

ALEXANDER ST. J. CORRIE (U.S.A.) *v.* UNITED MEXICAN STATES

(*March 5, 1929. Pages 133-135.*)

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*The Presiding Commissioner, Dr. Sindballe, for the Commission :*

In this case claim in the sum of \$50,000.00, United States currency, is made against the United Mexican States by the United States of America on behalf of Alexander St. J. Corrie, alleged to be the father and the heir or next of kin of William Wallace Corrie, a seaman of the United States Navy, who, on April 9, 1913, was shot by Cipriano Lucero, the Chief of Police of Guaymas, Sonora, Mexico. The claim is predicated, first, on the act of Cipriano Lucero, and secondly, on the alleged failure of the Mexican authorities properly to prosecute and punish Lucero for having shot Corrie.

It is contended by counsel for Mexico that neither the American nationality of Alexander St. J. Corrie nor his kinship to the deceased, William Wallace Corrie, has been adequately established by the proofs submitted by counsel for the United States. With regard to the question of nationality it is stated in an affidavit of the claimant himself that he is a citizen of the United States by birth, and this statement has been corroborated by affidavits of several of his relatives or acquaintances. Likewise, the kinship of the claimant to the deceased has been asserted by affidavit of the claimant himself, and corroborated by affidavits of several other persons as well as by the enlistment record of the deceased in the United States Navy, in which the claimant is mentioned as the "beneficiary or next of kin" of the deceased. The commission is of the opinion that the evidence thus submitted should be considered as sufficient.

With regard to the circumstances surrounding the shooting of William Wallace Corrie the following appears from the record:

On April 9, 1913, a liberty party from the *U. S. S. California*, including Corrie, went ashore at Guaymas. A number of the men visited saloons and

came under the influence of intoxicating liquor. They caused some disorder in the streets, and Cipriano Lucero interfered. He wore no uniform, but his capacity of policeman was known at any rate to some of the seamen. A struggle broke out between Corrie and Cipriano Lucero, the latter trying to take from Corrie a beer bottle which he had in his possession. During the struggle a number of beer bottles were thrown in the direction of the fighters by some of the seamen. At least one of those bottles hit Cipriano Lucero but without doing him any serious harm. Another bottle hit Corrie, who staggered back and was seized by the right arm by a member of the ship's patrol just reaching the scene of the disorder. Cipriano Lucero then drew his revolver and shot Corrie, and as some of the seamen and one Schlenther, belonging to the ship's patrol, attempted to disarm Lucero, the latter fired another shot which instantly killed one Klesow, master-at-arms, United States Navy, who was trying to push back sailors from the scene of the fighting.

The Commission does not think it proper, on the facts thus established, to regard the act of Cipriano Lucero in shooting Corrie as an act for which Mexico must be directly responsible under international law. On the other hand the event that had taken place certainly was of such a nature as to make it the duty of Mexico to institute a thorough investigation. What has been done in this respect is not quite clear. It appears that Lucero was arrested on April 10, 1913, the day after the killing of Corrie, and that the testimony of a number of witnesses, citizens of Guaymas, as well as persons from the *California*, was taken by the competent Mexican court. On April 13, however, Lucero was released and resumed his duties as Chief of Police of Guaymas. Certain court records are alleged to have been lost, which may be due to the disturbed conditions known to have existed in Sonora during the time subsequent to the killing of Corrie. The American Consular Agent at Guaymas reported to the State Department on April 10, 1913, that the proper authorities were making the strictest investigation, but he does not appear to have made any comment on the release of Lucero on April 13, nor does any action by American authorities appear to have been occasioned thereby. In 1914 Lucero was deported from Sonora, and it appears that he was arrested by the American authorities in Nogales, Arizona, and that the American Consul at Nogales, Mexico, suggested to the Arizona authorities the detention of Lucero until he, when a Mexican Government had been established, might be turned over to that Government for trial and possible punishment. However, this course of action was not adopted by the American authorities, but Lucero was released. In view of those circumstances, the Commission would not feel justified in giving an award in the present case, although, of course, a serious doubt remains as to the appropriateness of the procedure in question of the Mexican court.

#### *Decision*

The claim of the United States of America on behalf of Alexander St. J. Corrie is disallowed.

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