

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

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**RECUEIL DES SENTENCES  
ARBITRALES**

**Russell Strother (U.S.A.) v. United Mexican States**

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RUSSELL STROTHER (U.S.A.) *v.* UNITED MEXICAN STATES.*(July 8, 1927. Pages 392-393.)*

CRUEL AND INHUMANE IMPRISONMENT.—EFFECT UPON CLAIM OF ESCAPE OF CLAIMANT FROM PRISON. Claim based upon cruel and inhumane imprisonment and other grounds *allowed*, notwithstanding that for part of period claimant had escaped from jail.

*Fernández MacGregor, Commissioner :*

1. This claim is presented by the United States of America in behalf of Russell Strother, an American Citizen who, as alleged in the Memorial, was arbitrarily and illegally detained by the Mexican authorities who held him prisoner for a long period in violation of Mexican laws and subjected him to cruel and inhuman treatment during the entire period of such detention.

2. According to the record, Strother was one of the men who, together with Harry Roberts and others, were charged with having taken part in an assault on the home of one Eduardo F. Watts, on May 5, 1922, in the vicinity of Ebano station, State of San Luis Potosí, Mexico. All the facts in connection with this claim are the same as those stated in the relative paragraphs of the decision rendered by this Commission, November 2, 1926, in the claim presented by the United States of America in behalf of *Harry Roberts*, Docket No. 185,<sup>1</sup> with the only difference that Strother, together with other convicts, escaped from the prison where he was confined with his companions, on May 16, 1923, and he is charged with being the intellectual and material author of the offense of escaping from prison with the aggravating circumstances of assault on the guard and warden of the jail of Ciudad Valles, State of San Luis Potosí, Mexico. He was reapprehended two days after his escape; that is, Friday, May 18, 1923.

3. Mexico has alleged, on her part, that the circumstance that Strother escaped from the jail where he was confined, as stated, if it does not preclude the claimant from appearing before this Commission to demand an indemnification for damages suffered, should, at least, be taken into account when awarding his damages. The United States, on the other hand, contends that when Strother was reapprehended he suffered on this account cruel treatment which Roberts did not suffer and that he is entitled to greater damages.

4. I consider that the facts set forth in the preceding paragraph should not have any effect on the solution of this case, which is in all its other aspects similar to that of *Harry Roberts*, the considerations of fact and law stated in the Commission's decision referred to above, being applicable to it. Therefore, I am of the opinion that the claimant should be given an award of \$8,000.00.

*Van Vollenhoven, Presiding Commissioner :*

I concur in Commissioner Fernández MacGregor's opinion.

*Nielsen, Commissioner :*

I concur in Commissioner Fernández MacGregor's opinion.

<sup>1</sup> See page 77.

*Decision*

On the above grounds the Commission decides that the Government of the United Mexican States must pay to the Government of the United States of America, on behalf of Russell Strother, the sum of \$8,000.00 (eight thousand dollars), without interest.

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UNITED DREDGING COMPANY (U.S.A.) *v.* UNITED MEXICAN STATES.

(July 15, 1927. Pages 394-396.)

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CONTRACT CLAIMS.—CLAIM *quantum meruit*. Claimant performed dredging services for Carranza Government without written contract. Claim for services rendered measured on basis of compensation claimant had previously been receiving in vicinity *allowed*.

*Cross-reference*: Am. J. Int. Law, Vol. 22, 1928, p. 452.

*Nielsen, Commissioner*:

1. Claim is made in this case by the United States of America in behalf of the United Dredging Company, an American corporation, to recover compensation in the sum of \$33,625.76, currency of the United States, for services performed in an attempt to salvage the Mexican gunboat *Veracruz*, in the Pánuco River near Tampico, Tamaulipas, Mexico, where the vessel was sunk in 1914. Interest is claimed on the amount of \$33,625.76 from July 6, 1914, until the date of payment of any pecuniary award rendered by the Commission. The facts underlying the claim may be briefly summarized as follows:

2. On or about June 18, 1914, Sr. M. Urquidi, at that time Captain of the port of Tampico, which was then under the control of forces of General Carranza, came to the office of the claimant in the city of Tampico, together with Sr. José Certucha, who had formerly been Captain of the port, and as the representative of the Chief of the Constitutionalist Army Sr. Urquidi requested the Vice President of the claimant company to undertake the work of pumping out the sunken gunboat with a view to salvaging it. It is alleged that it was stipulated that the work should be done under the orders and directions of engineers who in turn were acting under orders of General Carranza; and further alleged that the claimant undertook the work and proceeded to perform it under specific orders and directions of the engineers, and that the claimant company itself advanced funds necessary to meet daily expenses. It appears that the claimant operated a dredge called the *Galveston* for a period of sixteen days from about the twentieth of June, 1914, to about the sixth of July, 1914, and that the claimant company was thereupon informed by General Carranza that because of a lack of funds, the work of salvage must be suspended. No written contract with respect to the work in question was made, but the allegations of the Memorial are supported by affidavits of Benjamin T. Davis, Vice President of the claimant company; Benjamin Anderson, employed by the company as a superintendent; Oscar Sternberg, Captain