

REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

Alexander Karl Rudolph (United States) v. Austria

9 June 1927

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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.