

REPORTS OF INTERNATIONAL ARBITRAL AWARDS

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Friederike Gottlieb (United States) v. Austria and Bohemian Savings Bank

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Applying the rules announced in Administrative Decision No. II to the facts as disclosed by the record herein, the Commission decrees that under the Treaty of Vienna the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of the claimant herein.

JOSEPH AMSCHLER (UNITED STATES) *v.* AUSTRIA AND BANCA COMMERCIALE TRIESTINA

(June 9, 1927. Pages 51-52.)

JURISDICTION.—DEBTS, NATIONALITY OF CLAIM. Deposit in Austrian bank which on July 16, 1920, became Italian national. *Held* that debt is not "enemy debt" within terms of Treaty of Vienna.

Bibliography: Bonynge, pp. 28-29.

On behalf of the claimant in case styled and numbered as above ¹ an award is sought against Austria based exclusively on a bank deposit of 5,248 kronen and 75 heller to the credit of claimant in the Banca Commerciale Triestina, located at Gorizia, which prior to the war was embraced in the territory of the former Austrian Empire. On the coming into effect of the Treaty of St. Germain on July 16, 1920, Gorizia became a part of and the debtor bank a national of Italy. ²

The Commissioner holds that the Banca Commerciale Triestina is not with respect to claimant an "enemy debtor" within the meaning of that term as found in the Treaty of Vienna and that the claim here asserted is not an "enemy debt" falling within the terms of that Treaty.

Applying the rules announced in Administrative Decision No. II to the facts as disclosed by the record herein the Commission decrees that under the Treaty of Vienna of August 24, 1921, the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of the claimant herein.

FRIEDERIKE GOTTLIEB (UNITED STATES) *v.* AUSTRIA AND BOHEMIAN SAVINGS BANK

(June 9, 1927. Pages 52-53.)

JURISDICTION.—DEBTS, NATIONALITY OF CLAIM. Deposit in Austrian bank which prior to July 16, 1920, became Czechoslovakian national. *Held* that debt is not "enemy debt" within terms of Treaty of Vienna.

Bibliography: Bonynge, pp. 28-29.

¹ Original report: United States of America on behalf of Joseph Amschler, claimant, *v.* Austria and Banca Commerciale Triestina, of Gorizia, Italy, *Impleaded*, docket No. 337.

² See Banca Commerciale Triestina *v.* Banque des pays de l'Europe centrale before Italo-Austrian Mixed Arbitral Tribunal, decided on November 12, 1924, V Dec. M.A.T. 523.

On behalf of the claimant in case styled and numbered as above ¹ an award is sought against Austria based exclusively on a savings bank deposit of 38.57 kronen to the credit of claimant in the Bohemian Savings Bank, located at Prague, which before the war was embraced in the territory of the former Austrian Empire. Prior to the coming into effect of the Treaty of St. Germain on July 16, 1920, the principal Allied and Associated Powers had recognized the existence of Czechoslovakia as an independent State, and it was a party to that Treaty as an Allied Power (see preamble to Treaty of St. Germain).

The deposit upon which this claim is based is in a bank located at Prague in Czechoslovakia, which bank is not with respect to claimant an "enemy debtor" within the meaning of that term as found in the Treaty of Vienna, and the claim here asserted is not an "enemy debt" falling within the terms of that Treaty.

Applying the rules announced in Administrative Decision No. II to the facts as disclosed by the record herein the Commission decrees that under the Treaty of Vienna of August 24, 1921, the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of the claimant herein.

ALEXANDER KARL RUDOLPH (UNITED STATES) *v.* AUSTRIA

(June 9, 1927. Page 53.)

JURISDICTION.—WAR: CONFISCATION OF PRIVATE PROPERTY. *Held* that claim based upon confiscation of property in 1805 during Napoleon's campaign falls outside terms of Treaty of Vienna.

On behalf of the claimant in case styled and numbered as above ² an award is sought against Austria for \$250,000, the value of property belonging to the claimant's grandfather who fought in the Prussian army allied with the Austrian army and whose property was confiscated in 1805 during Napoleon's campaign.

The Commissioner holds that the claim here asserted does not fall within the terms of the Treaty of Vienna.

Applying the rules announced in Administrative Decision No. II to the facts as disclosed by the record herein the Commission decrees that under the Treaty of Vienna of August 24, 1921, the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of the claimant herein.

HENRY NEUGASS (UNITED STATES) *v.* AUSTRIA AND HUNGARY

(January 6, 1928. Pages 54-59.)

BONDED PUBLIC DEBTS AND STATE SUCCESSION: LIABILITY FOR INTEREST.—
INTERPRETATION OF TREATIES: RULE OF EFFECTIVENESS.—INTERLOCUTORY

¹ Original report: United States of America on behalf of Friederike Gottlieb, claimant, *v.* Austria and Bohemian Savings Bank, of Prague, *Impleaded*, docket No. 553.

² United States of America on behalf of Alexander Karl Rudolph, claimant, *v.* Austria, docket No. 891.