

[CHAPTER 55.]

AN ACT

To establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States concluded April 24, 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the "Special Mexican Claims Commission" (hereinafter referred to as the "Commission") which shall be composed of three commissioners, learned in the law, to be appointed by the President. Such Commission shall have jurisdiction to hear and determine, as hereinafter provided, conformable to the terms of the Convention of September 10, 1923, and justice and equity, all claims against the Republic of Mexico, notices of which were filed with the Special Claims Commission, United States and Mexico, established by said Convention of September 10, 1923, in which the said Commission failed to award compensation, except such claims as may be found by the Committee provided for in the special claims Convention of April 24, 1934, to be General Claims and recognized as such by the General Claims Commission. For the purpose of this Act, claims which were brought to the attention of the American agency charged with the prosecution of claims before the aforesaid Commission, prior to the expiration of the periods specified in the convention of September 10, 1923, for the filing of claims, but which, because of error or inadvertence, were not filed with or brought to the attention of the Commission within the said periods, shall be deemed to have been filed with the Commission within such periods.

(b) The President shall designate one of such commissioners as chairman of the Commission. Not more than two of such commissioners shall be members of the same political party. Each commissioner shall be a citizen of the United States, shall hold office until the functions of the Commission are terminated, and shall receive a salary at the rate of \$7,500 a year. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment. Two members of the Commission shall constitute a quorum for the transaction of its business.

SEC. 2. The Commission shall have a secretary, and such additional legal, clerical, and technical assistants as may be approved and appointed by the Secretary of State, and at the rates of compensation fixed by him.

SEC. 3. (a) Before taking up his duties, each commissioner shall make and subscribe a solemn oath or declaration that he will carefully and impartially examine and decide all claims according to the best of his judgment and in accordance with the evidence and the applicable principles of justice and equity, and the terms of the said convention of September 10, 1923. All decisions by the Commission, which shall be by majority vote, shall constitute a full and final disposition of the cases decided. Such decisions shall be based upon the present records in the cases and such additional evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission.

(b) The Commission shall have authority, in its discretion, to make independent investigations of cases. For the purpose of all investigations which, in the opinion of the Commission, are necessary and proper for carrying out the provisions of this Act, each commissioner is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of books, papers, or other documents which the commissioner or the Commission deems relevant to the inquiry.

April 10, 1935.
[S. 1068.]
[Public, No. 30.]

Special Mexican
Claims Commission.
Establishment; com-
position, etc.
Post, pp. 590, 1321.

Jurisdiction.

Vol. 43, p. 1723.

Vol. 48, p. 1844.

Filing claims.

Chairman.
Commissioners;
qualifications.

Salary.
Vacancies.

Quorum.

Secretary; assistants.

Oath.

Commission's deci-
sions.
Basis of.

Independent investi-
gations permitted.

Authority conferred.

Attendance of witnesses; securing evidence.

(c) Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena the Commission may invoke the aid of any district or territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and the court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Government agencies to cooperate.

(d) For the purpose of assisting the Commission in carrying out the provisions of this Act, the heads of the various departments and independent agencies and establishments of the Government are hereby directed to cooperate with the Commission and to place at its disposal such information as the Commission may from time to time request.

Percentage reduction of awards.

SEC. 4. If, after all claims have been passed upon and all awards have been entered, the Commission shall find that the total amount of such awards is greater than the amount that the Government of Mexico has agreed to pay to the Government of the United States in satisfaction of the claims, less the expenses of the Commission, it shall reduce the awards on a percentage basis to such amount, and shall enter final awards in such reduced amounts.

Meetings of Commission.

Rules of procedure, etc.

SEC. 5. The said Commission shall perform its duties in the city of Washington, beginning within fifteen days after its appointment. It shall, as soon as practicable, make all needful rules and regulations not contravening the laws of the United States, or the provisions of this Act, for regulating the mode of procedure by and before it and for carrying into full and complete effect the provisions of this Act; it shall also, as soon as practicable, notify all claimants of record of the establishment of the Commission and of the rules of procedure adopted by it for the adjudication of the claims, including the time allowed for the filing of additional evidence and written legal contentions.

Duration of Commission.

SEC. 6. The Commission shall complete its work within two years from the date on which it undertakes the performance of its duties, at which time all powers, rights, and duties conferred by this Act upon the Commission shall terminate.

Expenses allowed.

SEC. 7. The Commission shall be allowed the necessary actual expenses of office rent, furniture, stationery, books, printing and binding, and other necessary incidental expenses, to be certified as necessary by the Commission and approved by the Secretary of State.

Counsel fees.

SEC. 8. The Commission shall, at the time of entering an award on any claim, allow counsel or attorneys employed by the claimant or claimants, out of the amount awarded, such fees as it shall determine to be just and reasonable for the services rendered the claimant or claimants in prosecuting such claim, which allowance shall be entered as a part of said award: *Provided, however,* That the Commission shall determine just and reasonable fees, where there is a contract or agreement for services in connection with the proceedings before the Commission and with the preparations therefor, only upon the written request of the claimant or claimants, or of the counsel or attorneys, made to the Commission within ninety days after notice of the entry of an award and notice of the provisions of this section shall have been mailed by the Commission to the claimant or claimants; and payment shall be made by the Secretary of the

Proviso. Determination of amounts.

Payments.

Treasury to the person or persons to whom such allowance shall be made in the same manner as payments are made to claimants under section 9 of this Act, which shall constitute payment in full to the counsel or attorneys for prosecuting such claim; and whenever such allowance shall be made all other liens upon, or assignments, sales, or transfers of the claim or the award thereon, whether absolute or conditional, for services rendered or to be rendered by counsel or attorneys in the preparation or presentation of any claim or part or parcel thereof, shall be absolutely null and void and of no effect.

SEC. 9. The said Commission shall, upon the completion of its work, submit a report to the Secretary of State, attaching thereto the following documents in duplicate: (a) a statement of the expenses of the Commission; (b) a list of all claims rejected; (c) a list of all claims allowed in whole or in part, together with the amount of each claim and the amount awarded by the Commission; and (d) its decisions in writing showing the reasons for the allowance or disallowance of the respective claims. Certified copies of lists (a) and (c) shall be transmitted by the Secretary of State to the Secretary of the Treasury, who shall, after making the deduction provided for in section 11 hereof, distribute in ratable proportions, among the persons in whose favor awards shall have been made, or their assignees, heirs, executors, or administrators of record, according to the proportions which their respective awards shall bear to the whole amount then available for distribution, such moneys as may have been received into the Treasury in virtue of the convention of April 24, 1934. The Secretary of the Treasury shall follow like procedure with reference to any amounts that may thereafter be received from the Government of Mexico under the convention of April 24, 1934.

SEC. 10. As soon as the adjudication of the claims shall have been completed, the records, books, documents, and all other papers in the possession of the Commission, or members of its staff, shall be deposited with the Department of State.

SEC. 11. For the expenses of the Commission in carrying out the duties as aforesaid, the sum of \$90,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, including personal services in the District of Columbia, or elsewhere, without regard to the provisions of any statute relating to employment, rent in the District of Columbia, furniture, office supplies, and equipment, including law books and books of reference, stenographic reporting and translating services, without regard to section 3709 of the Revised Statutes; traveling expenses; printing and binding; and such other necessary expenses as may be authorized by the Secretary of State: *Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of these claims, and the amount of such expenditures shall be deducted from the first payment by the Government of Mexico and deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 12. After a fee has been fixed under section 8, any person accepting any consideration (whether or not under a contract or agreement entered into prior or subsequent to the enactment of this Act) the aggregate value of which (when added to any consideration previously received) is in excess of the amount so fixed, for services in connection with the proceedings before the Commission, or any preparations therefor, shall, upon conviction thereof, be punished by a fine of not more than four times the aggregate value of the consideration accepted by such person therefor.

Approved, April 10, 1935.

Report of Commission.
Documents to be attached.

Payment of awards.

Deposit of Commission's records, etc., with Department of State.

Sum authorized for expenses.
Post, pp. 590, 1321.

Personal services.

Purchases, etc., without advertising.
R. S., sec. 3709, p. 733.
U. S. C., p. 1803.

Printing and binding.

Proviso.
Expenditures a first charge on money received from Government of Mexico.

Accepting unauthorized fee, etc.

Punishment for.