

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES  
ARBITRALES**

Commission established under the Convention concluded between the  
United States of America and the French Republic on 15 January 1880

**Case of Pierre S. Wiltz v. the United States of America,  
decision of 19 January 1882**

Commission constituée en vertu de la Convention conclue entre les  
États-Unis d'Amérique et la République française le 15 janvier 1880

**Affaire concernant Pierre S. Wiltz c. les États-Unis d'Amérique,  
décision du 19 janvier 1882**

19 January 1882

VOLUME XXIX, pp.219-222



NATIONS UNIES - UNITED NATIONS  
Copyright (c) 2012

### **PART XIII**

---

**Commission established under the Convention  
concluded between the United States of America and  
the French Republic on 15 January 1880**

---

**Commission constituée en vertu de la Convention  
conclue entre les États-Unis d'Amérique et  
la République française le 15 janvier 1880**



COMMISSION ESTABLISHED UNDER THE CONVENTION  
CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND  
THE FRENCH REPUBLIC ON 15 JANUARY 1880

COMMISSION CONSTITUÉE EN VERTU DE LA CONVENTION  
CONCLUE ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA  
RÉPUBLIQUE FRANÇAISE LE 15 JANVIER 1880

Case of *Pierre S. Wiltz v. the United States of America*, decision of  
19 January 1882\*

Affaire concernant *Pierre S. Wiltz c. les États-Unis d'Amérique*,  
décision du 19 janvier 1882\*\*

Claim of a deceased French citizen for the destruction of his property and imprisonment—competence of the legal representatives to appear and prosecute a claim in case of death of the claimant, without reference to the nationality of the representatives.

Jurisdiction of the Commission in the case of the death of the original claimant—requirement for citizenship of the country at the time the loss occurred or the injury was sustained—the real and beneficial claimants (i.e. heirs or legatees) to possess the same citizenship as the claimant and to appear and present the case themselves.

Rejection of the motion by the administrator to appear for the heirs of the claimant instead of the heirs appearing for themselves.

Réclamation d'un citoyen français décédé pour destruction de sa propriété et emprisonnement—compétence des représentants légaux pour comparaître et soumettre une réclamation en cas de décès du demandeur, sans aucune référence à la nationalité des représentants.

Compétence de la Commission en cas de décès du demandeur initial—nationalité exigée au moment où le préjudice survient ou au moment où le dommage est éprouvé—les demandeurs bénéficiaires (c'est-à-dire les héritiers ou les légataires) doivent avoir la même nationalité que le demandeur, comparaître et soumettre l'affaire personnellement.

Rejet de la demande de l'administrateur tendant à ce qu'il compare pour les héritiers du demandeur, en lieu et place de leur comparution en personne.

\*\*\*\*\*

---

\* Reprinted from John Bassett Moore (ed.), *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. III, Washington, 1898, Government Printing Office, p. 2246.

\*\* Reproduit de John Bassett Moore (éd.), *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. III, Washington, 1898, Government Printing Office, p. 2246.

Washington, January 19, 1882

Leon R. Delrieu, a French citizen, died at New Orleans, April 15th, 1879. He was the original owner of this claim. He was a French citizen both at the time he suffered the loss and at the time he died.

Pierre S. Wiltz, of New Orleans, files this claim as the duly appointed administrator of Delrieu. He states in the memorial that the present beneficial owners of the claim are the creditors and heirs of said Delrieu, "who are legally represented by your memorialist."

He does not state that the creditors and heirs of Delrieu, or any of them, are French citizens.

The counsel of the United States demurs on the ground "that it does not appear from the memorial that the alleged beneficial owners of the claim are, or ever were, citizens of France". He claims that this commission has no jurisdiction of a claim unless at least some one of the beneficial owners is a French citizen. He admits that the nationality of the administrator is of no account, for he has no beneficial interest and merely represents the real claimants.

The counsel of France claims that as Delrieu was a French citizen at the time he suffered the loss, and so continued up to the time of his death, the administrator of his estate has the right to present and recover for the claim although none of his creditors and heirs are French citizens.

This is a question of jurisdiction.

In deciding it we must be governed by the language and meaning of the convention.

We think it was not enough that the deceased was a French citizen when he suffered the loss and when he died, and that his administrator presents the claim. It should further appear that the real and beneficial claimants, who will ultimately receive the amount that may be allowed, are French citizens; and they must appear and present their claims. This appears to us to be the plain meaning of the first and second articles of the convention. They do not, in our judgment, admit of any other construction.

We do not think it necessary, at this time, to make any further statement of the reasons for this decision.

The demurrer is therefore sustained, and the claim is disallowed.