

RICHARD A. NEWMAN (U.S.A.) *v.* UNITED MEXICAN STATES

(May 6, 1929. Pages 284-286.)

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

In this case claim in the sum of \$15,000.00, United States currency, is made against the United Mexican States by the United States of America on behalf of Richard A. Newman, an American citizen, alleged to have

been kidnapped by Mexican bandits, for failure on the part of the Mexican authorities to rescue Newman and to apprehend and punish the kidnappers.

The facts out of which the claim arises are alleged to be as follows:

During the early part of January 1923, the claimant went to Mexico and established a small farm on a rented plot of ground known as the Hacienda Guatimapé in the State of Durango, about sixty miles north of the City of Durango. On April 24, 1923, he went out on horseback to visit an old dam site located at the foot of a mountain range about three miles distant from his Hacienda, for the purpose of fishing in a river and of satisfying his interest in a certain engineering project. While in route he was accosted by four or five armed Mexicans, robbed of his horse, a pistol, a pocket knife, and some few pesos he had on his person, and taken into the mountains. The abductors proved to be under the leadership of General Juan Galindo, a well known rebel or bandit in the region. They told Newman that he would be released only on payment of \$30,000.00, Mexican currency, and they subjected him to various hardships. They kept him until October 29, 1923, when he was released on payment by a special representative of the American Government of \$300.00, United States currency. He was then in a miserable condition, infested with vermin and suffering with an infected leg, which had been injured during an attempt to escape, and which made treatment in a medical sanatorium necessary, causing him an expense of about \$1,000.00, Mexican currency.

The respondent Government alleges that Newman joined the bandits or remained with them from his own free will. It appears that certain rumors to that effect existed in the region, and such rumors are reflected in testimony given by military authorities of the State of Durango as well as by some other persons. It further appears that Newman was allowed to write a number of letters in English to representatives of the American Government. But these facts furnish no proof for the assumption that the case was one of self-abduction, and in the light of the content of Newman's letters, which are to the effect that he does not believe that Galindo will kill him, and that he does not want anybody to pay ransom for him, the assumption must be rejected.

As soon as the abduction of Newman was brought to the knowledge of the Mexican Government, orders to rescue Newman were issued to the military authorities of the State of Durango. But it must be assumed that these authorities were dilatory in the matter, possibly because they believed the case to be one of self-abduction, possibly because Galindo, although followed by a group of only a few men, had such relations with the population of the region as to make the authorities consider him not as a usual bandit but to some extent as a political factor. On May 30, 1927, Galindo surrendered to the military authorities, but neither he nor his followers were ever brought to trial or punished for the abduction of Newman. It appears that the surrender took place according to an arrangement previously arrived at, the terms of which are unknown.

The Commission is of the opinion that Mexico must be responsible for failure on the part of the Mexican authorities to take proper steps to rescue Newman and bring his abductors to trial, and that, therefore, an award in the sum of \$7,000.00, United States currency, should be rendered in the present case.

Decision.

The United Mexican States shall pay to the United States of America on behalf of Richard A. Newman the sum of \$7,000.00 (seven thousand dollars), United States currency, without interest.
