

GEORGE W. HOPKINS (U.S.A.) *v.* UNITED MEXICAN STATES.

(June 3, 1927. Pages 329-331.)

Nielsen, Commissioner :

1. Claim is made in this case by the United States of America in behalf of George W. Hopkins to recover the sum of 1,013.40 Mexican pesos or its equivalent, the aggregate amount of six postal money orders which are alleged to be the property of the claimant, and which were not paid upon presentation to Mexican postal authorities. The orders were issued in the year 1914. A proper allowance of interest is claimed on the said sum of 1,013.40 pesos. A motion to dismiss this claim was filed by Mexico on December 16, 1925, and was overruled by the Commission on March 31, 1926. The case is before the Commission for final decision.

2. One of the money orders, in amount 23.40 pesos, is payable to Hopkins Studio. Two others, each in the amount of 200 pesos, were issued in the name of George W. Hopkins, and were indorsed to the *Banco Germánico de la América del Sur* of Mexico City. It is clear from the record that the indorsements were made for purposes of collection. I think that, conformably to the principles underlying the decision of the Commission in the case of *George W. Cook*, Docket No. 663,¹ and the decision in the case of *John A. McPherson*, Docket No. 126, an award should be rendered in favor of the claimant for the value of these three orders, namely, 423.40 pesos, or \$211.06, currency of the United States, with interest at the rate of six per centum per annum from June 6, 1914, the date of the last order, to the date on which the last award is rendered by the Commission.

¹ See page 209.

3. The other three orders were made payable to the *Banco Germánico de la América del Sur*, and were indorsed to The Davidson Co., S. A. In view of the uncertainty in the record with respect to the circumstances surrounding the purchase of these orders, I am of the opinion that no award should be made in favor of the claimant for the value which they represent. They are mentioned in a long list of orders contained in a letter sent by the *Banco Germánico de la América del Sur* to Davidson in which the latter is notified that the orders listed could not be collected. The necessity for certainty in the evidence in a case of this character was discussed in connection with the decision of the Commission in the case of *John A. McPherson*, Docket No. 126.¹ It would seem that it should have been possible for the claimant to produce evidence of his relations with Davidson and with the *Banco Germánico de la América del Sur* such as copies of communications establishing the relationship of agency, copies of instructions by the principal to the parties acting for him, and certified copies of entries in the books of any or all of the parties to the transactions in question which might have served to clarify the important point which is presented to the Commission.

Van Vollenhoven, Presiding Commissioner :

I concur in Commissioner Nielsen's opinion.

Fernández MacGregor, Commissioner :

I concur in Commissioner Nielsen's opinion.

Decision

The Commission decides (1) that the claim must be disallowed with respect to the three money orders issued in the name of the *Banco Germánico de la América del Sur* of Mexico City, totaling the amount of 590 pesos; and (2) that with respect to the three other money orders the Government of the United Mexican States shall pay to the Government of the United States of America on behalf of George W. Hopkins the total amount of the orders, namely, \$211.06 (two hundred and eleven dollars and six cents) with interest at the rate of six per centum per annum from June 6, 1914, to the date on which the last award is rendered by the Commission.