

REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

Luzon Sugar Refining Company, Ltd. (Great Britain) v. United States

30 November 1925

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substantial extent and the part chargeable to unknown wrongdoers can not be identified, we are constrained to hold the United States liable for the whole.

In view, however, of our finding that a considerable, though unascertainable, part of the damage is not chargeable to the Chinese crew of the *Zafiro*, we hold that interest on the claims should not be allowed.

We award as follows: to D. Earnshaw, \$4,392 (Mexican); to A. Young, \$1,306.50 (Mexican); to G. Gilchrist, \$458 (Mexican).

LUZON SUGAR REFINING COMPANY, LIMITED (GREAT BRITAIN)

v. UNITED STATES

(November 30, 1925. Page 586.)

NECESSARY WAR LOSSES, CONDUCT OF MILITARY OPERATIONS.—EVIDENCE:

REPORT OF MILITARY COMMANDER. United States *held* not responsible for damage done by United States forces to plant of claimant in 1899 during Philippine insurrection; damage incident of military operations as shown by report of commanding United States general.

Cross-references: Am. J. Int. Law, vol. 20 (1926), p. 391; Annual Digest, 1925-1926, pp. 225-226.

Bibliography: Nielsen, p. 586; Annual Digest, 1925-1926, p. 226.

This is a claim for injury to the plant of the claimant during the Philippine insurrection. It appears that the insurgents entrenched about fifty yards on each side of the pumping station of the claimant and that during the operation of driving them out the plant was damaged by shells. It is clear from the report of General Otis that the damage was an incident of the military operations whereby the insurgents were driven from their capital. The foreign residents, whose property unhappily chanced to stand in the field of those operations, have no ground of complaint against the United States which had no choice but to conduct them where the enemy was to be found. No complaint is made that the troops were out of hand or did anything beyond what the operations necessarily involved.

Hence this claim must be rejected and we so decide.

J. PARSONS (GREAT BRITAIN) *v.* UNITED STATES

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DESTRUCTION OF PRIVATE PROPERTY IN TIME OF WAR.—POLICE MEASURE.

United States *held* not responsible for destruction of stock of (poisonous) liquors directed by United States military authorities in 1899 during Philippine insurrection: matter of police.

Cross-reference: Am. J. Int. Law, vol. 20 (1926), p. 385.

Bibliography: Nielsen, p. 587.

This is a claim for the value of a stock of liquors destroyed by order of the Provost Marshal General, under authority of the Military Governor General, at Manila, during the Philippine insurrection. We are satisfied that the destruc-