

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

(Decision No. 108, August 3, 1931. Pages 321-323.)

1. The Memorial gives the following statement:

The claimant Company was a prosperous mining enterprise with its main properties in the Tomnil District, in the State of Durango. During the revolutionary period from 1910 to 1920, the Company suffered the following damages:

(a) Early in March 1912 a revolution broke out. Pilar Quinteros appeared at the Company's mine with a number of his men and took from the Company rifles, mules, horses and cows, to the value of \$1,333.80.

(b) At about the same time Quinteros demanded and received from the Company the sum of \$120 pesos.

(c) At about the same time Emiliano Aispuro and his men visited Tomnil and obtained from the Company the sum of \$100 pesos in cash, promising that such sum would be deducted from the taxes paid by the Company to the State of Durango.

(d) Pilar Quinteros also took from the Company's warehouse corn for his mules and horses and took from the Company's smelter two cases of dynamite, nails and canvas to manufacture bombs; under this head there are claimed \$200 pesos.

(e) Owing to the activities of Quinteros and his men, there was a strike for three weeks of the employees of the mine, and the Company, in consequence, incurred expenses to the amount of \$970 pesos.

During all this time, as appears from the statement of Mr. Henry Cribb, the Company repeatedly appealed to the Mexican Government for protection, but the Government, although at the time there were troops available in the district under Claro Molino, took no steps to furnish the necessary protection.

(f) The Company further suffered the following damage:

During the month of July 1912, riots took place at the Company's premises and the Company's employees declared a strike, and the Company was compelled to pay to the rioters the sum of \$836.75 pesos. Ultimately, the Government belatedly sent an escort to the mine, but no steps were taken to punish those who had attacked the Company's property and staff, and the Government officer, León Meraz, deliberately failed to do his duty.

(g) Owing to the activities of Quinteros and his men, the Company were forced to incur a loss of \$20,000 pesos, owing to extra expenditure incurred on account of the disorderly state of affairs.

(h) The Company further claims \$90,000 pesos owing to depreciation of stock.

(i) The Company further claims \$40,000 pesos in respect of repairs which will have to be undertaken owing to the damage caused by the cessation of work due to the Revolution.

(j) In May 1912 at a time when there had been no authority in the district for some ten months, the safety vault of the Company was broken open and gold and silver bars were stolen, to the value of \$6,000 pesos. The authorities in Mazatlán refused to give any assistance to the Company.

(k) In the early part of 1912 the Mexican Government confiscated from the Company 2,000 Winchester cartridges of the value of \$150 pesos.

(l) The Company further claims \$100,000 pesos in respect of loss of profits.

The British Government claim on behalf of the Tomnil Mexican Mining Company, Limited, the sum of 258,610.55 pesos.

2. The Commission have come to the conclusion that Pilar Quinteros and Emiliano Aispuro must be considered as bandits. As there is no evidence that the competent authorities were informed of their acts, Mexico cannot be made responsible for the losses caused by them.

3. The Commission hold the view that the consequences of a strike, and the acts of violence accompanying a strike—if no other intervention is shown—do not fall within the terms of the Convention.

4. The Commission have not found evidence of the other losses claimed.

5. The claim is disallowed.
