REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

J. and O.L.B. Nason and Aubrey Williams (U.S.A.) v. United Mexican States

2 November 1926

VOLUME IV pp. 81-82
11. For the reasons stated above the Commission decides that the Government of the United Mexican States must pay to the Government of the United States of America on behalf of Harry Roberts $8,000.00 (eight thousand dollars) without interest.

J. AND O. L. B. NASON AND AUBREY WILLIAMS (U.S.A.) v. UNITED MEXICAN STATES.

(November 2, 1926. Pages 106-108.)
companion obtained some kind of an informal permit; there is no other evidence that Nason was wrongfully killed; and some evidence produced by the American Agent tended strongly to show that Nason was not wrongfully and unlawfully killed. The Commission therefore must hold that the claim has not been substantiated.

6. In the Memorial filed in the Williams case it is alleged that Williams was killed by "an armed Mexican customs guard in the service of the Government of Mexico" and that "the said Government of Mexico did not punish him for the wrongful acts committed by him as set forth herein, but instead absolved him from all responsibility and condoned the wrongful acts committed by him." The record before the Commission with respect to allegations of wrongful shooting of Williams is the same as that with respect to the unsubstantiated allegations of wrongful killing of Nason. And no evidence was presented by the United States to support a charge that the Mexican Government condoned wrongful acts on the part of the customs guards. The Commission must therefore also hold that no valid claim has been established in this case.

**Decision**

7. The Commission accordingly decides that these consolidated claims must be disallowed.

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LAURA M. B. JANES et al. (U.S.A.) v. UNITED MEXICAN STATES.

*November 16, 1925, separate statement regarding damages by American Commissioner, November 16, 1926. Pages 108-131.*

**Failure to Apprehend or Punish.** Evidence held to establish lack of diligence of Mexican authorities in apprehending killer of American citizen. Claim allowed.

**Direct and Indirect Responsibility.**—**Denial of Justice.**—**Measure of Damages.** Measure of damages in cases of denial of justice based on condonation theory rejected and damages instead allowed limited to such as follow from respondent Government's failure to apprehend and punish, including damages for material losses and for personal indignity and grief.

**Cross-references:** Am. J. Int. Law, Vol. 21, 1927, p. 362; Annual Digest, 1925-1926, pp. 218, 256; British Yearbook, Vol. 8, 1927, p. 184.