

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**George M. Waterhouse and Annie B. Waterhouse (United States.) v. United
Mexican States**

18 April 1929

VOLUME IV p. 477



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Mexico, by which Ermerins was informed of the looting. It is mentioned in these letters that the authorities searched both the house and the office of Ermerins. The Agent of the Hamburg-America line mentions that he was present when the search of the office took place, and that the Alcalde took a map of Mexico from the office. Neither the British Vice-Consul nor the agent of the Hamburg-America line was present when the house was searched, and neither of them states the grounds upon which they base their belief that the authorities committed the robbery. The contention that the authorities did so must therefore be considered as unproven.

From the inventory of the articles stolen from Ermerins' house it appears that a regular looting took place. Especially in view of the fact that the house was situated just across the street from police headquarters and the Alcalde's office, the Commission is of the opinion that a crime of this nature could not have taken place, if the authorities of the town had properly fulfilled their duty to afford protection to the property of Ermerins, which they must have known would be exposed to danger under the circumstances prevailing at the time. An award in the sum claimed without interest should therefore be given in this case.

Decision

The United Mexican States shall pay to the United States of America on behalf of Victor A. Ermerins the sum of \$1,464.05 (one thousand four hundred sixty-four dollars and five cents), United States currency, without interest.

GEORGE M. WATERHOUSE and ANNIE B. WATERHOUSE (U.S.A.)
v. UNITED MEXICAN STATES

(*April 18, 1929. Page 221.*)

DENIAL OF JUSTICE.—FAILURE TO PROSECUTE.—FAILURE TO PUNISH
ADEQUATELY. Claim arising under circumstances set forth in *Norman
T. Connolly and Myrtle H. Connolly* claim *supra* allowed.

(*Text of decision omitted*)

HENRY W. PEABODY AND COMPANY (U.S.A.) v. UNITED MEXI-
CAN STATES

(*April 18, 1929. Pages 222-223.*)

TAXES UNLAWFULLY ASSESSED AND PAID UNDER PROTEST. Claim for taxes
paid under protest, the decree under which such tax was assessed later
being held unconstitutional by Mexican Supreme Court, *allowed*.