

# **REPORTS OF INTERNATIONAL ARBITRAL AWARDS**

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## **RECUEIL DES SENTENCES ARBITRALES**

**Joseph Amschler (United States) v. Austria and Banca Commerciale Triestina**

9 June 1927

VOLUME VI p. 234



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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.

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

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

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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:* Bonyngé, pp. 28-29.

On behalf of the claimant in case styled and numbered as above <sup>1</sup> 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. <sup>2</sup>

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.

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

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

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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:* Bonyngé, pp. 28-29.

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<sup>1</sup> 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.

<sup>2</sup> 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.