

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

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**RECUEIL DES SENTENCES  
ARBITRALES**

**William J. Russell (Great Britain) v. United Mexican States**

6 August 1931

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3. As regards the second part of the claim, the Commission see no ground for allowing an award for expenditure incurred in keeping the property, as far as was possible, in good order. They do not regard this expenditure as a loss, but as a means of avoiding loss.

4. The deterioration of the value of the property can hardly be denied, but it is a phenomenon, which is probably common to all landed wealth in Mexico during the revolutionary period. It resulted from various circumstances and measures, but it is not a loss which can, at least not in the case now under consideration, be ascribed to any specific acts of revolutionary or other armed forces. Neither is it possible to determine the amount of the depreciation, nor to examine whether it has, partly at least, been compensated for by a subsequent rise in value.

For these reasons, the Commission do not feel that they are in a position to grant an award for this part of the claim.

5. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government, on behalf of Captain Augustus Brabazon Urmston, the sum of \$100,000 (one hundred thousand pesos) Mexican gold, or an equivalent amount in gold.

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WILLIAM J. RUSSELL (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 116, August 6, 1931. Pages 341-343.*)

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RESPONSIBILITY FOR ACTS OF FORCES.—PROXIMATE CAUSE. Drunken soldiers set fire to a train, which fire spread to claimant's adjacent hotel, to his loss and damage. *Held*, respondent Government responsible.

MOB VIOLENCE. Claim for damages caused by a popular demonstration against foreigners *disallowed*.

1. The Memorial divides the claim into four parts:

*Part I.*—The claimant had an hotel and restaurant in Venegas Station in the State of San Luis Potosí, under a contract from the National Railways of Mexico. On the 29th May, 1913, armed men, under the command of Julián García, demanded the sum of \$165 pesos in cash. On the 22nd June of the same year, Federal Volunteers partially sacked the hotel and carried off articles and merchandise. On the 11th July, 1913, armed forces under Jesús Dávila set fire to the hotel, destroying all the furniture and other objects.

*Part II.*—The claimant owned a brewery and ice factory in "La Panquita", Saltillo, State of Coahuila. On the 21st April, 1914, on the occupation of Veracruz by forces of the United States of America, serious disorders occurred in the town of Saltillo, which obliged the claimant and his family to take refuge in the British Consulate. The brewery was completely sacked, and a list of the losses, such as machinery, furniture and other objects, is given in Annex 6.

*Part III.*—The claimant also owned the National Hotel in the City of Saltillo, and this hotel was also sacked on the 21st April, 1914.

*Part IV.*—On the 20th May, 1914, forces under the command of General Gustavo Mass arrived at Venegas Station and carried off articles and furniture which the claimant had placed in passenger cars and freight cars.

The total amount of the claim is 50,750.00 pesos Mexican gold.

2. *Part I.*—As regards the taking of the \$165, the Commission have not been enabled to determine to which forces Julián García belonged. They are not, therefore, in a position to decide whether the loss is covered by the Convention.

The sacking of the hotel was done by a group of Federal volunteers, who at the time served the Huerta Régime. The revision of the Convention has excluded the acts of this régime from the jurisdiction of the Commission.

The burning of the hotel was most probably due to the fact that drunken soldiers set fire to a train, which fire spread to the hotel. Even if it happened as a consequence of their commanders setting fire to the wagons of the train containing liquor, as suggested by some witnesses, such an act was highly dangerous, and calculated to set fire also to the immediately contiguous Hotel and Restaurant. As the soldiers were under the command of Jesús Dávila, and as it is known that this leader belonged to the Constitutionalist Army, Mexico must be regarded as bound to compensate the loss.

3. This loss affected the claimant only in so far as the items set down in the inventory of that place were his property and not that of the Railway Company.

The Commission find that considerable portions of the articles burned belonged to the claimant, and have found sufficient evidence to fix an amount of \$2,000 as a fair and reasonable compensation for this loss.

4. *Part II and Part III.*—The Commission regard the occurrences, referred to in these parts of the claim, as the consequences of a popular demonstration of a violent nature. They cannot view them as revolutionary acts, nor as a mutiny, a rising, an insurrection, nor as acts of banditry. The movement was not directed against the Government or against public authorities, but against the foreigners residing at Saltillo. Regrettable as the events were, they cannot, under the wording of the Convention, justify the granting of compensation.

5. *Part IV.*—The damage recorded under this heading was done by Gustavo Mass, a Huertista leader. It falls, therefore, outside the Convention, as last modified.

6. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government, on behalf of William J. Russell, the sum of \$2,000 (two thousand pesos) Mexican gold, or an equivalent amount in gold.

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FRANK SCRIBNER MERROW (GREAT BRITAIN) *v.* UNITED  
MEXICAN STATES

(*Decision No. 117, August 6, 1931. Pages 343-346.*)

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DEATH OF CLAIMANT.—PURSUANCE OF CLAIM. As since filing of Memorial claimant died, claim pursued on behalf of widow as executrix of claimant's will.

DAMAGES, PROOF OF.—NECESSITY OF CORROBORATING EVIDENCE. Claim for loss of furniture and other movable property in the sum of 177,026 pesos, uncor-