

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

J. Parker Kirlin et al. (United States.) v. United Mexican States

23 November 1926

VOLUME IV p. 119



NATIONS UNIES - UNITED NATIONS
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J. PARKER KIRLIN *et al.* (U.S.A.) *v.* UNITED MEXICAN STATES.

(November 23, 1926. Pages 162-163.)

CONTRACT CLAIMS. Claim for non-payment of fee for legal services rendered Mexican Government *allowed*. Only issue before tribunal was as to amount payable, since liability was conceded.

(Text of decision omitted.)

TEODORO GARCÍA AND M. A. GARZA (UNITED MEXICAN STATES) *v.* UNITED STATES OF AMERICA.

(December 3, 1926, dissenting opinion by American Commissioner, undated. Pages 163-185.)

RESPONSIBILITY FOR ACTS OF FORCES.—ACTS OF SOLDIERS.—DIRECT RESPONSIBILITY.—WRONGFUL DEATH.—INTERNATIONAL STANDARD. Killing of Mexican subject by border patrol, under command of officer, *held* in the circumstances an act falling below the international standard.

DENIAL OF JUSTICE.—FAILURE TO PUNISH. Disapproval of sentence of court-martial by President of United States, whereby the commanding officer was restored to duty instead of dismissed from service, *held* not a denial of justice below international standard.

Cross-references: Am. J. Int. Law, Vol. 21, 1927, p. 581; Annual Digest, 1925-1926, p. 215; British Yearbook, Vol. 8, 1927, p. 185.

Comments: Edwin M. Borchard, "Important Decisions of the Mixed Claims Commission, United States and Mexico," Am. J. Int. Law, Vol. 21, 1927, p. 516 at 518; Joseph Conrad Fehr, "International Law as Applied by U.S.-Mexico Claims Commission," A.B.A. Jour., Vol. 14, 1928, p. 312 at 314.

1. This claim is presented by the United Mexican States against the United States in behalf of Teodoro García and María Apolinar Garza, Mexican nationals, father and mother of Concepción García, a girl of Mexican nationality, who on April 8, 1919, between 9 and 10 a.m., was killed by a shot from the American side of the Río Bravo del Norte or Río Grande, while crossing from the American to the Mexican side on a raft propelled by two men in the water, in the company of her mother and her aunt, not far from Havana, Texas, the father, a laborer, looking on from the Mexican bank. An American officer, Second Lieutenant Robert L. Gully, 4th United States Cavalry, was that morning on duty on the border with an armed patrol of four men, had discovered the raft in contravention of the laws, had fired in order to make them halt, and unfortunately had mortally wounded the young girl, who died immediately thereafter. Having been tried before a court-martial, he had been sentenced on April 28, 1919, to be dismissed from the military service, but the commanding officer at San