

**REPORTS OF INTERNATIONAL
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**RECUEIL DES SENTENCES
ARBITRALES**

William Hollis (U.S.A.) v. United Mexican States

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inferences from the nonproduction of available evidence has often been discussed by domestic courts. See for examples, *Kirby v. Tallmadge*, 160 U. S. 379; *Bilokumski v. Tod*, 263 U. S. 149.

The proof of the value of the animals taken is meagre, but since it has not been contested, the claimant should have an award for the amount asked with interest from March 2, 1924.

Decision.

The United Mexican States shall pay to the United States of America in behalf of Edgar A. Hatton, the sum of \$575.00 (five hundred and seventy-five dollars) with interest at the rate of six per centum per annum from March 2, 1924, to the date on which the last award is rendered by the Commission.

WILLIAM HOLLIS (U.S.A.) *v.* UNITED MEXICAN STATES

(September 26, 1928. Pages 11-14.)

CRUEL AND INHUMANE IMPRISONMENT.—MISTREATMENT DURING IMPRISONMENT. Evidence held insufficient to establish claim for cruel and inhumane conditions of imprisonment and mistreatment by authorities during imprisonment.

The Presiding Commissioner, Dr. Sindballe, for the Commission :

Claim is made in this case against The United Mexican States by The United States of America on behalf of William Hollis, an American citizen, for indemnity in the sum of \$15,000 for inhuman treatment alleged to have been accorded him in connection with his detention under arrest at Valles, San Luis Potosí, Mexico, during the days from Friday, September 22, to Sunday, September 24, 1911.

In 1911 the claimant was residing in Mexico, employed by the Mexican Petroleum Company at Ebano, San Luis Potosí. On Friday, September 22, he was arrested at his home at Ebano upon a charge of fraud preferred by Señor Rafael Rodriguez of San Luis Potosí. It appears from the record that he had passed a worthless check for 500 pesos which Señor Rodriguez had cashed, and that he had obtained other smaller amounts from other persons. The order of arrest was issued by the Political Chief at Valles according to letters requisitorial from the Criminal Court of San Luis Potosí, and the order was executed by Camerino Enriques, the Chief of the Police at Valles. The claimant was told that he would have to walk to Valles. He protested, saying that he was suffering from acute rheumatism in his right leg and from a severe rupture (hernia). Thereupon he was allowed to go by train on his payment of the travelling expenses for himself and the guard. He arrived at Valles in the evening of the same day, and was detained there until Sunday evening, when he was sent by train to San Luis Potosí, accompanied by Camerino Enriques.

With regard to the way in which he was treated by the authorities at Valles during his detention there, the claimant alleges the following:

Immediately upon his arrival he was confined in the jail, a room fourteen feet by twenty feet in size, occupied by thirty-four prisoners, reeking with filth, with no windows and no ventilation except through a grated door, and with no sewerage or conveniences of any kind. On the following morning he was removed from this room, and for the rest of the time of his detention at Valles he was allowed to stay at the headquarters of the police. Saturday night the jailkeeper, Regino Dominguez, became drunk at a local celebration, and on his return he asked the claimant for some beer. The claimant paid for four bottles. In the course of Sunday Regino Dominguez took the claimant to several saloons, calling for drinks and demanding the claimant to pay, as well as to give him money. When the claimant showed some hesitancy in complying with the demands of the jailkeeper, the latter drew his revolver and flourished it in the face of the claimant and around his own head, saying, "Look out when I am angered, the earth trembles". The claimant was forced to spend more than eighty pesos on that Sunday. His hair, which was dark brown before this experience, became covered with white.

On Saturday the claimant was informed that he would have to walk to San Luis Potosí, about 300 kilometers unless he paid the travelling expenses. He protested and sent telegrams of protest to the American Consul at San Luis Potosí and to the Governor of the State. He further sent a telegram to Señor Rafael Rodriguez, to whom he had passed the worthless check, asking him to pay the travelling expenses—although, according to his own statement as above mentioned, he was in possession of an amount of money sufficient to cover the said expenses. He alleges that he obtained a promise from Rodriguez to the effect that the latter would refund him the expenses. Subsequently he agreed to pay and was accordingly, as already mentioned, sent by train to San Luis Potosí, where he arrived Monday morning, September 25.

On September 28 the claimant was released, the American Consul at San Luis Potosí having obtained a guarantee from the employers of the claimant for the sum due to Rodriguez, and the latter having withdrawn his charge.

A short time after his release the claimant asked the American authorities to claim an amount of \$15,000 from the United Mexican States.

The claim as set forth in this case is predicated upon allegations concerning the following matters: (1) The demand that the claimant would have to walk from Ebano to Valles and from Valles to San Luis Potosí unless he paid the travelling expenses of himself and the guard; (2) The treatment the claimant received from Regino Dominguez on Sunday, September 24; and (3) the confinement of the claimant in the jail described above during the night between Friday, September 22, and Saturday, September 23.

The facts regarding the allegations with respect to the claimant's complaint that he was obliged to walk or to pay his own travelling expenses are too indefinitely shown to make it possible to arrive at any positive conclusion with regard to misconduct on the part of the authorities. It would seem that the claimant chose to pay his travelling expenses or that some one paid them for him, and in any event, he was not forced to the detriment of his health to walk a long distance.

As regards the treatment which it is alleged the claimant received from Regino Dominguez, the question which the Commission has to decide is principally a question of evidence. The respondent government has undertaken an investigation according to which it is true that the claimant and the jailkeeper visited saloons together on the said Sunday, that the claimant paid for the drinks ordered, and that the jailkeeper was drunk, and boisterous, on one occasion throwing the claimant's money on the floor. The respondent government denies, however, that the claimant accompanied the jailkeeper otherwise than from his own free will. Now, besides the claimant's own statement, made for the first time to the American Consul at San Luis Potosí during the claimant's detention there, there is produced an affidavit by one Blodgett to the effect that he saw and heard that money was demanded from the claimant, and a letter from the American Consul at San Luis Potosí stating that the guard who brought the claimant to this city orally confirmed "the intoxication of Dominguez, the threats and demands for money". But these declarations give very few particulars. And the claimant's own declarations suffer from certain exaggerations. Further, the claimant would not seem to be in the charge of or dependent upon the jailkeeper from the time of his alleged removal from the jail, and it appears from the record that he was allowed to send messages and telegrams to several persons and to go to a hotel to take his meals, accompanied by a guard only. In view of those circumstances the Commission holds that the evidence produced does not convincingly prove that the claimant was forced to spend his money in the company of the jailkeeper on the Sunday in question.

With regard to the alleged confinement of the claimant in the jail during the first night of his detention at Valles the only evidence submitted is the statement of the claimant himself made to the American Consul at San Luis Potosí during the claimant's detention there. As the Commission entertains some doubt as to the perfect reliability of the statements of the claimant, it is found that an award cannot be based with sufficient certainty solely on the particular statement in question. Furthermore, this statement has been denied by the guard who brought him to Valles, although first in the course of a governmental investigation which—owing to revolutionary disturbances in the State of San Luis Potosí, it is alleged—did not take place until about a year after the detention of the claimant at Valles.

Decision

The claim made by the United States of America on behalf of William Hollis is disallowed.
