

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Pine King Land and Lumber Co. (U.S.A.) v. United Mexican States

2 March 1926

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PINE KING LAND AND LUMBER CO. (U.S.A.) *v.* UNITED
MEXICAN STATES.

(March 2, 1926. Page 4.)

PROCEDURE, MOTION TO DISMISS.—JURISDICTION OVER CLAIM BASED ON TITLE TO REAL PROPERTY.—LITISPENDENCE. Motion to dismiss, on grounds that claims based on title to real property were outside jurisdiction of tribunal and that a similar claim was pending before a Mexican court, overruled.

(Text of decision omitted.)

CLARA W. RONEY AND GEORGE E. BOLES (U.S.A.) *v.* UNITED
MEXICAN STATES.

(March 2, 1926. Pages 5-6.)

CONFLICTING JURISDICTION OF SPECIAL CLAIMS COMMISSION. Motion to dismiss claims clearly within competence of Special Claims Commission established under Convention of September 10, 1932, granted. Any such claim held outside jurisdiction of tribunal.

These cases are before this Commission on the Mexican Agent's motion to dismiss.

1. The claimants are the widow and father of Frederick John Roney and Early Boles, respectively, who it is alleged were unlawfully killed by armed Mexicans on or about the 5th day of January, 1920.

2. The ground of the motion to dismiss is that it appears on the face of the record that these cases fall within the jurisdiction of the Special Claims Commission, constituted under the Special Claims Convention, and are not within the jurisdiction of this Commission.

3. This Commission is constituted under the terms of the General Claims Convention signed September 8, 1923. The preamble recites that the high contracting parties, "desiring to settle and amicably adjust claims by the citizens of each country against the other * * * (without including the claims for losses or damage growing out of the revolutionary disturbances in Mexico which form the basis of another and separate convention) have decided to enter into a convention with this object". Article I of the Convention, defining in broad and general terms the jurisdiction of this Commission, carves out of its general jurisdiction claims "arising from acts incident to the recent revolutions". The other and separate convention, referred to in the preamble of the General Claims Convention, is that designated "Special Claims Convention" signed September 10, 1923, Article III of which specifies five categories of claims which fall within the jurisdiction of the Special Claims Commission constituted thereunder.