

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

George W. Cook (U.S.A.) v. United Mexican States

5 November 1930

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GEORGE W. COOK (U.S.A.) *v.* UNITED MEXICAN STATES*(November 5, 1930. Pages 167-168.)*

CONTRACT CLAIMS.—COMPUTATION OF AWARD.—AWARD CALCULATED AS OF TIME WHEN CONTRACT DEBTS WERE PAYABLE.—RATES OF EXCHANGE. Claim arising under circumstances similar to those set forth in *George W. Cook* claim *supra* allowed and reasoning of that case followed.

INTEREST. Interest awarded from date of latest invoice in the record to the date on which the last award is rendered by the tribunal.

*(Text of decision omitted.)*SOPHIE B. STURTEVANT (U.S.A.) *v.* UNITED MEXICAN STATES*(November 5, 1930, Pages 169-174.)*

FAILURE TO PROTECT. An American mine superintendent informed the Mexican authorities that his life had been threatened by a discharged employee. Said employee was arrested, but a few days later it was reported he was at liberty in Palmarito, where the mines in question were located. The superintendent protested to the authorities and stated that in the circumstances he was afraid to continue his work. The authorities advised that the former employee had been fined but refused to take further action. Two days later the superintendent was found dead in the mine, apparently having been shot from ambush. *Held*, in absence of evidence that discharged employee was guilty of attack, lack of protection by respondent Government not established.

DENIAL OF JUSTICE.—FAILURE TO APPREHEND OR PUNISH.—SUBSTITUTION OF TREASURY OFFICIAL FOR PROSECUTING ATTORNEY. Where investigation of crime was promptly begun and proceeded with reasonable diligence, *held*, denial of justice not established. Intervention of a Collector of Revenue as the representative of the Prosecuting Attorney *held* not an irregularity. Fact that only person arrested for crime was not the discharged employee suspected to be guilty and such person was thereafter released *held*, in the circumstances, not a denial of justice.

Comments: Edwin M. Borchard, "Recent Opinions of the General Claims Commission, United States and Mexico", *Am. J. Int. Law*, Vol. 25, 1931, p. 735 at 739.

The Presiding Commissioner, Dr. H. F. Alfaro, for the Commission:

This claim is presented by the United States of America on behalf of Sophie B. Sturtevant against the United Mexican States to obtain indemnification in the sum of \$100,000.00 (one hundred thousand dollars) United States currency, for losses and damages suffered as the result of the murder of her husband, Charles Ferris Sturtevant, an American citizen, which occurred on June 4, 1924, in Mocorito, State of Sinaloa, Mexico.