

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES  
ARBITRALES**

**The Debenture Holders of the San Marcos and Pinos Company (Ltd.) (Great  
Britain) v. United Mexican States**

23 June 1931

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THE DEBENTURE HOLDERS OF THE SAN MARCOS AND PINOS COMPANY (LIMITED) (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(Decision No. 54, June 23, 1931. Pages 135-141.)

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**CREDITORS' CLAIMS.** Claim of holders of debentures of a British corporation, whose real property in Mexico had been sold to another, subject to a mortgage held by such corporation, based on acts of forces occurring while such property was owned by the purchaser, *dismissed*.

*Comments:* G. Godfrey Phillips, "The Anglo-Mexican Special Claims Commission", Law Q. Rev., Vol. 49, 1933, p. 226 at 233.

(Text of decision omitted.)

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EL ORO MINING AND RAILWAY COMPANY (LIMITED) (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(Decision No. 55, June 18, 1931, dissenting opinion by Mexican Commissioner, June 18, 1931. Pages 141-152.)

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**CALVO CLAUSE.—EXHAUSTION OF LOCAL REMEDIES.** Claim for compensation for transport of troops and goods on behalf of revolutionary and federal forces, for services and material furnished such forces, and for losses and damages resulting from the acts of such forces. Claimant was the holder of a railroad concession in connexion with which it had agreed to a Calvo Clause. Claimant had previously exhausted the only available local remedy and the domestic tribunal before which such claim was pending had taken no action thereon and made no indication as to when action might be taken. Motion to dismiss *disallowed*.

**DENIAL OF JUSTICE.—UNDUE DELAY IN JUDICIAL PROCEEDINGS.** While tribunal will not attempt to define with precision what will amount to an undue delay of justice, the holding of a case for nine years without any action whatever *held* undue delay. If such delay were due to volume of litigation, the judicial machinery itself must be deemed defective.

*Cross-reference:* Annual Digest, 1931-1932, p. 201.

*Comments:* G. Godfrey Phillips, "The Anglo-Mexican Special Claims Commission", Law Q. Rev., Vol. 49, 1933, p. 226 at 237; Lionel Summers, "*La clause Calvo: tendances nouvelles*", Rev. de Droit Int., Vol. 12, 1933, p. 229 at 232.

1. The claim is for compensation for the transport of troops and goods on behalf of revolutionary and federal forces, for work done and material supplied to revolutionary and federal forces, and for losses and damages suffered at the hands of revolutionary and federal forces during the period from the 20th November, 1910, to the 31st May, 1920.

The claimant Company was incorporated as a British Limited Company under the Companies' Acts, 1862 to 1898, on the 27th July, 1899.