

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Parsons Trading Company (United States.) v. United Mexican States

5 March 1929

VOLUME IV p. 418



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

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

(*March 5, 1929. Pages 135-137.*)

CONTRACT CLAIMS.—RESPONSIBILITY FOR ACTS OF *de facto* GOVERNMENT.—EFFECT OF DOMESTIC STATUTE OF LIMITATIONS.—*Stare Decisis*. Claim for goods sold and delivered to respondent Government during Huerta regime *allowed* pursuant to prior rulings. Defence based upon Mexican law requiring presentation of such claims to Mexican Government within fixed period *overruled* pursuant to prior rulings.

(*Text of decision omitted.*)

WALTER J. N. McCURDY (U.S.A.) *v.* UNITED MEXICAN STATES.

(*March 21, 1929, concurring opinion by American Commissioner, March 21, 1929. Pages 137-150.*)

DENIAL OF JUSTICE.—MISCONDUCT OF OFFICIALS.—MISCONDUCT OF AUTHORITIES DUE TO UNDUE INFLUENCE.—EVIDENCE BEFORE INTERNATIONAL TRIBUNALS.—QUANTUM OF PROOF. When charge of misconduct of officials due to undue influence is made, *held*, evidence of the highest and most conclusive character must be furnished to establish such a charge.

IRREGULARITIES IN JUDICIAL PROCEEDINGS.—FAILURE TO PROVIDE COUNSEL TO ACCUSED. Claim based on irregularities in judicial proceedings must rely on matters of substance rather than matters of form. Basic irregularities, including trial of accused without counsel, *held* not established.

TRIAL WITHOUT PROBABLE CAUSE. Evidence before Mexican authorities *held* sufficient to justify trial.

UNDUE DELAY IN JUDICIAL PROCEEDINGS. Eight months *held* not undue period in the circumstances for investigation of claimant's guilt by the courts.

CRUEL AND INHUMANE IMPRISONMENT. Claim that claimant received inadequate living allowance during imprisonment *held* not established by the evidence.

Cross-references: Annual Digest, 1929-1930, p. 165; British Yearbook, Vol. 11, 1930, p. 225.

Commissioner MacGregor, for the Commission:

Claim in the sum of \$50,000.00, United States currency, is made in this case by the United States of America against the United Mexican States on behalf of Walter J. N. McCurdy, a citizen of the United States, a victim, it is alleged, of illegal acts of the Governor and the Secretary of State of the State of Sonora, as well as of the courts of said State, in com-