

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

---

**RECUEIL DES SENTENCES  
ARBITRALES**

**Mazzei Case (of a general nature)**

1903

VOLUME X p. 525



NATIONS UNIES - UNITED NATIONS  
Copyright (c) 2006

international, mitigé, le cas échéant, par l'équité, comme nous l'avons dit. En agissant autrement il risquerait souvent de faire fausse route, car, si grandes que soient son autorité et son expérience personnelles, elles ne peuvent évidemment aboutir à des déductions aussi sûres que celles qui ont été approuvées par une longue pratique internationale et l'usage constant des peuples civilisés. Il faut ranger dans la classe des compromis, laissant toute liberté à l'arbitre, ceux qui lui permettent de juger suivant la justice et l'équité; cette formule vague aboutit en effet à lui laisser une liberté absolue.

Governed by what he regards as the clear teachings of international law, the umpire will sign a judgment dismissing the case.

In conclusion, the umpire desires to express his appreciation of the industry and learning displayed on behalf of Italy and Venezuela in the preparation of the case.

---

#### MAZZEI CASE

Venezuela ultimately receiving property originally taken by revolutionists, equitably should pay therefor.

RALSTON, *Umpire*:

The honorable Commissioners for Italy and Venezuela disagreeing as to the above-entitled claim, it was referred to the umpire.

The facts of the claim are somewhat obscure in certain particulars, because the appropriate dates are not always given, but the following is believed to be a correct statement:

On November 16, 1899, Generals Leopoldo and Victor Bautista, of the Government forces, took from the claimant a horse and some other animals, which the claimant valued at 16,000 bolivars, but which are not valued in the testimony, or their number given, save that the claimant refers to "two superior jacks" and the witnesses to "burros" or "animals." The horse taken was returned.

On January 18, 1900, revolutionary forces took merchandise and animals. We may dismiss further mention of this taking, as it comes within the rule laid down in the *Sambiaggio* case.<sup>1</sup>

On October 12, 1901, factional forces under command of General Briceño and Col. Nicolás Geres took 30 mules valued at 624 bolivars each, or a total of 18,720 bolivars. These forces being shortly thereafter defeated, the mules were taken possession of by the Government and not returned to the claimant.

With regard to the taking of November 16, 1899, the number of animals taken does not clearly appear. The umpire is limited to the smallest number given, the "two superior jacks." The valuation of 250 bolivars, in the absence of specific evidence, may be placed upon them.

As to the taking of October 12, 1901, while the claimant was in the first place a sufferer at the hands of the revolutionists, nevertheless, the property taken finally fell into the hands of the Government and was retained by it. Having, therefore, received the benefit of the claimant's animals, the umpire believes it entirely equitable that the Government should pay therefor.

A judgment will therefore be entered for the sum of 18,970 bolivars plus interest from the date of the presentation of the claim to December 31, 1903.

---

<sup>1</sup> *Supra*, p. 499.