

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

The Mexican Tramways Company (Great Britain) v. United Mexican States

30 June 1931

VOLUME V p. 212



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3. I am aware that my objections may seem to go to the extent of contradicting some of the authorities referred to in the Decision herein, even those as to nationality at the time of the presentation of the claim. But in my opinion, if the nationality attaches and remains attached or is deemed to attach to the *estate* on behalf of which the claim is really brought, there is no such contradiction. The nationality of a mere assignee of the original claim is of course a different matter.

4. I may here observe that I do not think that the Answer of the British Government (*c*) quoted in paragraph 6 of the majority Decision of the Commission goes so far as apparently it is interpreted to do by such majority.

THE MEXICAN TRAMWAYS COMPANY (GREAT BRITAIN) *v.*
UNITED MEXICAN STATES

(*Decision No. 65, June 30, 1931. Pages 184-191.*)

PROCEDURE, MOTION TO DISMISS. When it appeared that as to certain of the items of claim, even though not all, the tribunal may have jurisdiction, motion to dismiss *overruled*.

LESSEE AS CLAIMANT. Damage to property owned by a lessee does not fall under the rule that only the owner, and not the lessee, is entitled to claim.

Comments: G. Godfrey Phillips, "The Anglo-Mexican Special Claims Commission", *Law Q. Rev.*, Vol. 49, 1933, p. 226 at 234.

(*Text of decision omitted.*)

JAMES RICHARD ANTHONY STEVENS AND MRS. GIBB (GREAT
BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 66, June 30, 1931. Pages 191-193.*)

NATIONAL CHARACTER OF CLAIM.—CONTINUING NATIONALITY OF CLAIM.—
PARTNERSHIP CLAIM. A claim by a British subject based on his interest in a partnership formed under Mexican law will not be rejected on the ground that such interest represented 50 per cent or less of the partnership capital when it appeared that at the time the claim arose the British interest in such partnership exceeded 50 per cent.

ALLOTMENT. No allotment by a partnership to a claimant holding an interest therein will be required when such partnership was dissolved by virtue of the death of one of the partners.

Cross-reference: Annual Digest, 1931-1932, p. 219.

(*Text of decision omitted.*)
