

JOHN I. HOWE (U.S.A.) *v.* UNITED MEXICAN STATES*(May 9, 1929. Pages 286-288.)**The Presiding Commissioner, Dr. Sindballe, for the Commission:*

In this case claim in the sum of \$647.47, United States currency, is made against the United Mexican States by the United States of America on behalf of John I. Howe, an American citizen, for alleged failure on the part of Mexican authorities to take proper steps to apprehend and punish some bandits or rebels responsible for the theft of property belonging to the claimant.

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

In October, 1923, Howe left the United States for the State of Veracruz, Mexico, with an emigrant car containing cattle, farm implements, household furniture and supplies. In the town of Lagos, a station on the Veracruz to Isthmus Railway, the cattle were unloaded and placed in the pasture of one E. D. Stone. Howe himself settled in the town of Isla, another station on the said Railway, and opened a store there. In December, 1923, at a time when, incident to the Adolfo de la Huerta insurrection, Government protection to the town of Lagos was withdrawn, a group of armed men, some fifty in number, drove off the cattle which Howe had placed in Stone's pasture, and during January and February, 1924, at a time when, incident to the same insurrection, Government protection was withdrawn from the town of Isla, and rebels were in possession of that town, a band of armed men came to Howe's store and robbed it of property of an alleged value of the sum claimed. In March, 1924, Government forces again came into possession of the town of Isla. Howe then informed the commander of the Government troops of the robbery of his property, and requested that steps be taken to apprehend the culprits, but no action was taken. A short time after, when Howe was travelling on a railway train, he recognized among the passengers the leader of the band which had robbed his store, and pointed him out to a sergeant who was stationed at Isla, and who, together with another soldier, was also on the train. But the sergeant took no action. Upon the arrival of the train at the next station, the soldiers and the culprit left the train. Howe also got off the train and applied to the

commander of the Government troops at that station, requesting him to have the culprit arrested, but no action was taken.

Originally compensation for the value of the cattle as well as of the merchandise was claimed, but now only the alleged value of the merchandise taken from Howe's store is claimed. It is not contended that the Mexican authorities were in a position to prevent the robbery of the store, but the contention is made that Mexico must be responsible, because the military authorities took no action when Howe requested them so to do. The Commission, however, is of the opinion that, in the light of the evidence submitted it is not clear whether the information given by Howe was of such a nature as to afford a sufficient basis for an action of the military authorities, and that, therefore, in the absence of more satisfactory evidence, no award can be rendered in the present case.

Decision.

The claim of the United States of America on behalf on John I. Howe is disallowed.
