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**RECUEIL DES SENTENCES  
ARBITRALES**

**Postal treaty Case (of a general nature)**

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bolivars, plus interest at the rate of 3 per cent per annum from the date of the presentation of the claim to the Commission up to and including December 31, 1903.

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POSTAL TREATY CASE

The Commission, under the protocols, has no power to allow interest after the probable termination of its labors.

Claimants appearing before the Commission accept its limitations.

RALSTON, *Umpire*:

The Commissioners of Italy and Venezuela disagreeing on the question of the time for which interest should run on the above-mentioned claim, that question was duly referred to the umpire.

According to article 2, paragraph 33, of the Postal Treaty,<sup>1</sup> a government failing to pay charges, etc., for transportation due by it is, after six months' notice, chargeable with interest at the rate of 5 per cent per year. Interest at this rate is now asked till payment shall be made. The Venezuelan Commissioner admits interest should commence to run from July 1, 1900.

The rate and the time of commencement of interest are both fixed by the treaty, which is a contract determining absolutely the rights of the parties. However, as indicated in the Cervetti case, No. 9,<sup>2</sup> the Commission is without power to give interest to run beyond the time of the probable termination of its labors, and this principle extends, in the umpire's opinion, not alone to damage cases, but to cases arising under contracts.

It is to be borne in mind that claimants presenting themselves before this Commission appear before a body of limited powers, and are to be regarded as accepting its drawbacks in consideration of anticipated benefits. One possible drawback is the loss of interest after the termination of the Commission.

It is not the duty of the umpire to pass upon the justice of the claim for interest beyond the life of the Commission, and he does not do so, but solely upon the question of jurisdiction, and this decision, as well as the decision in the Cervetti case, is to be regarded as so limited.

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SAMBIAGGIO CASE<sup>3</sup>

(By the Umpire:)

Revolutionists are not the agents of government and a natural responsibility does not exist.

Their acts are committed to destroy government and no one should be held responsible for the acts of an enemy attempting his life.

The revolutionists (in this case) were beyond governmental control and the government can not be held responsible for injuries committed by those who have escaped its restraint.

The word "injury" occurring in the protocol imports legal injury; that is, wrong inflicted on the sufferer and wrongdoing by the party to be charged.

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<sup>1</sup> U.S. Statutes at Large, vol. 30, p. 1691.

<sup>2</sup> *Supra*, p. 492.

<sup>3</sup> The general subject involved in this opinion is discussed by Ch. Calvo, in *Revue de Droit International*, vol. 1 (1869), p. 417, and by Prof. L. de Bar in the same magazine, vol. 1 (second series, 1899), p. 464. See also *Annuaire de l'Institut de Droit International*, vol. 17 (1868), pp. 96-137, and Ch. Wiesse's *Le Droit Inter-*