

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Mary Evangeline Arnold Munroe (U.S.A.) v. United Mexican States

17 May 1929

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be released until he had paid his taxes. He was, however, granted the freedom of a part of the city, and on the following day he obtained his freedom on giving bond for the payment of the amount of taxes due.

Knotts, who was some sixty years of age, was suffering from a heart disease, and it is alleged that this became aggravated as a result of the treatment he received at the hands of the Mexican authorities.

It is alleged in the Mexican Answer that the arrest of Knotts took place pursuant to an order of *arraigo* issued by the Municipal President. According to Mexican law, however, failure to pay taxes does not warrant the imposition of arrest or *arraigo*, and the imposition of an *arraigo* does not give a right to arrest the person upon whom it is imposed, an *arraigo* being only a precautionary measure to the effect of forbidding a person to leave a certain jurisdiction. Further, an *arraigo* cannot be imposed without the interposition of the judiciary. The treatment accorded Knotts was therefore clearly in contravention of Mexican law.

The evidence submitted does not show that Knotts suffered great hardships during his detention. Neither can it be considered as sufficiently proven that Knotts' heart disease was permanently aggravated by what happened, although, according to the statement of a medical expert, this may have been the case. The Commission is of the opinion that an amount of \$300.00, United States currency, may properly be awarded in favor of Knotts as compensation for the illegal treatment accorded him.

Decision

The United Mexican States shall pay to the United States of America on behalf of Joseph D. Knotts the sum of \$300.00 (three hundred dollars), United States currency, without interest.

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AMENDMENT OF CLAIM. Claim for death of an American subject was originally filed in name of father of decedent. Later tribunal granted motion to substitute claimant in his place and stead, designating as claimant the sister and surviving next-of-kin of decedent. *Held*, such substitution of parties was proper and claimant entitled to present claim. No issue of late filing involved.

NATIONALITY, PROOF OF. Evidence of American nationality of claimant and her relationship to decedent *held* sufficient.

WRONGFUL DEATH, COLLATERAL RELATIVES AS PARTIES CLAIMANT. Sister of murdered American subject *held* entitled to present claim.

RESPONSIBILITY FOR ACTS OF FORCES.—MOB VIOLENCE.—DENIAL OF JUSTICE.—FAILURE TO APPREHEND OR PUNISH. Claim arising under same circumstances as those set forth in *Thomas H. Youmans* claim *supra* allowed.

Cross-reference: Annual Digest, 1929-1930, p. 178.

(Text of opinion omitted.)
