

REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

**Estate of Alexander Ortlieb (United States) v. Austria and Edward Coumont,
Executor of Estate of Louis Ortlieb**

6 January 1928

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became due on or prior to July 2, 1921 (the date on which the United States declared the state of war with Austro-Hungary ended), in respect of the pre-war "Hungarian unsecured debt". Bond-holders must look to the new obligations issued by the Succession States for interest accruing subsequent to that date.¹

It follows that the United States on behalf of the claimant herein is entitled to an award against Austria for 377.57 silver gulden, being 71.348 per cent of the aggregate amount of the coupons presented herein which by their terms became due on or prior to July 16, 1920, and also an award against Hungary for 202.17 silver gulden, being 28.652 per cent of the coupon, presented herein which by their terms became due on or prior to July 2, 1921.

Interlocutory judgments herein will be entered in accordance with the rules of procedure announced in Administrative Decision No. 11 at page 35.²

ESTATE OF ALEXANDER ORTLIEB (UNITED STATES) *v.* AUSTRIA
AND EDWARD COUMONT, EXECUTOR OF ESTATE OF LOUIS
ORTLIEB

(January 6, 1928. Page 60.)

JURISDICTION.—DEBTS. *Held* that claim for unpaid annuities over period 1917-1920 falls outside terms of Treaty of Vienna: no debt which fell due during period of belligerency arising out of pre-war transaction or contract.

Bibliography: Prossinagg, p. 31.

This case having come before the Commission for decision upon the statement of facts submitted by the American Agent, and due consideration having been had, the Commissioner finds that the claim does not fall within the terms of the Treaty of Vienna of August 24, 1921, it appearing that it is based exclusively on a demand for payment of four annuities of \$2,000.00 each payable in the United States on December 25 of the years 1917, 1918, 1919, and 1920, under the will of decedent claimant's brother, an Austrian national, which annuities remain unpaid except for three sums aggregating \$1,650,000 received in 1923 and 1924, the last annuity fully paid being that for the year 1916, and it further appearing that there is no debt herein asserted which fell due during the period of belligerency arising out of a pre-war transaction or contract within the meaning of the Treaty of Vienna and Administrative Decision No. II; therefore it is by the Commission.

Decreed, That under the Treaty of Vienna of August 24, 1921, and in accordance with its terms the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of the claimant, Estate of Alexander Ortlieb, deceased, and the case numbered and styled as above³ is hereby dismissed.

¹ The conclusion here reached is in harmony with the decisions of the Anglo-Hungarian Mixed Arbitral Tribunal (see *British Clearing Office v. Hungarian Clearing Office*, J. H. Gosschalk *v.* Hungarian Government, V. Dec. M. A. T. pp. 53-58).

² This volume, p. 227 *supra*.

³ Original report: United States of America on behalf of Estate of Alexander Ortlieb, deceased, claimant, *v.* Austria and Edward Coumont, Executor of Estate of Louis Ortlieb, deceased, *Impleaded*, docket No. 811.