
PEARS	Pears, American citizen, passing from his house to his office, killed by sentry in Honduras, in violation of military regulations of Honduras.	\$ 10,000 (gold)
CAMPBELL	Campbell, American citizen, beaten by Haytian soldiers, thrown into sea, permanently injured.	\$ 10,000 (gold)

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VEXIANCOURT	German soldier on sentry duty shot and killed individual on French territory at Vexiancourt. Germany apologized.	\$ 10,000 (gold)
RUSSIAN FLEET and NORTH SEA FISHERMEN	Russian Baltic Fleet fired into Hull fishing fleet in North Sea during Russo-Japanese War, killing two fishermen and damaging trawlers.	\$325,000 (gold)

**Citation of authorities showing amounts of indemnity paid by various nations for loss of life caused by mob violence.**

CASE	FACTS	INDEMNITY
NEW ORLEANS, 1892	Eleven Italians, members of the Mafia <i>charged with killing chief of police</i> of the city, were killed by the mob.	\$ 2,211 (gold) each
COLORADO, 1896	Five Italians <i>charged with murder</i> taken from prison, three killed, two injured by mob.	10,000 (gold)
HAHNVILLE, 1896	Three Italians <i>charged with crime</i> were killed by a mob.	\$ 2,000 (gold) each
TALLULAH, LA. 1897	Three Italians <i>charged with crime</i> were taken from prison and killed by the mob.	\$ 2,000 (gold) each
ERWIN, MISS. 1901	Two Italians killed, one injured; all <i>charged with crime</i> .	\$ 5,000 (gold)
CALIFORNIA, 1895	Moreno, a Mexican <i>charged with murder</i> , taken from jail in California and lynched.	\$ 2,000 (gold)

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CASE	FACTS	INDEMNITY
TEXAS, 1901	Suaste, a Mexican, <i>charged with crime</i> , taken from jail in Lasalle County, Texas, and lynched.	\$ 2,000 (gold)
MEXICO, 1864	Donougho, killed by mob with consent of authorities in Candelaria, Mexico. Compensation allowed by commission before whom case was brought.	\$ 12,000 Mexican gold
PANAMA,	In the Panama riot claims, which came before the International Commission and in which persons were killed and damage done by a mob without provocation and with the tacit consent of the police five persons were killed..... For two children killed the mother received.	\$ 5,000 (gold) each \$ 4,280 (gold) each
WASHINGTON, 1886	Six Chinese murdered by Indians in Squack Valley, Washington, result of labor troubles.	\$ 3,000 (gold) each