

ROBERT O. RENAUD (GREAT BRITAIN) *v.* UNITED MEXICAN STATES

(Decision No. 52, May 29, 1931. Pages 114-117.)

1. The Memorial sets out that during the period October 1895 to April 1907 Mr. Renaud purchased several lots of land in the Colony of Metlaltoyuca, District of Huauchinango, State of Puebla. On gaining possession of the property the claimant commenced to fence the land and had constructed about seven miles of barbed wire fencing with hardwood posts. He had cleared over 600 acres of land, planting it for pasture; constructed two corrals; built a good frame house for himself and family and several houses for his workmen. For the first few years after the establishment of the colony, land was held by some 150 foreign nationals, of whom about fifty lived in the colony. Assassinations and robberies committed in the colony, rendered possible by the lack of police protection, caused the numbers of the colony to dwindle.

As Mr. Renaud had five sons of school age, he was obliged to live in Mexico City and he obtained employment there. Mr. Renaud placed a Mexican caretaker in charge of his property in the colony of Metlaltoyuca. In June 1912, owing to the cessation of all business, which state of affairs was due to the disturbed conditions at the time, Mr. Renaud and his family left Mexico City for Alberta, Canada, via Veracruz. A short time after this the Mexican caretaker was driven out of the claimant's property by the revolutionaries, who had taken possession of the town of Metlaltoyuca. These revolutionaries took away all Mr. Renaud's movable property and destroyed the remainder, chiefly by fire.

The robbery and destruction was at the hands of some of the revolutionary bands in the neighbourhood and it was not possible to identify the individuals responsible, but from a letter written by a Mr. W. E. Springall, it appears that they were Carrancistas. There were no police in the neighbourhood, although taxes were charged for and paid by the members of the colony. The presence of Federal soldiers in the colony offered no restraint to the activities of the revolutionaries.

Although Mr. Renaud was baptized in the name of Achille Oscar Adjutor, he assumed the name of Robert at the time of his confirmation and has used it consistently since that date.

His Majesty's Government claim on behalf of Mr. R. O. Renaud the sum of 15,130.00 dollars, United States currency.

2. The Mexican Agent with his Answer to the Memorial, filed a record of proceedings for the hearing of witnesses, held at his instance on the 30th November, 1928, before the Municipal President of Metlaltoyuca; and with his Motion of the 26th March, 1931, he filed the record of further proceedings of the same nature, held before the same authority, on the 18th April, 1929.

In the Agent's submission both documents showed that the losses and damages were caused by the state of abandonment in which the claimant left his properties. There was no proof whatever that they were caused by any of the forces specified in Article 3 of the Convention, nor in case of having been caused by rebels, mutineers or brigands, that the Mexican authorities were in any way to blame.

The Agent also denied that the claimant's British nationality had been established, because there had only been filed a baptismal certificate of one Achille Oscar Adjutor Renaud, and it had not been shown that this man and Robert O. Renaud were one and the same person.

3. The British Agent considered that sufficient evidence had been produced with the Memorial to establish the fact that Mr. Renaud was a British subject.

Contrary to the opinion of the Mexican Agent, he asserted that the losses and damages had in fact been caused by the acts of forces within the meaning of Article 3 of the Convention. It might be true that the abandonment had also contributed to the losses and damages, but such abandonment had been enforced by the disturbed situation of the colony and by the many attacks by revolutionary forces on life and property. In his opinion, the testimony of more than one witness heard at the instance of the Mexican Agent confirmed the allegations on which the claim was based.

4. The Commission accept as sufficient *prima facie* evidence of the claimant's British nationality the certificate of baptism of Achille Oscar Adjutor Renaud, filed with the Memorial. They see no reason why they should not accept as *bona fide* the statement of the claimant that later in life he took a Christian name of his own choice and that he is the same individual as mentioned in the certificate. It is difficult to understand what reason he could have had for producing a certificate relating to another person, the more so as he had already, in his sworn affidavit of the 9th December, 1925, given the same date and place of birth as recorded in the baptismal certificate delivered nearly two years later.

5. The Commission have, in examining the claim, drawn a distinction between (1) the losses alleged to have been sustained through the destruction of a house and other buildings together with their contents, and (2) the losses alleged to have been sustained through the taking of cattle and horses, the

destruction of wire fencing and the deterioration of land that had been cleared and converted into pasture at great expense.

6. As regards the first item, the Commission have found no corroboration of the allegations of the claimant. The letter of Mr. W. E. Springall produced as annex 5 of the Memorial, and which gives an account of the situation of the colony, is dated the 4th October, 1916. It relates that nearly every house at Metlaltoyuca was robbed and burned by Carrancistas, and although it fails to state the dates when all this happened, the letter gives the impression of dealing with more or less recent occurrences. But Mr. Renaud left Mexico in June 1912, and his affidavit shows that his property was robbed and destroyed either before or very soon after that time. It is therefore not certain that Mr. Springall's letter refers to the same events as are alleged to have caused the claimant's losses.

This seems the less certain in that the witnesses, heard at the instance of the Mexican Agent, denied that the house had been looted and burned by armed forces. These witnesses—all of whom were living at Metlaltoyuca at the time mentioned in the Memorial, and some of whom lived close to Mr. Renaud's property or worked thereon regularly—deposed that the claimant's caretakers neglected their duties and left the property abandoned, although the state of safety prevailing would have allowed them to remain. It was not—according to all the witnesses—any acts of violence that had destroyed the house and annexes, but the gradual effects of time working on wooden buildings, when empty and not looked after.

In view of so much conflicting evidence, the Commission cannot consider this part of the claim as having been sufficiently proved.

7. As regards the second part of the claim, the letter of Mr. Springall contains no information, but some indication can be found in the record of the proceedings, when witnesses were heard on the 18th April, 1929.

Among them was the former caretaker of the claimant, and he indeed declared that a great number of cattle had been taken by Carrancistas. But other witnesses deposed that the whole or part of the cattle had been sold, and others again that the caretaker himself had appropriated the animals and sold them for his own account. All that proves to have been sufficiently confirmed is that the Carrancistas took seven horses.

The protocol also shows a good deal of contradiction as regards the area fenced in and made into pasture, but the figures given in the Memorial have not been confirmed by a single one of the witnesses. All of them gave much lower estimates, but it may, taking their depositions as a whole, be inferred that the claimant did, on that account, suffer losses through the acts of Carrancistas who visited the place.

The Commission hold that for the aggregate losses set down under this head of the claim, an amount of \$1,300 pesos Mexican gold, is fair and reasonable compensation.

8. The Commission decide that the Government of the United Mexican States shall pay to the British Government, on behalf of Mr. Robert O. Renaud (baptized Achille Oscar Adjutor Renaud) the sum of \$1,300 (one thousand three hundred pesos), Mexican gold.

This decision was a majority decision as regards the standing of the claimant, which has not, in the opinion of the Mexican Commissioner, been established.