

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

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**RECUEIL DES SENTENCES  
ARBITRALES**

**Henry Russell and Other Claims (United States.) v. United Mexican States**

8 April 1927

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HENRY RUSSELL AND OTHER CLAIMS (U.S.A.) *v.* UNITED MEXICAN STATES.*(April 8, 1927. Pages 221-222.)*

PROCEDURE, CONSENT OF AGENTS TO DISPOSITION OF MOTIONS. Motions to dismiss *overruled*, with consent of two Agents, subject to right to amend pleadings.

*(Text of decision omitted.)*IDA ROBINSON SMITH PUTNAM (U.S.A.) *v.* UNITED MEXICAN STATES.*(April 15, 1927, concurring opinions by Presiding Commissioner and American Commissioner, April 15, 1927. Pages 222-228.)*

RESPONSIBILITY FOR ACTS OF MINOR OFFICIALS.—ACTS OF POLICE.—DIRECT RESPONSIBILITY.—DENIAL OF JUSTICE.—FAILURE TO APPREHEND OR PUNISH.—ESCAPE DURING IMPRISONMENT. Killing of American subject by Mexican policeman when off duty, followed by arrest of guilty and sentence of death, which was commuted by higher court to eight years, imprisonment, *held* not a denial of justice. Subsequent escape of prisoner during revolutionary disturbances, after thirty months' imprisonment, with no explanation being proffered by respondent Government for disappearance and failure to serve sentence, *held* a denial of justice for which respondent Government was responsible.

*Cross-references:* Am. J. Int. Law, Vol. 21, 1927, p. 798; Annual Digest, 1927-1928, p. 208.

*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 521.

*Fernández MacGregor, Commissioner:*

1. This claim is presented by the United States of America against the United Mexican States demanding from the latter, in behalf of Ida Robinson Smith Putnam, an American citizen, the payment of \$53,106.50 on account of the murder perpetrated by a Mexican policeman, Eleno Uriarte, on the person of the claimant's son, George B. Putnam, an American citizen, a mining engineer, on or about July 5, 1909, in Pilares de Nacozari, Moctezuma, Sonora, Mexico. It is alleged that Mexico is responsible for a denial of justice which consisted in that an entirely unjustified penalty was imposed on Uriarte and, furthermore, in that the latter was not even made to serve such sentence. The Mexican Agency presented a motion to dismiss this claim, but withdrew it on February 11, 1926.

2. The American citizenship of the claimant was challenged by the Mexican Agency in its Answer, but this defense was not again used there-