

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

David Gonzalez (United Mexican States) v. United States of America

2 March 1926

VOLUME IV p. 19



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

allegations, it follows that the claimant was entitled to such refund from the American authorities, which has not been made.

4. For the reasons stated, the motion to dismiss is denied, and the respective Agents are directed to prepare this case for final submission in accordance with this interlocutory decision. The running of time for filing the Answer has been suspended from September 18, 1925, to March 2, 1926.

DAVID GONZALEZ (UNITED MEXICAN STATES) *v.* UNITED STATES OF AMERICA.

(March 2, 1926. Pages 9-10.)

UNLAWFUL COLLECTION OF CUSTOMS DUTIES BY OCCUPYING MILITARY AUTHORITIES. Double payment of export duties to Mexican authorities and occupying American military authorities in and of itself does not give rise to a claim within the jurisdiction of the tribunal. Motion to dismiss *denied* without prejudice to amendment of memorial to set forth any other facts bringing claim within jurisdiction of tribunal.

(Text of decision omitted.)

THOMAS O. MUDD (U.S.A.) *v.* UNITED MEXICAN STATES.

(March 2, 1926. Pages 10-11.)

PROCEDURE, MOTION TO DISMISS.—JURISDICTION.—CONTRACT CLAIMS.—CALVO CLAUSE.—ACTS OF MUNICIPALITIES. Motion to dismiss, on ground that claims based on nonperformance of contractual obligations, claims involving Calvo clause, or claims arising from the acts of municipalities in their civil capacity, are outside jurisdiction of tribunal, *dismissed* without prejudice when it appeared on the face of the record that at least some phases of claim were of a character to be within jurisdiction of tribunal. No ruling was thereby made that claims of the character objected to were without the jurisdiction of the tribunal.

(Text of decision omitted.)
