

THE SANTA ROSA MINING COMPANY (LIMITED) (GREAT
BRITAIN) *v.* UNITED MEXICAN STATES

(Decision No. 92, August 3, 1931. Pages 266-269.)

1. This claim as set out in the Memorial, is in two parts. The first is for compensation for property lost, requisitioned or confiscated by constitutionalist forces during the years 1913 and 1914 and the second is for compensation for the loss of 450 pesos Mexican gold stolen by rebels during their assault on a train belonging to the Coahuila and Zacatecas Railway on the 28th December, 1918.

PART I

On various occasions in the years 1913 and 1914 officers belonging to the constitutional army came to the mine and demanded different articles. The officers concerned were understood to be under the command of Eulalio Gutierrez, General of the Central Division, whose headquarters were at Concepción del Oro, Zacatecas. Early in 1913 two carloads of anthracite coal were purchased by the Company from Messrs. Flack and Son, Limited. This coal was shipped in cars Nos. 8865 and 9066 and bills of lading were duly received by the accountant of the Company. These bills of lading were sent by him to the railway station at Margarita so that delivery of the coal could be taken.

Shortly afterwards the constitutional forces arrived at Margarita station and destroyed all records. The two cars of anthracite coal never reached Margarita and all efforts to trace them proved fruitless.

About the same time twenty filter leaves for the Butters Filter Press were shipped by a Mr. Newcomb of Mexico City to the Company. The bill of lading arrived, but the filter leaves never reached Margarita station.

On the 20th June, 1914, Juan L. Aguilar, Chief of Arms at Mazapil, under the orders of General Eulalio Gutierrez, confiscated 273,805 tons of concentrates stored at Margarita station. These concentrates were shipped towards the American border and cars containing them were scattered at various points along the line. With help of diplomatic intervention the Company were able to recover these concentrates, with the exception of 12,804 tons. In order to recover these concentrates the accountant of the Company was obliged to expend the sum of 3,003.75 pesos Mexican gold.

The amount of this part of the claim is 8,544.68 pesos Mexican gold.

PART II

In December 1918, Juan Rodríguez, cashier of the Santa Rosa Mining Company, Limited, at Concepción, asked Messrs. G. Purcell y Cia., to remit the sum of 450 pesos Mexican gold to meet the expenses of the mine. This sum was remitted by express voucher, dated the 26th December, 1918. The money was remitted at the risk of the Santa Rosa Mining Company, Limited, by train to Concepción. This train was assaulted by rebel forces on the 28th December, 1918, and the money was stolen. Since the remittance was made at the Company's risk, the Company had to bear the loss.

The amount of this part of the claim is 450 pesos Mexican gold.

The total amount of the claim is 8,994.68 pesos Mexican gold.

A claim for these losses has been lodged with the Mexican National Claims Commission, but no award has been made in favour of the Company, nor has the Company received compensation from any other source. The claim belonged at the time of the losses and still does belong solely and absolutely to the claimant company.

The British Government claim on behalf of the Santa Rosa Mining Company, Limited, the sum of 8,994.68 pesos Mexican gold.

2. The Commission have found sufficient evidence of the losses suffered through the requisition and confiscation of property by Constitutionalist Officers during the years 1913 and 1914.

3. They have not found sufficient evidence of the losses alleged to have been sustained through the destruction of supplies in transit between Mexico City and Saltillo.

4. They have found sufficient evidence of the confiscation of concentrates by a Constitutionalist force in June 1914 and also of the cost of recovering part of the concentrates.

5. They have found no evidence as regards the forces that were responsible for the attack on the train of the 28th December, 1918. If those forces are to be considered as bandits, the negligence of the competent authorities has not been established.

6. The Commission accept the amount claimed for the losses mentioned in paragraph 2, being 2,277.30 pesos.

They also accept the amount claimed for the loss of concentrates, being 567.93 pesos, but as regards the cost of recovering part of the concentrates, they have found no proof of an amount higher than 1,500 pesos.

7. The Commission decide that the Government of the United Mexican States is obligated to pay to the British Government, on behalf of the Santa Rosa Mining Company (Limited), the sum of 4,345.23 (four thousand three hundred forty-five pesos and twenty-three centavos), Mexican gold, or an equivalent amount in gold.
