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**RECUEIL DES SENTENCES
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The Santa Rosa Mining Company (Ltd.) (Great Britain) v. United Mexican States

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in due time, so as to fix responsibility on them for non-punishment. The Commission here refer again to the passages in their judgment in the *Mexico City Bombardment Claims*. Decision No. 12, which have been referred to in other cases and in the *Christina Patton* case, at page 104 of the English Report of Decisions and Opinions:

"But a strong *prima facie* evidence can be assumed to exist in those cases in which first the British Agent will be able to make it acceptable that the facts were known to the competent authorities, either because they were of public notoriety or because they were brought to their knowledge in due time." There is no evidence that this event was of public notoriety, or that it was brought to the knowledge of the authorities in due time. Therefore for all the above reasons the Commission hold that the Government of Mexico is absolved from financial liability for all these acts. The same observations apply generally to the acts in the third period prior to the Amnesty decree of December 1915, which of course does not touch subsequent occurrences.

9. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government on behalf of the Buena Tierra Mining Company (Limited), the sum of 262.18 (two hundred and sixty-two pesos and eighteen centavos) Mexican gold, or an equivalent amount in gold.

THE SANTA ROSA MINING COMPANY (LIMITED) (GREAT
BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 92, August 3, 1931. Pages 266-269.*)

LITISPENDENCE. The fact that claim is filed with domestic Mexican National Claims Commission will not prevent the tribunal from exercising jurisdiction.

CONFISCATION.—REQUISITION.—EVIDENCE BEFORE INTERNATIONAL TRIBUNALS. Claim for property (i) requisitioned and confiscated, and (ii) stolen by rebels during attack on train. Evidence *held* sufficient to support award for first part of claim.

1. This claim as set out in the Memorial, is in two parts. The first is for compensation for property lost, requisitioned or confiscated by constitutionalist forces during the years 1913 and 1914 and the second is for compensation for the loss of 450 pesos Mexican gold stolen by rebels during their assault on a train belonging to the Coahuila and Zacatecas Railway on the 28th December, 1918.

PART I

On various occasions in the years 1913 and 1914 officers belonging to the constitutional army came to the mine and demanded different articles. The officers concerned were understood to be under the command of Eulalio Gutierrez, General of the Central Division, whose headquarters were at Concepción del Oro, Zacatecas. Early in 1913 two carloads of anthracite coal were purchased by the Company from Messrs. Flack and Son, Limited. This coal was shipped in cars Nos. 8865 and 9066 and bills of lading were duly received by the accountant of the Company. These bills of lading were sent by him to the railway station at Margarita so that delivery of the coal could be taken.

Shortly afterwards the constitutional forces arrived at Margarita station and destroyed all records. The two cars of anthracite coal never reached Margarita and all efforts to trace them proved fruitless.

About the same time twenty filter leaves for the Butters Filter Press were shipped by a Mr. Newcomb of Mexico City to the Company. The bill of lading arrived, but the filter leaves never reached Margarita station.

On the 20th June, 1914, Juan L. Aguilar, Chief of Arms at Mazapil, under the orders of General Eulalio Gutierrez, confiscated 273,805 tons of concentrates stored at Margarita station. These concentrates were shipped towards the American border and cars containing them were scattered at various points along the line. With help of diplomatic intervention the Company were able to recover these concentrates, with the exception of 12,804 tons. In order to recover these concentrates the accountant of the Company was obliged to expend the sum of 3,003.75 pesos Mexican gold.

The amount of this part of the claim is 8,544.68 pesos Mexican gold.

PART II

In December 1918, Juan Rodríguez, cashier of the Santa Rosa Mining Company, Limited, at Concepción, asked Messrs. G. Purcell y Cia., to remit the sum of 450 pesos Mexican gold to meet the expenses of the mine. This sum was remitted by express voucher, dated the 26th December, 1918. The money was remitted at the risk of the Santa Rosa Mining Company, Limited, by train to Concepción. This train was assaulted by rebel forces on the 28th December, 1918, and the money was stolen. Since the remittance was made at the Company's risk, the Company had to bear the loss.

The amount of this part of the claim is 450 pesos Mexican gold.

The total amount of the claim is 8,994.68 pesos Mexican gold.

A claim for these losses has been lodged with the Mexican National Claims Commission, but no award has been made in favour of the Company, nor has the Company received compensation from any other source. The claim belonged at the time of the losses and still does belong solely and absolutely to the claimant company.

The British Government claim on behalf of the Santa Rosa Mining Company, Limited, the sum of 8,994.68 pesos Mexican gold.

2. The Commission have found sufficient evidence of the losses suffered through the requisition and confiscation of property by Constitutional Officers during the years 1913 and 1914.

3. They have not found sufficient evidence of the losses alleged to have been sustained through the destruction of supplies in transit between Mexico City and Saltillo.

4. They have found sufficient evidence of the confiscation of concentrates by a Constitutional force in June 1914 and also of the cost of recovering part of the concentrates.

5. They have found no evidence as regards the forces that were responsible for the attack on the train of the 28th December, 1918. If those forces are to be considered as bandits, the negligence of the competent authorities has not been established.

6. The Commission accept the amount claimed for the losses mentioned in paragraph 2, being 2,277.30 pesos.

They also accept the amount claimed for the loss of concentrates, being 567.93 pesos, but as regards the cost of recovering part of the concentrates, they have found no proof of an amount higher than 1,500 pesos.

7. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government, on behalf of the Santa Rosa Mining Company (Limited), the sum of 4,345.23 (four thousand three hundred forty-five pesos and twenty-three centavos), Mexican gold, or an equivalent amount in gold.

GERVASE SCROPE (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 93, August 3, 1931. Pages 269-272.*)

AMENDMENT OF CLAIM. British Agent requested leave to amend by substituting wife of claimant as party claimant. Mexican Agent opposed on ground this would by indirection permit of a late filing, after time to file claims had expired. *Held*, amendment denied as unnecessary.

EVIDENCE BEFORE INTERNATIONAL TRIBUNALS.—CONTEMPORANEOUS EVIDENCE. When evidence is conflicting, tribunal will give greater weight to depositions by persons having first-hand knowledge thereof made contemporaneously with events complained of than to testimony by persons living some distance away and made fourteen years later. Claim for looting of ranch by Carranza forces *allowed*.

1. This is a claim for losses and damages caused by the looting of the Pensamiento Ranch, Zaragoza, in the district of Río Grande, Coahuila, in February 1915 by a party of Carrancistas under the command of General Vicente Dávila.

According to the Memorial the Pensamiento Ranch, now the property of the wife of Mr. Gervase Scrope, belonged formerly to her father, Mr. John O'Sullivan, who died in Saltillo on the 4th October, 1881. In the month of February 1915 a large party of revolutionaries known as Carrancistas, under the command of General Vicente Dávila, visited the Pensamiento Ranch. These revolutionaries ransacked the ranch, taking from the house all the drawing-room, dining-room and kitchen furniture, clothing, mattresses, carpets, pictures, wardrobes, ornaments, mirrors, and everything that could be carried away. Articles of furniture which were too bulky to carry away were broken in pieces. Among the things taken from the ranch were a gun, two rifles, harness, saddles, bridles, a buggy and ten horses. These losses are verified by the testimony of Mr. Gil Martínez and Mr. Candelario Salazar, which is recorded in the deposition drawn up by the notary public, Manuel Galindo Barrera.

The amount of the claim is 10,000 pesos Mexican. This sum is the considered estimate made by Mr. Martínez and Mr. Salazar of the value of the articles taken away or destroyed. Included in this total is the sum of 300 pesos, the value of the buggy, and the sum of 600 pesos, the value of ten horses.

Mr. Scrope reported his losses to His Majesty's Government at the time, and on the 6th April, 1916, he filed this claim at His Majesty's Consulate-General in Mexico City. The claim did at the time, and still does, belong solely and absolutely to the claimant's wife. No claim has been filed with the Mexican Government, nor has the claimant received compensation from the Mexican Government nor any other source.