

REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

**The Suchi Timber Company (1915) (Ltd.) (Great Britain) v. United Mexican
States**

3 August 1931

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be accepted as correct in the face of the other evidence produced by him as recapitulated above. Nor is there any evidence, or any statement in his Memorial that he reported or made known to the authorities his losses, or the damage alleged to have been suffered by him, and attributed to the rebels.

6. The Commission consider that the essential elements, to which they have so frequently drawn attention in previous decisions, requisite for establishing claims of this nature before them are lacking, and that they are unable for this reason to make an Award in favour of the claimant.

7. The claim is dismissed.

DOUGLAS G. COLLIE MacNEILL (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 85, July 22, 1931. Pages 245-246. See also decision No. 27.*)

EVIDENCE BEFORE INTERNATIONAL TRIBUNALS. Evidence *held* sufficient to establish claim.

(*Text of decision omitted.*)

THE SUCHI TIMBER COMPANY (1915) (LIMITED) (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 86, August 3, 1931. Pages 246-248.*)

Res Judicata—EFFECT OF AWARD RENDERED BY MEXICAN NATIONAL CLAIMS COMMISSION. Previous rejection of claim by domestic Mexican National Claims Commission *held* not binding on tribunal.

RESPONSIBILITY FOR ACTS OF FORCES.—GOODS SOLD TO REVOLUTIONARY FORCES. Supplying of wood and timber to revolutionary forces not under violence but in ordinary course of business *held* not to entrain responsibility under the *compromis*.

1. This is, according to the Memorial, a claim for compensation for various articles supplied by the Suchi Timber Company, Ltd., a British company, to the revolutionary and counter-revolutionary forces.

This claim was filed with the Mexican National Claims Commission with which the claimants expressed their dissatisfaction.

The claim was then passed to the Anglo-Mexican Special Claims Commission, and, by direction of the Commission, was handed to the British Agent and counsel for his consideration.

The claim was made up by Alfred F. Main as manager and attorney for the claimant.

During the revolutionary events which are covered by the period of the Anglo-Mexican Special Claims Convention, the Suchi Timber Company, Ltd., was obliged to supply wood and timber to the Constitutionalist railways and to the army.

The Mexican National Claims Commission rejected this claim as contrary to law, on the ground that the claimant company had not presented proofs to show that it had suffered the damages it claimed. Mr. Alfred F. Main, on behalf of the Suchi Timber Company, Ltd., protested against this decision, and contended that the documents which he had submitted fully proved that the supply of wood and timber had been delivered.

The amount of the claim is 2,394.00 pesos. The claim belonged at the time of the loss, and still does belong solely and exclusively to the claimants. No compensation has been received from the Mexican Government or from any other sources.

The British Government claim, on behalf of the Suchi Timber Company Ltd., the sum of \$2,394.00 pesos.

2. The Commission have found nothing to prove that the Company, in supplying wood and timber, acted under violence and not voluntarily in the ordinary course of their business transactions. The Commission cannot regard an order to supply fuel as an act of forces covered by the Convention.

3. The Commission disallow the claim.

MARY HALE (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 87, August 3, 1931. Pages 248-250. See also decision No. 28.*)

EVIDENCE BEFORE INTERNATIONAL TRIBUNALS.—NECESSITY OF CORROBORATING EVIDENCE. Claim *disallowed* for lack of corroborating evidence.

(*Text of decision omitted.*)

THOMAS PULLEY MALLARD (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 88, August 3, 1931. Pages 250-254.*)

RESPONSIBILITY FOR ACTS OF FORCES.—MILITARY ACTS. Killing by Villista forces in course of a battle against Government forces *held* a military act for which respondent Government was not responsible.

1. This is a claim for compensation for the deaths of the wife, Anna Mallard, and the son, Sidney Mallard, of the claimant, who were killed on the 6th June, 1915, during an attack by revolutionary forces on Tuxpam Bar, in the State of Veracruz.

According to the Memorial, the facts are the same as those giving rise to the claims of Mrs. Fanny Grave and of Mrs. Gwladys Amabel Jones. It should be explained that the claimant's birth certificate shows that his real name is Thomas Pulley, but that, owing to the death of his father during the claimant's infancy and his mother's remarriage to Mr. Mallard, the claimant was brought up in the name of Mallard and has used it consistently since. It should be noted that the claimant is described as Thomas Pulley Mallard, the son of James