

JOSEPH D. KNOTTS (U.S.A.) *v.* UNITED MEXICAN STATES

(*May 13, 1929. Pages 312-314.*)

The Presiding Commissioner, Dr. Sindballe, for the Commission:

In this case claim in the sum of \$10,000.00, United States currency, is made against the United Mexican States by the United States of America on behalf of Joseph D. Knotts, an American citizen, for alleged illegal arrest and detention by Mexican authorities in the town of Guadalupe y Calvo, Chihuahua, Mexico, and for alleged harsh and humiliating treatment in connection with the arrest and during the detention.

Knotts was in possession of a tract of land situated in the Mina District of Chihuahua, which he, together with certain other persons had purchased in 1913 or 1914 and had paid for, without the necessary documents of title having been executed. Knotts had paid the taxes on the land from March, 1914, to April, 1919, amounting to some ten or fifteen pesos per month. On or about January 1, 1921, demand was made on Knotts by the Collector of Taxes at Guadalupe y Calvo for payment of the taxes then due. Knotts informed the Tax Collector that he could not pay until he had obtained the necessary money in Parral, that he could not go to Parral immediately, but that as soon as he could do so he would pay the amount due. He states that the Tax Collector agreed to a postponement of the payment.

In the morning of April 15, 1921, Knotts, while en route to Parral, made a stop at Guadalupe y Calvo and visited an American friend who lived there. Shortly after Knotts had entered the house of his friend, the officer in command of the rural forces at the town, accompanied by four or five armed soldiers, came and took Knotts to the military headquarters. Here Knotts was detained for three hours, and it is alleged that he was placed in damp and unsanitary quarters, and that he suffered severely from the intense cold. After three hours had elapsed he was conducted to the office of the Municipal President, by whom he was informed that he would not

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.
