

**REPORTS OF INTERNATIONAL
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**RECUEIL DES SENTENCES
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Darden Blount (U.S.A.) v. United Mexican States

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however, that on January 17, 1924, when some fifty mounted men were ready to start in pursuit of the bandits, the Colonel refused them permission to do so. In view hereof, and since no other action to apprehend the criminals appears to have been taken, the Commission is of the opinion that a failure to take proper steps to apprehend the bandits such as to make Mexico responsible has been established in this case, and that therefore an award should be made in the sum of \$400, United States currency.

Decision.

The United Mexican States shall pay to the United States of America on behalf of S. J. Stallings, \$400 (four hundred dollars), United States currency, without interest.

DARDEN BLOUNT (U.S.A.) *v.* UNITED MEXICAN STATES

(April 22, 1929. Pages 226-228.)

DENIAL OF JUSTICE.—FAILURE TO APPREHEND OR PUNISH. On day following the discovery of the body of a murdered American subject the Mexican authorities began an investigation at the spot where the body lay and thereafter apprehended three suspects who were later released for lack of evidence. American Agent contended a more thorough investigation should have been had. Claim *disallowed*.

Commissioner Fernández MacGregor, for the Commission:

On February 13, 1918, there was found in the neighborhood of a ranch called Klein Ranch, situated in the vicinity of Ciudad Juárez, Chihuahua, Mexico, the body of John D. Blount, an American citizen, with indications of his having been murdered a few days previous thereto.

The Mexican authorities were notified, and on the day following the discovery, the corresponding investigation was initiated, the Court personnel proceeding to the spot where the body lay. Several proceedings were carried out; three men who appeared suspicious were apprehended, but they were later released for want of evidence of responsibility against them. After this, the Mexican authorities took no further steps to obtain the punishment of this crime.

The United States of America, on behalf of Adele Darden Blount, mother of the deceased, now claims from the United Mexican States, the amount of \$25,000.00, United States currency, alleging that the Mexican authorities refused or failed to apprehend the murderer or murderers of Blount, for which reason the claimant sustained a denial of justice on the part of the Government of Mexico.

The evidence produced by both Governments regarding the facts is very meagre; the American Agency presented only a few notes from the American Consul having jurisdiction at the place of the occurrence, reporting the facts and transmitting correspondence which contained promises made to him by Mexican judicial officials to investigate the matter with due care.

The Mexican Agent produced the judicial record compiled as a result of the investigation undertaken to ascertain who were responsible for the

crime, and the said record shows that the Mexican judges complied in general with the law, proceeding to examine all the witnesses who could furnish any information, and arresting three men who appeared suspicious, principally one named Santa María Carrasco, who was said to be resentful toward Blount, because the latter wanted to eject him from a house which he had built on the land in the ranch where Blount was working. It appears that the Mexican judge released the three men for want of evidence against them, and that after this, judicial action ceased. The American Agent stated during the hearing of the case that, in view of the mystery surrounding the crime, he did not think there was a deficiency in the proceedings carried out by the Mexican judge during the initial investigations, he contending only that the judge abandoned too soon, and without making careful investigations, the clues or suspicions existing against Santa María Carrasco. He stated that if the latter had been shadowed by a detective, or some other adequate means had been adopted, it would perhaps have been discovered that this man was really guilty, and it is mainly on the lack of such investigation, that he bases his conclusions of defective administration of justice on the part of Mexico.

In view of the foregoing facts, the meagreness of the evidence, and taking into account the Commission's previous opinions on the subject of denial of justice brought about by defective administration thereof, the Commission is unable to conclude that there is an international delinquency on which to ground the granting of an award.

Decision

The claim of the United States of America on behalf of Adele Darden Blount is disallowed.

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

(April 30, 1929. Pages 228-234.)

CORPORATE CLAIMS.—PROOF OF EXISTENCE OF CLAIMANT CORPORATION.—
PROOF OF RIGHT TO DO BUSINESS IN MEXICO. A copy of certificate of incorporation and a certificate of Secretary of State of State of incorporation *held* sufficient proof of existence of claimant corporation. Fact that it had ceased to do business *held* not to operate as a dissolution of corporation or prevent its bringing claim.

ESPOUSAL OF CLAIM BY GOVERNMENT.—PROOF OF CLAIMANT GOVERNMENT'S AUTHORITY TO PRESENT CLAIM. Proof that claimant Government was authorized by claimant to present claim on its behalf *held* not necessary.

FAILURE TO PROTECT.—LOOTING.—HOSTILITY OF MEXICAN AUTHORITIES. Evidence *held* insufficient to establish charges of failure to furnish protection, looting, and hostility of authorities.

CONFISCATION OF PROPERTY. Claimant's pipe line and pumping system was confiscated by the government of the State of Sonora. Claim *allowed*.