

REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

Index

VOLUME IV



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

INDEX

A

ACT, Arbitrary: 598

ACTS, Military: 53

ACTS OF:

Auxiliary military forces, Responsibility for: 265

Bandits, Jurisdiction over: 640

De facto government, Responsibility for: 203, 418, 506

Forces, Responsibility for: 110, 117, 119, 364, 538, 551, 783, 805

Insurrectionary forces: 364

Investigating magistrate, Finality of: 145, 149

Military forces, Responsibility for: 265, 529

Military occupation, Responsibility for: 20

Military officers, Responsibility for: 586

Minor officials: 101

Minor officials, Responsibility for: 57, 81, 98, 145, 149, 151, 155, 173, 392, 408, 416, 476

Municipalities: 19

Police: 145, 149, 151

Public vessels: 164

Railway superintendent, Responsibility for: 219

Revolutionary forces: 48

Soldiers: 119

Soldiers, Responsibility for: 104, 358, 428, 486, 496

Soldiers adhering to insurrectionary movement: 805

ACTS OUTSIDE SCOPE OF DUTY: 586

ADEQUACY OF RECEIPT AS EVIDENCE: 329

ADMINISTRATION OF JUSTICE, Defective: 382, 458

ADMISSIBILITY OF EVIDENCE: 35

ADMISSIBILITY OF EVIDENCE OF FACTS OCCURRING SUBSEQUENTLY TO FILING OF CLAIM: 653

ADMISSIBILITY OF PROOF OF FACTS OCCURRING AFTER FILING OF MEMORIAL: 265

ADMISSION OF NATIONALITY BY RESPONDENT GOVERNMENT: 616

AFFIDAVITS AS EVIDENCE: 36, 358, 805

AGENT, Authority of: 190, 194

Contract with: 506

AGENTS, Duty of to submit evidence: 575

ALIENS AND NATIONALS, Equality of treatment of: 77

ALIENS,

Duty to protect: 632, 653

Expulsion of: 368

Privileged status of under international law: 41

- ALLOTMENT, Necessity of: 517
- AMENDMENT,
 Of claim: 517, 538
 Of memorandum: 15, 60, 149
 Of memorial: 149
- AMNESTY, Effect of act of: 270, 273
- ANSWER,
 Effect of admission in, of jurisdictional fact: 329
 Purpose of: 392
 Time for filing of: 15
- APPLICATION OF DOMESTIC STATUTE OF LIMITATIONS: 213, 411
- ARBITRARY ACTS: 598
- ARMS, Reckless use of: 265, 575, 586
 Unnecessary use of: 486, 496
- ARREST: Failure to: 646
 Failure to state grounds for: 392
 Illegal: 77, 278, 282, 313, 314, 381, 408, 412, 415, 537, 564, 601, 658
 Mistreatment during: 408, 478, 601
- ATTACK, Injuries developing after: 173
- AUTHENTICATION OF EVIDENCE: 329
- AUTHORITIES:
 Failure of, to call eye-witnesses of murder: 428
 Failure of, to comply with applicable law: 209
 Hostility of Mexican: 481
 Misconduct of, due to undue influence: 418
 Unlawful collection of customs duties by occupying military: 17, 19
- AUTHORITY OF AGENT: 190, 194
- AUXILIARY MILITARY FORCES, Responsibility for acts of: 265
- AWARD:
 Calculated as of time contract debts were payable: 661, 665
 Computation of: 213, 217, 411, 521, 661, 665
 Formalities in rendering: 669
 Rectification of: 134, 138, 139
- AWARDS, Interest on: 134, 137

B

- BAIL, Release on: 382
- "BANDITS", Definition of: 640
- BANDITS, Jurisdiction over acts of: 640
- BANKRUPTCY COURT OR OFFICIALS, Responsibility for care of property in custody of: 220
- BANKRUPTCY ESTATE,
 Detention of property not a part of bankruptcy estate: 220
 Obligation to release property not part of: 220
- BAPTISMAL CERTIFICATE AS PROOF OF NATIONALITY: 358
- BIAS OF INVESTIGATING OFFICIAL: 544

BLOCKADE OF PORT IN CONTROL OF INSURGENTS: 339, 341
 BREACH OF CONTRACT: 617
 BURDEN OF PROOF: 36, 329, 412, 497, 551, 575, 623, 626
 Presumptions and: 329

C

CALVO CLAUSE: 19, 26, 691
 CAPACITY TO GIVE PROTECTION: 653
 CAUSE, Proximate: 20, 219, 364, 415, 537
 CHANGE OF GOVERNMENT, Effect of: 389
 CLAIM,
 Amendment of: 517, 538
 Based on title to real property, Jurisdiction over: 16
 Effect upon of escape from prison: 282, 313
 Espousal of by government: 481
 For expenses: 220
 For loss of property, Survival of: 496
 In restitution: 190, 194, 203
 Misconduct as a bar to: 155
 Necessity of pecuniary Loss as Basis for: 265
 On behalf of estate: 616
 Ownership of: 218
 Quantum meruit: 139
 CLAIMANT,
 Collateral relatives as parties: 117
 Identity of: 411, 575
 CLAIMANT CORPORATION, Proof of existence of: 481
 CLAIMANT GOVERNMENT, Requirement of proof by: 482
 CLAIMANT GOVERNMENT'S AUTHORITY TO PRESENT CLAIM, Proof of: 481
 CLAIMANT'S STATEMENTS, Effect of, concerning his or her nationality: 598
 CLAIMS AGAINST GOVERNMENT-OWNED CORPORATION: 669
 CLAIMS, Late filing of: 804
 Survival of, for personal injuries: 449
 CLASSIFICATION UNDER *compromis* OF FORCES OF UNSUCCESSFUL INSURRECTION: 805
 COLLATERAL RELATIVES AS PARTIES CLAIMANT: 117, 265, 392, 538
 COLLECTION OF GOVERNMENTAL CHARGES, Improper: 54
 COLLISION IN TERRITORIAL WATERS: 164
Compromis, Interpretation of: 783
 COMPUTATION OF AWARD: 213, 217, 411, 521, 661, 665
 CONFESSION OBTAINED BY EXERCISE OF FORCE: 382
 CONFISCATION, 517, 564
 By military forces: 535
 Of enemy private property: 608, 615, 616
 Of property: 481
 Of property, Loss and: 486, 496

- CONFLICTING INSOLVENCY PROCEEDINGS, Effect of upon right to claim: 462
- CONFLICTING JURISDICTION OF SPECIAL CLAIMS COMMISSION: 381, 401, 435, 470, 529, 535, 551, 626, 640
- CONSENT OF AGENTS TO DISPOSITION OF MOTIONS: 150
- CONSOLIDATION OF CRIMINAL CASES WITHOUT REASON: 282, 313, 314
- CONSUL, Lack of opportunity to communicate with: 67
- CONSULAR OFFICERS, Duty to protect: 476
- CONSULAR REPORTS AS EVIDENCE: 575
- CONSULS, Duty to protect: 173, 632
- CONTRACT, Breach of: 617
- CONTRACT CLAIMS: 19, 21, 26, 119, 134, 139, 190, 194, 203, 213, 217, 263, 327, 411, 418, 435, 462, 506, 608, 615, 616, 661, 665, 669, 691
- CONTRACT, Termination of, by respondent government: 617
- CONTRACT WITH AGENT: 50
- CONTRACT WITH GOVERNMENT INTERVENTOR OR CUSTODIAN OF SEIZED PROPERTY: 435
- CONTRACTS, Effect of war on: 608, 615, 616
- CONTRACTUAL RELATIONS, Interference with: 219
- CONVICTION ON INSUFFICIENT EVIDENCE: 282, 313, 314
- CORPORATE CLAIMS: 462, 481
- CORPORATION,
 Claimant, Proof of existence of: 481
 Government-owned, Claims against: 669
 Proof of right to do business in Mexico: 481
 Responsibility for debts of sequestered: 669
- CORRECTION OF ERRORS OF LOWER COURT BY COURT OF LAST RESORT: 458, 658
- COURT OF LAST RESORT, Correction of errors of lower court by: 458
- CREDITORS' CLAIMS: 669
- CRIMINAL CASES, Consolidation of without reason: 282, 313
- CRIMINALS, insane, Duty to commit: 650
- CRIMINALS, Lack of due diligence in capturing: 380
- CRUEL AND INHUMANE IMPRISONMENT: 67, 77, 262, 278, 283, 313, 314, 333, 368, 382, 412, 418, 537, 564, 601
- CURRENCY, Effect of depreciation of: 213, 217
- CURSORY INVESTIGATION: 653
- CUSTODY, Death during: 101
 Standard of care of property held in: 205
- CUSTODY OF BANKRUPTCY COURT OR OFFICIALS, Responsibility for care of property in: 220
- CUSTOMS DUTIES,
 Unlawful auctioning of property to satisfy: 464
 Unlawful collection of by military authorities: 17, 19
- CUSTOMS ZONE: 564

D

- DAMAGES, Measure of: 82, 101, 117, 145, 149, 220, 278, 282, 283, 364, 440, 482, 529, 537, 575
- DAMAGES, Proof of: 67, 415, 440
 - Punitive: 173
- DEATH DURING CUSTODY: 101
- DEATH, Wrongful: 81, 98, 101, 117, 119, 145, 149, 392, 416, 575
- DEBTS OF SEQUESTERED CORPORATION, Responsibility for: 669
- De facto* GOVERNMENT, Responsibility for acts of: 203, 411, 418, 506
- DEFECTIVE ADMINISTRATION OF JUSTICE: 382, 458
- DEFENCE RAISED IN BRIEF NOT THERETOFORE RAISED IN PLEADINGS, Admissibility of: 155
- DEFENSIVE MEASURES IN INTEREST OF PUBLIC SAFETY: 608, 616
- DEFINITION OF "BANDITS": 640
- DELAY OR SUSPENSION OF LEGAL PROCEEDINGS: 382
- DELIVERY, Necessity of tender of: 472
- DENIAL OF JUSTICE: 21, 60, 67, 82, 98, 101, 106, 110, 117, 119, 145, 149, 151, 155, 173, 194, 265, 275, 278, 282, 336, 337, 371, 373, 380, 381, 387, 389, 392, 401, 408, 412, 415, 416, 418, 428, 440, 449, 458, 468, 470, 476, 477, 478, 480, 497, 518, 520, 523, 529, 537, 538, 539, 544, 561, 586, 598, 601, 623, 626, 632, 641, 646, 650, 653, 658, 665,
- DENIAL OF JUSTICE, Evidence necessary to establish: 377
- DEPRECIATION OF CURRENCY, Effect of: 213, 217
- DETENTION:
 - Beyond legal period: 278
 - For unreasonable period: 368
 - Illegal: 409
 - Incomunicado*: 368, 382, 658
 - Of accused beyond reasonable period: 409
 - Of property, illegal: 373
 - Of property not a part of bankruptcy estate: 220
 - Of property, wrongful: 219
- DILATORY INVESTIGATION: 641
- DILATORY PROSECUTION: 77, 98, 275, 389
- DIRECT RESPONSIBILITY: 57, 81, 98, 101, 104, 110, 117, 119, 145, 149, 151, 155, 164, 173, 265, 358, 392, 408, 416, 428, 476, 486, 496, 575, 586
- DIRECT AND INDIRECT RESPONSIBILITY: 82, 282
- DISTRESS, Vessel entering port under: 444
- DOMESTIC LAW, Effect of upon right to claim: 506
- DOMESTIC LAW GOVERNING PAYMENTS, Effect of: 213, 217, 411, 418
- DOMESTIC STATUTE OF LIMITATIONS, Application of: 213, 411
- DUAL NATIONALITY: 358, 805
- DUE DILIGENCE, Lack of in capturing criminals: 380
- DUE PROCESS, Lack of: 598

DUTY OF AGENTS TO SUBMIT EVIDENCE: 575
 DUTY OF BOTH PARTIES TO SUBMIT EVIDENCE: 35
 DUTY TO COMMIT INSANE CRIMINALS: 650
 DUTY TO PROTECT:
 Aliens: 632, 653
 Consular officers: 476
 Consuls: 173, 632
 In remote territory: 364, 377, 380, 468, 653

E

EFFECT OF,
 Act of amnesty: 270, 273, 783
 Admission in answer of jurisdictional fact: 329
 Change of government: 389
 Claimant's statements concerning his or her nationality: 598
 Conflicting insolvency proceedings upon right to claim: 462
 Decrees of nullity: 41
 Depreciation of currency: 213, 217
 Domestic law governing payments: 213, 217, 327, 411
 Domestic law upon right to claim: 506
 Escape by claimant from jail upon right to claim: 282, 313, 314
 Espousal of claim by government: 481
 Failure to produce material evidence: 36
 Lack of records of respondent government: 377
 Misrepresentations and of destruction of part of material evidence by claimant: 173
 Non-production of evidence available to respondent government: 482, 551, 575, 623, 626
 Right to opt for Mexican nationality upon American nationality: 377
 War on contracts: 608, 615, 616
 EFFECT UPON CLAIM OF ESCAPE FROM PRISON: 262
 ENEMY PRIVATE PROPERTY, Confiscation of: 608
 ENEMY, Trading with the: 608, 615, 616
 EQUALITY OF TREATMENT OF ALIENS AND NATIONALS: 77
 ERRORS OF LOWER COURTS, Correction of, by court of last resort: 458, 658
 ESCAPE DURING IMPRISONMENT: 151
 ESCAPE OF CLAIMANT FROM PRISON, Effect upon claim of: 262
 ESCAPE OF GUILTY PARTY FROM JAIL: 470
 ESPOUSAL OF CLAIM BY GOVERNMENT: 481
 ESTATE, Claim on behalf of: 616
 ESTOPPEL: 616
 Non-recognition by claimant government as: 41
 EVIDENCE BEFORE INTERNATIONAL TRIBUNALS: 35, 173, 265, 329, 377, 412, 418, 478, 482, 551, 575, 601, 626, 653, 805
 Admissibility of evidence: 35
 Admissibility of evidence of facts occurring subsequently to filing of claim: 653
 Admissibility of proof of facts occurring after filing of memorial: 265
 Affidavits as: 358, 805
 Agents, duty of to submit evidence: 575

- Authentication of evidence: 329
- Baptismal certificate as proof of nationality: 358
- Claimant corporation, Proof of existence of: 481
- Claimant government's authority to present claim, Proof of: 481
- Consular reports as evidence: 575
- Conviction on insufficient evidence: 282, 313, 314
- Corroborating evidence, necessity of, or explanation of failure to furnish same: 551
- Detailed statements, Necessity of: 551
- Duty of agents to submit evidence: 575
- Duty of both parties to submit evidence: 35
- Effect of failure to produce material evidence: 36
- Effect of lack of records of respondent government: 377
- Effect of misrepresentations and of destruction of part of material by Claimant: 173
- Effect of non-production of evidence available to respondent government: 412, 551
- Evidence necessary to establish denial of justice: 377
- Evidence necessary to rebut proof of nationality: 376
- Ex parte* evidence: 805
- Memorial of claim as evidence: 327
- Ownership of claim, Proof of: 411
- Prima facie* evidence defined: 575
- Proof by claimant government, Requirement of: 482, 497
- Quantum* of proof: 418
- Receipt as evidence, Adequacy of: 329
- Rules of evidence: 575
- Uncorroborated statements as rules of: 601
- Voting certificate as evidence of nationality: 626
- EXCHANGE, Rates of: 213, 217, 327, 411, 521, 661, 665
- EXERCISE OF POLICE POWER AT INTERNATIONAL BOUNDARY: 486, 496
- EXERCISE OF SOVEREIGN RIGHTS: 608, 615, 616
- EXHAUSTION OF LOCAL REMEDIES: 21
- EXISTENCE OF LAWLESSNESS: 523, 529
- EXORBITANT BAIL: 282, 313, 314
- Ex parte* EVIDENCE: 805
- EXPENSES, Claim for: 220
- EXPULSION OF ALIENS: 368

F

- FAILURE ADEQUATELY TO INVESTIGATE: 598
- FAILURE ADEQUATELY TO PUNISH: 428, 626
- FAILURE OF :
 - Authorities to call eye-witnesses of murder: 428
 - Authorities to comply with applicable law: 209
- FAILURE TO:
 - Apprehend or punish: 60, 82, 98, 101, 104, 106, 110, 117, 145, 149, 151, 155, 173, 194, 265, 269, 270, 273, 275, 336, 337, 364, 371, 377, 380, 389, 401, 416, 440, 468, 470, 478, 480, 497, 518, 520, 523, 529, 538, 539, 544, 586, 623, 626, 632, 641, 653, 665
 - Arrest : 646
 - Arrest or try known suspects: 653

- Confront accused with witnesses: 282, 313, 314
- Inform accused of charges against him: 282, 313, 314
- Meet ordinary judicial standards: 282, 313, 314
- Prosecute: 387, 477
- Protect: 48, 110, 117, 194, 269, 275, 358, 380, 468, 476, 478, 481, 497, 523, 653, 665, 783
- Provide counsel or interpreter to accused: 282, 313, 314, 418
- Provide counsel to accused: 218, 313, 418
- Provide trial: 646
- Punish: 119, 646
- Punish adequately: 387, 392, 477
- State grounds for arrest: 392
- Suppress or punish: 783
- Swear witnesses: 282, 313, 314
- Try accused: 382
- FINALITY OF ACTS OF INVESTIGATING MAGISTRATE: 145, 149
- FORCES, insurrectionary, Acts of: 364
- FORCES, Responsibility for acts of: 110, 117, 119, 364, 538, 551, 783, 805
 - Villista, status of, under the *compromis*: 783
- FORCES OF UNSUCCESSFUL INSURRECTION, Classification under *compromis* of: 805
- FOREIGN LAW, Proof of: 661
- FOREIGN MERCHANT VESSELS, Immunity from local jurisdiction: 444
- FORMALITIES IN RENDERING AWARD: 669

G

- GOVERNMENT, Espousal of claim by: 481
- GOVERNMENT INTERVENTOR OR CUSTODIAN OF SEIZED PROPERTY, Contract with: 435
- GOVERNMENT OPERATION OF RAILWAYS, Losses incurred in: 48, 58
- GOVERNMENT-OWNED CORPORATION, Claims against: 669
- GOVERNOR OF STATE, Influencing of trial by: 282, 313, 314
- GROUND FOR ARREST, Lack of notice of: 67

H

- HOSTILITY OF MEXICAN AUTHORITIES: 481

I

- IDENTITY OF CLAIMANT: 411, 575
- ILLEGAL ARREST: 77, 278, 282, 313, 314, 381, 408, 412, 415, 537, 564, 601, 658
- ILLEGAL COLLECTION OF TAXES: 593
- ILLEGAL DETENTION: 409
- ILLEGAL DETENTION OF PROPERTY: 373
- ILLEGAL IMPRISONMENT: 67, 74, 278, 458, 564
- IMMUNITY OF FOREIGN MERCHANT VESSELS FROM LOCAL JURISDICTION: 444

IMPRISONMENT:

- Beyond reasonable period: 458
- Cruel and inhumane: 67, 77, 262, 278, 283, 313, 314, 333, 368, 382, 412, 418, 537
564, 601
- Escape during: 151
- Illegal: 67, 74, 278, 458, 564
- Mistreatment during: 283, 313, 314, 333, 564, 658
- Mistreatment during arrest and: 478
- Wrongful: 449

IMPROPER COLLECTION OF GOVERNMENTAL CHARGES: 54

INABILITY TO OBTAIN PROPER MEDICAL CARE: 74

INADEQUATE PENALTY: 646

INADEQUATE PUNISHMENT: 194

INDIRECT RESPONSIBILITY: 220

INFLUENCING OF TRIAL BY GOVERNOR OF STATE: 282, 313, 314

INJURIES DEVELOPING AFTER ATTACK: 173

INSANE CRIMINALS, Duty to commit: 650

INSOLVENCY PROCEEDINGS, Conflicting, effect of upon right to claim: 462

INSUFFICIENT HEARING OR TRIAL: 282, 313, 314

INSURER AS CLAIMANT: 48

INSURGENTS, Blockade of port in control of: 339, 341

INSURRECTIONARY FORCES, Acts of: 364

INSURRECTIONARY MOVEMENT, Acts of soldiers adhering to: 805

INTEREST: 327, 661, 665

INTEREST, Rate of: 436

INTEREST ON AWARDS: 134, 137

INTERFERENCE WITH CONTRACTUAL RELATIONS: 219

INTERNATIONAL BOUNDARY, Exercise of police power at: 486, 496

INTERNATIONAL CLAIM, Unjust enrichment as a basis for: 669

INTERNATIONAL LAW, Privileged status of aliens under: 41

INTERNATIONAL STANDARD: 60, 67, 77, 119, 220, 282, 368, 371, 440, 658, 805

INTERNATIONAL STANDARD OF JUSTICE: 98

INTERNATIONAL TRIBUNALS, evidence before: 173, 265, 329, 358, 377, 412, 418, 478, 482, 551, 575, 601, 626, 653

INTERPRETATION OF *Compromis*: 783

INVESTIGATING OFFICIAL, Bias of: 544

INVESTIGATION,

- Cursory: 653
- Dilatory: 641
- Undue delay in: 474

IRREGULARITIES IN JUDICIAL PROCEEDINGS: 282, 418

J

JOINT DELIBERATION BY MEMBERS OF TRIBUNAL, Necessity for: 805

JOINT SECRETARIAT: 804

JUDICIAL PROCEEDINGS, Irregularities in: 282, 418

Suspension of: 646

Undue delay in: 282, 313, 314, 337, 409, 418, 458

JURISDICTION: 19, 21, 26, 108, 401, 529, 691

Compromis basis for: 21

Conflicting jurisdiction of Special Claims Commission: 16, 401, 470, 529, 535, 551, 626, 640

Over acts of bandits: 640

Over claim based on title to real property: 16

JURISDICTIONAL FACT, Effect of admission in answer of: 329

JUSTICE:

Defective administration of: 382, 458

Denial of: 21, 60, 67, 82, 98, 101, 106, 110, 117, 119, 145, 149, 151, 155, 173, 194, 265, 275, 278, 282, 336, 337, 371, 373, 380, 381, 387, 389, 392, 401, 408, 412, 415, 416, 418, 428, 440, 449, 458, 468, 470, 476, 478, 480, 497, 518, 520, 523, 529, 537, 538, 539, 544, 561, 586, 598, 601, 623, 626, 632, 641, 646, 650, 653, 658, 665

International standard of: 98

L

LACHES: 164

LACK OF AUTHORITY OF OFFICIAL AS A DEFENCE: 36

LACK OF DUE DILIGENCE IN CAPTURING CRIMINALS: 380

LACK OF DUE PROCESS: 598

LACK OF NOTICE OF GROUNDS FOR ARREST: 67

LACK OF OPPORTUNITY TO COMMUNICATE WITH CONSUL: 67

LACK OF PROTECTION: 173

LACK OF RECORDS OF RESPONDENT GOVERNMENT, Effect of: 377

LATE FILING OF CLAIMS: 804

LAW GOVERNING PAYMENTS, Effect of domestic: 213, 217, 327, 411

LAWLESSNESS, Existence of: 523, 529

LEGAL PROCEEDINGS, Delay or suspension of: 382

LEGAL REPRESENTATIVES, Nationality of: 616

LITISPENDENCE: 16

LOAN TO OFFICIAL: 108

LOCAL JURISDICTION, Immunity of foreign merchant vessels from: 444

LOCAL REMEDIES, Exhaustion of: 21

LOOTING: 481

LOSS AND CONFISCATION OF PROPERTY: 486, 496

LOSS OF PROFITS: 472

LOSSES INCURRED IN GOVERNMENT OCCUPATION OF RAILWAYS: 48, 58
 LOWER COURT, Correction of errors of by court of last resort: 458

M

MARITIME LAW, Presumptions under: 164
 MEASURE OF DAMAGES: 82, 101, 117, 149, 173, 220, 278, 282, 283, 364, 440, 482, 537, 529, 575
 Attack upon consul: 173
 Illegal imprisonment: 67
 Indirect responsibility: 220
 Provocation as affecting: 576
 Theft and destruction: 440
 Wrongful death: 145, 149
 MEASURES OF SELF-PROTECTION IN TIME OF WAR: 608, 616
 MEDICAL CARE, Inability to obtain proper: 74
 MEMBERS OF TRIBUNAL, Necessity for joint deliberation by: 805
 MEMORANDUM, Amendment of: 15, 60, 149
 MEMORANDUM AND MEMORIAL OF CLAIM, Variance between: 15
 MEMORIAL,
 Admissibility of proof of facts occurring after filing of memorial: 265
 Amendment of: 149
 As evidence: 327
 Motion for leave to file: 15
 Motion to reject: 15
 Purpose of: 392
 Variance between memorandum and: 15
 MERCHANT VESSELS, Foreign, immunity of from local jurisdiction: 444
 MILITARY ACTS: 53
 MILITARY FORCES:
 Confiscation by: 535
 Requisition by: 364
 Responsibility for acts of: 265, 529
 Summary execution by: 598
 MILITARY OCCUPATION, Responsibility for acts of: 20
 MILITARY OFFICERS, Responsibility for acts of: 586
 MILITARY REQUISITION: 330
 MINOR OFFICIALS, Acts of: 101
 Responsibility for acts of: 57, 81, 98, 145, 149, 151, 155, 173, 392, 408, 416, 476
 MISCONDUCT AS A BAR TO CLAIM: 155
 MISCONDUCT OF AUTHORITIES DUE TO UNDUE INFLUENCE: 418
 MISCONDUCT OF OFFICIALS: 418
 MISREPRESENTATIONS OF AND DESTRUCTION OF PART OF MATERIAL EVIDENCE BY CLAIMANT, Effect of: 173

MISTREATMENT DURING ARREST: 408, 601
 MISTREATMENT DURING ARREST AND IMPRISONMENT: 478
 MISTREATMENT DURING IMPRISONMENT: 67, 74, 283, 313, 564, 658
 MOB VIOLENCE: 110, 117, 538
 MONEY ORDERS, Non-payment of: 213, 217, 218, 327, 411, 521
 MOTION,
 For leave to file memorial: 15
 To amend: 203
 To dismiss: 16, 17, 19, 21, 53, 59
 To reject memorial: 15
 MOTIONS, Consent of agents to disposition of: 150, 151
 MUNICIPALITIES, Acts of: 19

N

NATIONAL RAILWAYS OF MEXICO, Responsibility for losses suffered during operation of trains: 220
 NATIONALITY: 376, 496
 Admission of, by respondent government: 616
 Baptismal certificate as proof of: 358
 Children born in Mexico of American parents: 497
 Dual: 358, 497, 805
 Effect of claimant's statements concerning his or her: 598
 Effect of espousal of claim by government: 35
 Evidence necessary to rebut proof of: 376
 Nationality of daughter born in Mexico of American citizen: 805
 Naturalization of child through naturalization of parent: 496
 Of legal representatives: 616
 Presumption of: 35, 623
 Presumption of loss of American nationality under Act of March 2, 1907: 497
 Proof of: 21, 35, 329, 358, 458, 462, 538, 598, 616, 626, 805
 Right to opt for Mexican nationality, effect of upon American nationality: 377
 Voting certificate as evidence of: 626
 NAVIGATION OF RIO GRANDE RIVER, Right of: 486, 496
 NECESSITY FOR JOINT DELIBERATION BY MEMBERS OF TRIBUNAL: 805
 NECESSITY OF ALLOTMENT: 517
 NECESSITY OF CORROBORATING EVIDENCE OR EXPLANATION OF FAILURE TO FURNISH SAME: 551
 NECESSITY OF DETAILED STATEMENTS: 551
 NECESSITY OF TENDER OF DELIVERY: 472
 NON-PAYMENT OF MONEY ORDERS: 41, 213, 217, 218, 327, 411, 521
 NON-RECOGNITION BY CLAIMANT GOVERNMENT AS ESTOPPEL: 41
 NULLIFICATION OF POSTAGE STAMPS: 209
 NULLITY DECREES: 139
 Effect of: 41

O

- OBLIGATION TO RELEASE PROPERTY NOT PART OF BANKRUPTCY ESTATE: 220
- OFFICIAL, Loan to: 108
- OFFICIALS, Misconduct of: 418
- ORAL ARGUMENT, Right of claimant government to raise during, a ground for claim not theretofore advanced: 391
 - Right of respondent government to raise during, issue not theretofore specifically advanced: 391
- OWNERSHIP OF CLAIM: 36, 67, 218
 - Proof of: 411

P

- PARTIES CLAIMANT: 149, 805
- PARTIES CLAIMANT:
 - Collateral relatives as: 117, 265, 392, 538
 - Wrongful death: 149
- PARTNERSHIP CLAIM: 517
- PAYMENT *ex gratia*: 783
- PAYMENTS, Effect of domestic law governing: 213, 217, 327, 411
 - Personal loans, to officials and soldiers: 440
- PECUNIARY LOSS, Necessity of, as a basis for claim: 265
- PENALTY IMPOSED, Undue severity of: 283
- PENALTY, Inadequate: 646
- PERSONAL INJURIES, Survival of claims for: 449
- PERSONAL LOANS OR PAYMENTS TO OFFICIALS AND SOLDIERS: 440
- POLICE, Acts of: 145, 149, 151
- POLICE POWER, Exercise of, at international boundary: 486, 496
- PORT, Blockade of, in control of insurgents: 339, 341
- PRESUMPTION OF LOSS OF AMERICAN NATIONALITY UNDER ACT OF MARCH 2, 1907: 497
- PRESUMPTION OF NATIONALITY: 623
- PRESUMPTIONS AND BURDEN OF PROOF: 329
- PRESUMPTIONS UNDER MARITIME LAW: 164
- Prima facie* CASE : 36
- Prima facie* EVIDENCE DEFINED: 575
- PRISON, Effect upon claim of escape from: 262, 282, 314
- PRIVILEGED STATUS OF ALIENS UNDER INTERNATIONAL LAW: 41
- PROBABLE CAUSE, Trial without: 418
- PROCEDURE: 150, 151, 391, 669, 805
 - Admissibility of defence raised in brief not theretofore raised in pleadings: 155
 - Amendment of claim: 517, 538
 - Amendment of memorial: 149

Answer, Purpose of: 392
 Burden of proof: 36, 329, 412, 497, 551, 575, 623, 626
 Consent of agents to disposition of motions: 150, 151
 Effect of admission in answer of jurisdictional fact: 329
 Memorial, Purpose of: 392
 Motion for leave to file memorial: 15, 60
 Motion to amend: 203
 Motion to dismiss: 16, 17, 19, 21, 53, 59
 Motion to reject memorial: 15
 Motion to reject or strike memorial: 805
 Necessity for joint deliberation by members of tribunal: 805
 Oral argument, Right of claimant government to raise during, a ground for claim not theretofore advanced: 391
 Oral argument, Right of respondent government to raise during, issue not theretofore specifically advanced: 391
 Presumptions and burden of proof: 329
 Rectification of award: 134, 138, 139
 Time for filing of answer: 15

PROCEEDINGS, Undue delay in judicial: 282, 313, 314, 337, 409, 418, 458

PROFITS, Loss of: 472

PROOF:

Burden of: 36, 329, 412, 497, 551, 575, 623, 626
 By claimant government, Requirement of: 497
 Of claimant government's authority to present claim: 481
 Of damages: 415, 444
 Of existence of claimant corporation: 481
 Of facts occurring after filing of memorial, Admissibility of: 265
 Of foreign law: 661
 Of ownership of claim: 411
 Of right to do business in Mexico: 481
Quantum of: 418

PROOF OF NATIONALITY: 329, 358, 462, 538, 598, 616, 626, 805

Baptismal certificate as: 358
 Evidence necessary to rebut: 376

PROPERTY:

Detention of property not a part of bankruptcy estate: 220
 Illegal detention of: 373
 In custody of bankruptcy court of officials, Responsibility for care of: 220
 Jurisdiction over claim based on title to real: 16
 Loss and confiscation of: 486, 496
 Obligation to release property not a part of bankruptcy estate: 220
 Standard of care of property held in custody: 205
 Survival of claim for loss of: 496
 Wrongful detention of: 219

PROSECUTE, Failure to: 387

PROSECUTION, Dilatory: 77, 98, 275, 389

Undue delay in: 626, 646

PROTECT, Duty to: 632, 653

PROTECT, Duty to, in remote territory: 364, 468, 653
 PROTECT, Failure to: 48, 110, 117, 194, 269, 275, 358, 380, 468, 481, 497, 523, 653, 665, 783
 PROTECTION, Capacity to give: 653
 Lack of: 173
 PROTECTION, requests for, Relevancy of: 653
 PROTECTION OF CONSULS, Responsibility for: 173, 632
 PROVOCATION AS AFFECTING MEASURE OF DAMAGES: 576
 PROXIMATE CAUSE: 20, 219, 364, 415, 537
 PUBLIC SAFETY, Defensive measures in interest of: 608, 616
 PUBLIC VESSELS, Acts of: 164
 PUNISHMENT, Inadequate: 194
 PUNITIVE DAMAGES: 173
 PURPOSE OF ANSWER: 392
 PURPOSE OF MEMORIAL: 392

Q

Quantum meruit, Claim: 139
Quantum OF PROOF: 418
 QUASI-CONTRACT OR UNJUST ENRICHMENT AS A BASIS OF CLAIM: 36

R

RAILWAY COLLISION: 220
 RAILWAYS, Losses incurred in government operation of: 48, 58
 RATE OF INTEREST: 436
 RATES OF EXCHANGE: 213, 217, 327, 411, 521, 661, 665
 RECEIPT AS EVIDENCE, Adequacy of: 329
 RECKLESS USE OF ARMS: 265, 575, 586
 RECTIFICATION OF AWARD: 134, 138, 139
 REFUSAL TO ARREST CRIMINALS: 440
 RELEASE OF SUSPECTED CRIMINALS: 523, 529
 RELEASE ON BAIL: 382
 RELEVANCY OF REQUESTS FOR PROTECTION: 653
 REMOTE TERRITORY, Duty to protect in: 364, 377, 380, 468, 653
 REQUESTS FOR PROTECTION, Relevancy of: 653
 REQUIREMENT OF PROOF BY CLAIMANT GOVERNMENT: 482, 497
 REQUISITION BY MILITARY FORCES: 364
 RESPONDENT GOVERNMENT, Admission of nationality by: 616
 RESPONSIBILITY:
 Direct: 81, 98, 101, 104, 110, 117, 119, 145, 149, 151, 155, 164, 173, 265, 358, 392, 408, 416, 428, 476, 486, 496, 551, 575, 586

- Direct and indirect: 82, 282
- For acts of auxiliary military forces: 265
- For acts of *de facto* government: 41, 203, 411, 418, 506
- For acts of forces: 48, 53, 110, 117, 119, 364, 538, 783, 805
- For acts of military forces: 265, 529
- For acts of military occupation: 20
- For acts of military officers: 586
- For acts of minor officials: 57, 81, 98, 145, 151, 155, 173, 392, 408, 416, 476
- For acts of railway superintendent: 219
- For acts of soldiers: 104, 358, 428, 486, 496
- For care of property in custody of bankruptcy court or officials: 220
- For debts of sequestered corporation: 669
- For losses incurred in government occupation of railways: 48, 58
- For losses suffered during operation by National Railways of Mexico: 220
- For protection of consuls: 173, 632
- Indirect: 220
- RESTITUTION. Claim in: 90, 194, 203
- RIGHT OF ACCUSED TO BE INFORMED OF CHARGE AGAINST HIM: 368
- RIGHT OF CLAIMANT GOVERNMENT TO RAISE DURING ORAL ARGUMENT A GROUND FOR CLAIM NOT THERETOFORE ADVANCED: 391
- RIGHT OF NAVIGATION OF RIO GRANDE RIVER: 486, 496
- RIGHT OF RESPONDENT GOVERNMENT TO RAISE DURING ORAL ARGUMENT ISSUE NOT THERETOFORE SPECIFICALLY ADVANCED: 391
- RIGHT TO CLAIM, Effect of conflicting insolvency proceedings upon: 462
- Effect of domestic law upon: 506
- RIGHT TO DO BUSINESS IN MEXICO, Proof of: 481
- RIGHT TO OPT FOR MEXICAN NATIONALITY, Effect of upon American nationality: 377
- RIGHT TO SECURITY DEPOSIT: 617
- RULES OF EVIDENCE: 35, 575

S

- SCOPE OF DUTY, Acts outside: 586
- SECRETARIAT, Joint: 804
- SECURITY DEPOSIT, Right to: 617
- SELF-PROTECTION IN TIME OF WAR, Measures of: 608
- SEQUESTRATION: 669
- SOLDIERS, ACTS OF: 119
- SOLDIERS ADHERING TO INSURRECTIONARY MOVEMENT, Acts of: 805
- SOLDIERS, Responsibility for acts of: 104, 358, 428, 486, 496
- SOVEREIGN RIGHTS, Exercise of: 608, 615
- SPECIAL CLAIMS COMMISSION. Conflicting jurisdiction of: 381, 401, 435, 470, 529, 535, 551, 626, 640
- STAMPS, Nullification of postage: 209
- STANDARD OF CARE OF PROPERTY HELD IN CUSTODY: 205
- STANDARDS, Failure to meet ordinary judicial: 282, 313, 314

Stare decisis: 411, 418
 STATUS OF VILLISTA FORCES UNDER THE *Compromis*: 783
 STATUTE OF LIMITATIONS, Application of domestic: 213, 411
 STATUTORY EXEMPTION FROM TAXATION: 593
 SUBSTITUTION OF TREASURY OFFICIAL FOR PROSECUTING ATTORNEY: 665
 SUMMARY EXECUTION BY MILITARY FORCES: 598
 SURVIVAL OF CLAIM FOR LOSS OF PROPERTY: 496
 SURVIVAL OF CLAIMS FOR PERSONAL INJURIES: 449
 SUSPECTED CRIMINALS, Release of: 523, 529
 SUSPECTS, Failure to arrest or try known: 653
 SUSPENSION OF JUDICIAL PROCEEDINGS: 646
 SUSPENSION OF LEGAL PROCEEDINGS, Delay or: 382

T

TAXATION, Statutory exemption from: 593
 TAXES, Illegal collection of: 593
 TAXES, Unlawfully assessed and paid under protest: 477
 TENDER OF DELIVERY, Necessity of: 472
 TERMINATION OF CONTRACT BY RESPONDENT GOVERNMENT: 617
 TERRITORIAL WATERS, Collision in: 164
 TITLE TO REAL PROPERTY, Jurisdiction over claim based on: 16
 TRADING WITH THE ENEMY: 608, 615, 616
 TRIAL, Failure to provide: 646
 TRIAL WITHOUT PROBABLE CAUSE: 418
 TRIBUNAL, Necessity for joint deliberation by members of: 805

U

UNCORROBORATED STATEMENTS AS EVIDENCE: 601
 UNDUE DELAY IN INVESTIGATION: 474
 UNDUE DELAY IN JUDICIAL PROCEEDINGS: 282, 313, 314, 337, 409, 418, 458
 UNDUE DELAY IN PROSECUTION: 626, 646
 UNDUE INFLUENCE, Misconduct of authorities due to: 418
 UNDUE SEVERITY OF PENALTY IMPOSED: 283, 313, 314
 UNJUST ENRICHMENT AS A BASIS FOR INTERNATIONAL CLAIM: 669
 UNJUST ENRICHMENT AS A BASIS OF CLAIM: 669
 UNLAWFUL AUCTIONING OF PROPERTY TO SATISFY CUSTOMS DUTIES: 464
 UNLAWFUL COLLECTION OF CUSTOMS DUTIES BY OCCUPYING MILITARY AUTHORITIES:
 17, 19
 UNLAWFUL COLLECTION OF CUSTOMS DUTIES BY OCCUPYING MILITARY FORCES: 59
 UNNECESSARY USE OF ARMS: 486, 496

UNREASONABLE PERIOD, Detention for: 368

UNSUCCESSFUL INSURRECTION, Classification under *compromis* of forces of: 805

V

VARIANCE BETWEEN MEMORANDUM AND MEMORIAL OF CLAIM: 15

VESSEL ENTERING PORT UNDER DISTRESS: 444

VESSELS, Acts of public: 164

Foreign merchant, immunity of from local jurisdiction: 444

VILLISTA FORCES, Status of, under the *compromis*: 783

VIOLENCE, Mob: 110, 117, 538

VOTING CERTIFICATE AS EVIDENCE OF NATIONALITY: 626

W

WAR, Effect on contracts: 608, 615, 616

Measures of self-protection in time of: 608, 616

WITNESSES, Failure to confront accused with: 282, 313, 314

Failure to swear: 282, 313, 314

WRONGFUL DEATH: 81, 98, 101, 117, 119, 145, 149, 392, 416, 575

Collateral relatives as parties claimant: 538

Measure of damages: 117, 149, 575

Parties claimant: 149

WRONGFUL DETENTION OF PROPERTY: 219

WRONGFUL IMPRISONMENT: 449
