

CLARA W. RONEY AND GEORGE E. BOLES (U.S.A.) *v.* UNITED MEXICAN STATES.

(March 2, 1926. Pages 5-6.)

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These cases are before this Commission on the Mexican Agent's motion to dismiss.

1. The claimants are the widow and father of Frederick John Roney and Early Boles, respectively, who it is alleged were unlawfully killed by armed Mexicans on or about the 5th day of January, 1920.

2. The ground of the motion to dismiss is that it appears on the face of the record that these cases fall within the jurisdiction of the Special Claims Commission, constituted under the Special Claims Convention, and are not within the jurisdiction of this Commission.

3. This Commission is constituted under the terms of the General Claims Convention signed September 8, 1923. The preamble recites that the high contracting parties, "desiring to settle and amicably adjust claims by the citizens of each country against the other \* \* \* (without including the claims for losses or damage growing out of the revolutionary disturbances in Mexico which form the basis of another and separate convention) have decided to enter into a convention with this object". Article I of the Convention, defining in broad and general terms the jurisdiction of this Commission, carves out of its general jurisdiction claims "arising from acts incident to the recent revolutions". The other and separate convention, referred to in the preamble of the General Claims Convention, is that designated "Special Claims Convention" signed September 10, 1923, Article III of which specifies five categories of claims which fall within the jurisdiction of the Special Claims Commission constituted thereunder.

4. The Memorandum, the Memorial and the documents and proofs in support thereof, filed by the American Agent, read together, bring these cases clearly within the jurisdiction of the Special Claims Commission. This being true, this Commission is without jurisdiction to hear and decide them and the motion of the Mexican Agent to dismiss must be sustained.

5. These claims are two out of several hundred, which have been filed by the American Agent with both this Commission and the Special Claims Commission. As the jurisdiction of this Commission is general and as many cases may arise in which, from the facts alleged, it is not clear within which jurisdiction they fall, it will prove helpful to this Commission to have before it, in considering such claims, the opinions of the Special Claims Commission in the series of test cases, already submitted to it, in which it is believed opinions will be rendered at an early date. Such opinions on legal points are entitled to and will have great consideration and will be given great weight by this Commission in construing the exceptions contained in Articles I and VIII and in the preamble of the General Claims Convention.

6. In the cases here presented, however, the allegations contained in the memorandum and supporting exhibits numbered 4, 9, 15, 22, 23, 25, and 29 filed by the American Agent, leave no room to doubt that they fall within the jurisdiction of the Special Claims Commission, and hence that this Commission is without jurisdiction to decide them.

7. It is hereby ordered that docket Nos. 195 and 284, the United States of America on behalf of Clara W. Roney and George E. Boles, respectively, *v.* United Mexican States, be, and they are, hereby dismissed without prejudice to the right of the United States of America to espouse and prosecute them elsewhere.

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