

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Joseph E. Davis (U.S.A.) v. United Mexican States

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JOSEPH E. DAVIES (U.S.A.) *v.* UNITED MEXICAN STATES.*(March 2, 1926. Pages 13-14.)*

JURISDICTION.—CONTRACT CLAIMS. Claim for non-performance of a contractual obligation. Motion to dismiss, for lack of jurisdiction, *overruled*.

This case is before this Commission on the Mexican Agent's motion to dismiss.

1. The motion rests on the assertion that claims based on an alleged nonperformance of contractual obligations are outside the jurisdiction of this Commission.

2. Although the allegation of nonperformance of contractual obligations is apparent on the face of the record, it does not necessarily follow as a legal conclusion that the claim does not fall within the General Claims Convention.

3. The Commission therefore overrules the motion without prejudice. The running of time for filing the Answer has been suspended from January 27, 1926, to March 2, 1926.

WILLIAM A. PARKER (U.S.A.) *v.* UNITED MEXICAN STATES.*(March 2, 1926. Page 14.)*

PROCEDURE, MOTION TO DISMISS.—NATIONALITY, PROOF OF. When on the face of the record it appeared that claimant was an American national, motion to dismiss *overruled*.

*(Text of decision omitted.)*ILLINOIS CENTRAL RAILROAD COMPANY (U.S.A.) *v.* UNITED MEXICAN STATES.*(March 31, 1926. Pages 15-21.)*

JURISDICTION, *compromis* BASIS FOR. The *compromis* is the tribunal's charter and its terms determine the scope of the tribunal's jurisdiction.

CONTRACT CLAIMS. Contract claims *held* within the tribunal's jurisdiction by virtue of terms of *compromis*.

DENIAL OF JUSTICE.—EXHAUSTION OF LOCAL REMEDIES. Article V of *compromis* construed to require some resort to local remedies, though not necessarily an exhaustion of such remedies, in order that tribunal may have jurisdiction.

Cross-references: Am. J. Int. Law, Vol. 20, 1926, p. 794; Annual Digest, 1925-1926, pp. 4, 215, 235, 407.

Comments: Edwin M. Borchard, "Decisions of the Claims Commissions, United States and Mexico," Am. J. Int. Law, Vol. 20, 1926, p. 536.