

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

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**RECUEIL DES SENTENCES  
ARBITRALES**

**Edward Le Bas and Company (Great Britain) v. United Mexican States**

29 April 1931

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EDWARD LE BAS AND COMPANY (GREAT BRITAIN) *v.* UNITED  
MEXICAN STATES

(*Decision No. 36, April 29, 1931. Pages 48-51. See also decision No. 5.*)

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OWNERSHIP, PROOF OF. Claim *disallowed* for lack of evidence of ownership.

(*Text of decision omitted.*)

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JAMES F. BARTLETT (GREAT BRITAIN) *v.* UNITED MEXICAN  
STATES

(*Decision No. 37, May 13, 1931. Pages 51-53.*)

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IDENTITY OF CLAIMANT. When evidence raises question as to whether claimant was the same person as the one who suffered damage, an unsworn statement of another person as to claimant's identity *held* insufficient evidence to remove doubt.

RESPONSIBILITY FOR ACTS OF FORCES.—FAILURE TO SUPPRESS OR PUNISH.—DUTY TO PROTECT IN REMOTE TERRITORY. Failure to drive out rebels in remote territory within one month *held* no negligence on part of respondent Government.

1. The British Government on behalf of James F. Bartlett claim the sum of \$4,209.35 Mexican gold, for damage sustained by him at Alamo, Lower California, where (as he alleges) under the name of James F. Morgan he was the proprietor of a store and restaurant. It is stated that on the 23rd March, 1911, a band of Mexican rebels commanded by one Guerrero invaded his store and took 800 dollars and the articles itemized in annex 1; that the said rebels destroyed the roof of the store, the hen-house, a shed, two windows and a back door, that the town was in the possession of the rebels from the 24th March to the 24th April, 1911, and that he was during that period, forced to board ten rebels under order of Captain Moseby; that he suffered the damage incident to the stoppage of his business due to the invasion in question, under which head he also claims. He accuses the Mexican Government of not having sent troops until the 23rd June, 1911. The said claimant states that in 1911 he filed the same claim with the Comisión Consultiva de Indemnizaciones on the 12th September, under the name of James F. Morgan, but that he had obtained no result.

2. The British Government base their claim on the statements of the claimant himself and on those of certain witnesses, Max J. Weber, Henry Finel and C. B. McAleer; on a certificate of F. Simpich, American Consul, and of W. D. Madden, British Consul at Ensenada, Lower California, as regards the damage claimed for; but in order to establish the fact that J. F. Bartlett, in whose name the claim is filed, is the same person as J. F. Morgan, that being the name by which the claimant was known in Mexico, an unsworn statement by one John Shapley made before the Mayor of Windsor is produced. The claimant also submits a birth certificate in which he appears under the name of James Frederick, the child of George Bartlett and of Elizabeth Morgan, and as born in 1840.