

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Patrick Grant (Great Britain) v. United Mexican States

7 December 1929

VOLUME V p. 60



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

V. If the answer to question III be in the affirmative, to whom did the concession belong at the time of the sequestration, and is the Veracruz Telephone Construction Syndicate entitled to claim?

VI. Were the losses for which compensation is claimed caused by any one or more of the forces enumerated under subdivisions 1, 2, 3, 4 or 5 of Article III of the Convention, or do they fall within the terms of the last paragraph of this Article? Was the confiscation ordered by a civil authority? Were the losses due to revolutionary events and disturbed conditions (*sucesos y trastornos revolucionarios*) and were the acts committed by one of the forces specified in subdivisions 1, 2 and 3 of Article III?

VII. Is the fact that in 1920 the claimant entered into an agreement with the Government of the State of Veracruz on the return of the property sufficient ground on which to allow the Motion to Dismiss?

VIII. Is the fact that the claimant, when no payment was received, resorted to the Mexican Courts, sufficient ground on which to allow the Motion to Dismiss?

5. The Commissioners have come to the conclusion that question VI, which perhaps is the most important of all, cannot be answered without entering an interpretation of Article 3 of the Convention.

In nearly all the answers of the Mexican Agent to the claims, it has been contended that the acts on which the claim is based are not covered by Article 3. This question will therefore have to be answered by the Commission in its judgment on nearly all the claims that have been filed. The Commissioners see no reason why only in this particular case this very important point should be decided by way of a motion to dismiss.

In their opinion, the question as to whether the losses or damages were due to revolutionary events and caused by the acts of forces specified in Article 3 cannot be decided without entering into an examination of essential facts, i.e., of the merits of the claim itself, and the question must therefore be suspended until the claim itself will be examined by the Commission.

Although the other questions enumerated can be answered in this stage of the procedure, the Commission prefers to deal with the Motion to Dismiss as a whole, and therefore postpones the decision until the claim be examined on its merits.

In the meantime, the Commission invites the Mexican Agent to file his answer on the claim.

PATRICK GRANT (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(*Decision No. 9, December 7, 1929. Pages 78-79.*)

PROCEDURE, MOTION TO DISMISS. A motion to dismiss raising issues as to the ownership of the claim *overruled*, and the questions thereby raised postponed to the examination on the merits, when it appeared that as to certain of elements of damage no question as to ownership existed on the face of the record.

(*Text of decision omitted.*)