

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRAL**

Camilla Lanham Morrill (U.S.A.) v. United Mexican States

24 April 1931

VOLUME IVp. 805



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

CAMILLA LANHAM MORRILL (U.S.A.) *v.* UNITED MEXICAN STATES.

(*Decision No. 4, April 24, 1931, concurring opinion by Mexican Commissioner, April 24, 1931. Pages 42-43.*)

PROCEDURE, MOTION TO REJECT OR STRIKE MEMORIAL. Motion to reject or strike memorial for failure to comply with rules of procedure *dismissed*, since such motion appeared to be based on erroneous Spanish translation of certain rules. Time for filing answer to memorial directed to begin to run from date of instant decision.

(*Text of decision omitted.*)

NAOMI RUSSELL, IN HER OWN RIGHT AND AS ADMINISTRATRIX AND GUARDIAN (U.S.A.) *v.* UNITED MEXICAN STATES.

(*Decision No. 5, April 24, 1931, separate opinions by each Commissioner; dissenting opinion by American Commissioner, undated. Pages 44-205.*)

EVIDENCE BEFORE INTERNATIONAL TRIBUNALS.—AFFIDAVITS AS EVIDENCE.—*ex parte* EVIDENCE.—NATIONALITY, PROOF OF. Affidavits as to facts of citizenship, together with certain other evidence, including sworn certificate of attending physician as to facts of birth, *held* sufficient proof of nationality.

DUAL NATIONALITY.—NATIONALITY OF DAUGHTER BORN IN MEXICO OF AMERICAN CITIZEN. Daughter born in Mexico in 1909 of American citizen *held* American citizen and not a Mexican citizen when no evidence was produced that upon attaining majority she elected Mexican Nationality.

PARTIES CLAIMANT. Claim for death and seizure of property of American citizen presented by his widow in her own right, as guardian of two minor children, and also as administratrix of his estate, *held* properly presented.

RESPONSIBILITY FOR ACTS OF FORCES.—CLASSIFICATION UNDER *compromis* OF FORCES OF UNSUCCESSFUL INSURRECTION.—ACTS OF SOLDIERS ADHERING TO INSURRECTIONARY MOVEMENT. On September 28, 1912, armed forces of the Orozco rebellion took \$ 200.00 from an American subject. On the next day two armed men demanded an additional \$ 100.00 in the name of the leaders of such forces. Failing to receive such sum, the American was killed. Claim *disallowed*, since such forces were unsuccessful insurrectionists and therefore not comprehended within subdivision 2 of article III of the *compromis* for which direct responsibility exists.

PROCEDURE.—NECESSITY FOR JOINT DELIBERATION BY MEMBERS OF TRIBUNAL. (From dissent by American Commissioner.) If members of tribunal proceed by way of preparation of individual written opinions, each