

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Joseph Stone (Great Britain) v. United Mexican States

15 February 1930

VOLUME V p. 104



NATIONS UNIES - UNITED NATIONS
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JOSEPH SHONE (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(Decision No. 17, February 15, 1930. Pages 136-141.)

AFFIDAVITS AS EVIDENCE. Affidavit of claimant containing inconsistencies, obscurities and arithmetical errors, supported by sworn statement of brother-in-law that facts stated in such affidavit were true and correct, *held* not sufficient evidence when upon face of claimant's affidavit it appeared that such brother-in-law was not present at most of the material times.

(Text of decision omitted.)

WILLIAM E. BOWERMAN AND MESSRS. BURBERRY'S (LIMITED)
(GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(Decision No. 18, February 15, 1930, dissenting opinion by Mexican Commissioner, February 12, 1930. Pages 141-146.)

ASSIGNMENT OF CLAIM. A successor to claimant's business, who took over such business by instruments dated subsequent to loss but effective as of a date prior to loss, *held* entitled to present claim. In any event, the right to claim passed as an existing asset among the assets sold and transferred.

RESPONSIBILITY FOR ACTS OF FORCES.—FAILURE TO SUPPRESS.—EFFECT OF NON-PRODUCTION OF EVIDENCE BY RESPONDENT GOVERNMENT—PRIMA FACIE EVIDENCE. An assault on, and burning of, a train on line from Mexico City to Veracruz is an act of violence of such public notoriety as to entrain responsibility of respondent Government when it failed to show that it took any action whatever in the matter. (*Prima facie* evidence.)

DAMAGES, PROOF OF. Insurance value placed on trunk by claimant prior to loss *held* some evidence of value. Valuations of loss put forward by claimants accepted by tribunal to the extent reasonable.

EXECUTION OF DECISION.—EVIDENCE. Though there is no clear evidence of British nationality, decision not delayed, but right of execution made conditional on furnishing of such evidence. (See decision No. 25.)

Cross-reference: Am. J. Int. Law, Vol. 25, 1931, p. 778.

Comments: G. Godfrey Phillips, "The Anglo-Mexican Special Claims Commission", Law Q. Rev., Vol. 49, 1933. p. 226 at 238.

1. This case consists of two claims:

(1) A claim for £233 9s. 0d. put forward by Mr. Bowerman on behalf of Messrs. Burberry's (Limited) for the loss of a quantity of sample garments contained in a trunk which was despatched on the 6th December, 1919, by Mr. Bowerman from Tampico Station to Veracruz, and was destroyed *en route* by rebels who assaulted and burnt the train to Veracruz on the 10th December, 1919; and

(2) A claim by Mr. Bowerman himself for £16 11s. 0d., the value of personal effects of his own contained in the same trunk.