

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

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**RECUEIL DES SENTENCES  
ARBITRALES**

**Dennis J. and Daniel Spillane (Great Britain) v. United Mexican States**

3 August 1931

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a sum of 31,000 pesos, which will enable her to purchase an annuity of 2,000 pesos.

7. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government, on behalf of Mrs. Leonor Buckingham, the sum of \$31,000 (thirty-one thousand pesos) Mexican gold, or an equivalent amount in gold.

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

(*Decision No. 110, August 3, 1931. Page 328. See also decision No. 66.*)

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RESPONSIBILITY FOR ACTS OF FORCES.—EVIDENCE BEFORE INTERNATIONAL TRIBUNALS. In absence of evidence enabling tribunal to classify, under the *compromis*, the forces for whose acts claim was made, claim *disallowed*.

(*Text of decision omitted.*)

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F. S. WHITE (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 111, August 3, 1931. Pages 329-330.*)

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DIRECT SETTLEMENT OF CLAIM BETWEEN AGENTS. Direct settlement of claim by agreement between British and Mexican Agents approved by tribunal.

(*Text of decision omitted.*)

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DENNIS J. AND DANIEL SPILLANE (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 112, August 3, 1931. Pages 330-332. See also decision No. 42.*)

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AMENDMENT OF CLAIM. Amendment of claim by substituting, as claimants, Dennis J. and Daniel Spillane to Messrs. D. J. and D. Spillane and Company *allowed*.

DAMAGES, PROOF OF.—EQUITY AS A BASIS FOR AWARD. Where valuation of items of damage appears exaggerated, tribunal will, in accordance with the principles of justice and equity, fix amount of damages.

1. As regards the facts on which the claim is based, the Commission refer to their Decision No. 42.

2. Following that decision, the British Agent asked leave to amend the Memorial originally filed on behalf of Messrs D. J. and D. Spillane and Company, by substituting, as claimants, Dennis J. Spillane and Daniel Spillane.

The Commission having allowed this amendment, now consider the claim as falling within the terms of the Convention.

3. The British Agent, while conceding that not all the forces, whose leaders had delivered receipts, had been identified, pointed to the fact that nearly all the receipts were attested by the local judge and two witnesses. Moreover, he argued that a great many of the losses sustained by the claimants had occurred within the period when the Villista and Zapatista forces formed part of the Constitutionalist army and were therefore covered by the second subdivision of Article 3 of the Convention. In his submission the claimants had taken every precaution within their power, by applying in each separate case for the testimony of the local magistrate and of two witnesses.

As regards the amount, the Agent contended that the valuations of the various items bore every appearance of conscientiousness and exactitude.

4. In the opinion of the Mexican Agent only a very small part of the receipts could be traced to leaders for whose acts the Mexican Government had, by signing the Convention, assumed responsibility. By far the greater part had been delivered by individuals of whose political identity nothing was known. The Agent explained that the function of a local judge was a very modest one, and he did not consider this magistrate as an authority to whose declaration great value could be attached.

Lastly, he regarded the appraisalment of the losses as exaggerated in the highest degree.

5. The Commission have found the facts alleged in support of the claim sufficiently proved by the receipts of those who took the goods, by the confirmation of the local judge and witnesses, or by other evidence, but they have not been enabled to classify in each case the forces to which the various leaders belonged. They have found that several receipts were delivered by officers of forces for whose acts the Convention does not, after revision, make the Mexican Republic financially responsible. Only a comparatively small part of the receipts show clearly that the goods were taken by forces falling within one of the subdivisions of Article 3 of the Convention. In a majority of the cases this remains uncertain.

6. As regards the amounts set down against the different items, many of them have appeared to the Commission to be exaggerated, and they do not feel at liberty to accept such valuation to its full extent.

7. For these reasons, only a portion of the amount claimed can be awarded, and the Commission hold that it is in accordance with the principles of justice and equity to fix this portion at 12,000 pesos.

8. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government on behalf of Dennis J. Spillane and Daniel Spillane, the sum of \$12,000 (twelve thousand pesos) Mexican gold or an equivalent amount in gold.

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