

**JUAN MANZO (PANAMA) *v.* UNITED STATES**

*(May 26, 1933. Pages 693-694.)*

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In 1905 Juan Manzo, then a boy between 10 and 13 years of age, was working as a water carrier for the Municipal Engineering Division of the Isthmian Canal Commission. The testimony for both parties is in agreement that Manzo was regularly allowed by his superiors to oil the sheaves, through which ran a cable used for hoisting material to a reservoir at Ancon, Canal Zone. It is the opinion of the Commission that the practice of allowing Manzo to oil the sheaves was equivalent to directing or employing him to do so, and that it was negligence *per se* to employ so young a child as an oiler of heavy machinery in motion.

On September 4, 1905, Manzo, while oiling, caught his right hand in one of the sheaves and lost his fingers and half of his palm.

The principal point argued by the parties is whether the case is governed by the municipal law of Panama, which gave private persons a right to sue the Government in tort, or by the municipal law of the United States which did not give such a right. It is the opinion of the Commission that the liability in this case does not depend upon the decision of this question. Manzo's injury was brought on by the negligent conduct of an agent of the Government of the United States. The responsibility for such an injury depends not on the right to maintain an action under the municipal law, but directly upon the terms of the treaty which provides *inter alia* for decision by the Commission upon "all claims for losses or damages originating in acts of officials or others acting for either government and resulting in injustice . . .".

The Commission, taking into account the seriousness of the injury and the length of time for which compensation has been delayed, decides that the Government of the United States is obligated to pay to the Government of Panama, on behalf of Juan Manzo, \$2,500, without interest.

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