

ARMANDO COBOS LOPEZ (UNITED MEXICAN STATES) *v.*
UNITED STATES OF AMERICA.

(*March 2, 1926. Pages 12-13.*)

This case is before this Commission on the American Agent's motion to dismiss.

1. The pertinent paragraphs of the Memorial, as amended by the motion of the Mexican Agent filed February 27, 1926, through which it is sought on behalf of the claimant to fix liability on the United States, read as follows:

"That in the year 1914, he was a student of the Naval School established in the city and port of Veracruz; that as a direct and proximate result of the armed invasion of the said city by forces of the American Government, Venustiano Carranza, President of the United Mexican States at that time, ordered the closing of the Naval School until further orders, i.e., until such time as the port of Veracruz should again come under the control of the National forces; that when the school was reopened, he was absolutely wanting in the means to acquire the necessary equipment, which brought about the impossibility of continuing his career. * * * That the injury suffered by him being the proximate consequence of the occupation of the Naval Academy as a part of the port of Veracruz by the American forces, and inasmuch as it was this act that brought about the closing of the Academy and the impossibility for the claimant to continue his career because of the difficult personal circumstances in which he was left, * * *"

2. The only act of the Government of the United States complained of is the military occupation of Veracruz. According to the allegation of the Memorial, the naval school, which claimant was attending, was closed by order of the President of Mexico. When it reopened, the claimant was unable to re-enter the school for lack of funds. There is no allegation of any wrong cognizable by this Commission committed by the American Government, or for which it is responsible, and resulting either directly or indirectly or remotely in injury to claimant; and it is apparent from the Memorial that no such allegation can be made. It would not be profitable to discuss the remoteness, both in time and in the natural and normal sequence, of the damage alleged, to the act complained of; although it is apparent that such act was not in legal contemplation the proximate cause of such damage. It therefore follows that the motion of the American Agent to dismiss this claim must be sustained.

3. The Commission decrees that the Government of the United States of America is not obligated to pay to the Government of the United Mexican States, any amount on account of the claim asserted herein on behalf of Armando Cobos Lopez.
