

FREDERICK ADAMS (GREAT BRITAIN) *v.* UNITED MEXICAN
STATES

(Decision No. 99, August 3, 1931. Pages 289-291. See also decision No. 69.)

1. The Commission, in so far as the facts on which this claim is based are concerned, here refer to their Decision No. 69.

2. Once the Demurrer interposed by the Mexican Agent in the instant case had been overruled, and the evidence submitted in support thereof had been examined, the Commission entered upon an examination of the facts on which it was based, which are the following:

(a) Forced abandonment of a property known as "El Roble" by Mr. J. F. Brooks, in September 1912, by reason of the general insecurity prevailing in the vicinity of Jalapa, Ver., as a consequence of revolutionary activities.

(b) Cutting down of trees and thefts of wood from the property of J. F. Brooks and Co., by local residents, during the period from November 1916 to September 1918.

(c) Damage caused by occupation of the aforesaid property by Government cavalry soldiers, from January 1917 to September 1918.

(d) Attack on the ranch house by revolutionary forces in February 1918, asserted in the Memorial to have forced Mr. Honey, the manager, to hand over all the money he had in his possession and to leave the ranch.

(e) Loss of orange, lemon and other crops during the years from 1917 to 1919, inclusive, and of two crops of coffee for the years 1918 to 1920, lost or stolen as a consequence of the above-mentioned acts.

3. The Commission have, after examination of the evidence submitted by the British Agent as proof of the facts on which the claim is based, formulated the following considerations:

(1) No proof has been shown of the forced abandonment of the property by Mr. Brooks; the evidence submitted to that effect consists in the affidavit of Mr. Blackmore (annex 3 to the Memorial) and taking into account the fact that Mr. Blackmore submitted that affidavit in the capacity of a claimant and that this document has not been corroborated by any other element of proof, the Commission do not, following precedents already established, accept the fact in question as proved. (Decision No. 12, the *Mexico City Bombardment Claims*.)

(2) The Commission consider that any cutting down of trees and thefts of timber carried out by local residents—even assuming that same were considered as proved—do not come within the meaning of the Claims Convention entered into between Mexico and Great Britain nor are they included in those acts binding upon Mexico, as enumerated in Article III of the extension of the Convention, which provides that the Commission shall deal with losses or damages caused to British subjects during the period included between the 20th of November, 1910, and the 31st of May, 1920, provided they were caused by one or any of the following forces:

1. By the forces of a Government *de jure* or *de facto*.
2. By revolutionary forces which, after the triumph of their cause, have established Governments *de jure* or *de facto*.
3. By forces arising from the disbandment of the Federal Army.
4. By mutinies or risings or by insurrectionary forces other than those referred to under subdivisions 2 and 3 of this Article, or by brigands, provided that in each case it be established that the competent authorities omitted to take reasonable measures to suppress the insurrections, risings, riots or acts of brigandage in question, or to punish those responsible for the same; or that it be established in like manner that the authorities were blamable in any other way.

As in the instant case none of those forces were involved, but only the acts of private individuals, the Commission do not consider themselves competent to take cognizance of this part of the claim.

(3) As regards the other facts giving rise to the instant claim, and referred to by Mr. Charles T. Blackmore in his affidavit dated the 21st May, 1929 (annex 3 to the Memorial), the Commission find that they are in part set forth by Mr. Norman S. Raeburn, dated the 9th September, 1920, and submitted as additional evidence by the British Agent. Nevertheless, the very noticeable discrepancy between the statements of Raeburn and those of Blackmore, as also the fact that the former ascribes much higher values to the damage than the claimant himself, and certain other objections to this testimony, such

as its not being in any way authenticated, have induced the Commission to abstain from accepting this document as the corroboration of Blackmore's statement.

The Commission realize that the above declaration only refers to damage sustained during the period comprised between the years 1918 to 1920, and does not contain any indication whatsoever from which the character of the forces responsible for those acts might be inferred, information which is indispensable for establishing Mexico's liability therefor, according to Article III of the Claims Convention, Mexico and Great Britain.

(4) As regards the various complaints which were, according to the Memorial (annex 3) made to the Governor of the State, and the local authorities, in February 1917, no proof has been submitted of their actually having been made; such proof would have been of great assistance to the Commission, which cannot, in consequence, find sufficient grounds on which to grant any compensation.

4. In view of the above considerations—

5. The Commission disallow the instant claim.
