

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Central Agency (Ltd.), Glasgow (Great Britain) v. United Mexican States

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NATIONS UNIES - UNITED NATIONS
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FANNY GRAVE AND GWLADYS AMABEL JONES (GREAT BRITAIN)
v. UNITED MEXICAN STATES

(Decision No. 89, August 3, 1931. Pages 254-257.)

RESPONSIBILITY FOR ACTS OF FORCES.—MILITARY ACTS. Killing by Villista forces in course of a battle against Government forces *held* a military act for which respondent Government was not responsible.

(Text of decision omitted).

CENTRAL AGENCY (LIMITED), GLASGOW (GREAT BRITAIN) *v.*
 UNITED MEXICAN STATES

(Decision No. 90, August 3, 1931. Pages 258-259. See also decision No. 7.)

RESPONSIBILITY FOR ACTS OF FORCES. Burning of goods caused by attacking Constitutionalist forces, before they became a part of a Government *de facto* or *de jure*, *held* an unlawful act for which respondent Government was responsible.

Comments: G. Godfrey Phillips, "The Anglo-Mexican Special Claims Commission", *Law Q. Rev.*, Vol. 49, 1933, p. 226 at 231.

1. As regards the facts on which the claim is based, the Commission refer to their Decision No. 7.

2. The majority of the Commission deem that the goods, at the time of the burning, belonged to the vendor (the claimant).

3. They take it that the burning of the Monterrey station was not caused by the acts of the defenders of the town (Huertistas), but by the fire of the attacking forces (Constitutionalists), this being more likely and also in accordance with all the contemporary evidence.

4. At the time the events occurred the Constitutionalist Movement had not yet succeeded in establishing a Government *de facto* or *de jure*, and for that reason, the Commission cannot accept their acts as being lawful. In their opinion the question of the lawfulness of an act must be judged in accordance with the circumstances prevailing at the time when it was committed.

5. The Commission feel, therefore, bound to declare that the burning of the station is an act covered by subdivision 2 of Article 3 of the Convention.

They accept the amount claimed as proved by the invoice dated before the events occurred.

6. The Commission decide that the Government of the United Mexican States is obliged to pay to the British Government on behalf of the Central Agency (Limited), Glasgow, the sum of 1,568.00 (one thousand five hundred and sixty eight) pesos, Mexican gold or an equivalent amount in gold.
