

SURVEY  
OF  
INTERNATIONAL  
ARBITRATIONS

1794-1938

BY

A. M. STUYT

UNIVERSITATIS LUGDUNI BATAVORUM  
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## PREFACE

The end of the 18th century brought a change in the character of international arbitration which had always been of a diplomatic character but now took on a juridical one through the institution of the so called Mixed Commissions. Great Britain and the United States of America concluded the Jay Treaty on November 19, 1794, whereby for the first time a mixed commission was created for the settlement of differences between two States. Soon other States followed their example and gradually this jurisprudence attained an increasing influence on the development of international law.

At present there are three standard collections which contain the arbitral jurisprudence from 1794 to 1902<sup>1)</sup>. From 1902 to the present day these jurisprudence are to be found only in divers books and papers.

For the following reasons this publication seems justified: first, the arbitrations which took place from 1794 to 1938 are given in chronological order with special reference to the various publications in which they are found; further, the data regarding each arbitral case is given in outline form thus facilitating its use.

Article 37 of the Hague Convention for the pacific settlement of international disputes concluded on October 18, 1907, defines international arbitration as: „International arbitration has for its object the settlement of disputes between States by judges of their own choice and on the basis of respect for law”. Adopting this definition some 400 arbitrations have been analyzed in the following manner:

### 1. PARTIES.

The parties are named. A State may be a Party in an arbitral dispute as such or as having espoused the claim of its subject. In a few instances, as exception to the above quoted definition, one of the Parties was not a State<sup>2)</sup>.

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<sup>1)</sup> H. La Fontaine: *Pasicrisie internationale. Histoire documentaire des arbitrages internationaux*, Berne 1902; J. B. Moore: *History and digest of the international arbitrations to which the United States has been a party*, Washington 1898 (6 vol.); A. de Lapradelle et N. Politis: *Recueil des arbitrages internationaux*, Paris 1905 and 1923 (vol. I 1798-1855; vol. II 1855-1872).

<sup>2)</sup> See numbers 75, 211, 212, 286, 328, 333, 335, 351, 353, 361, 362, 370, 372, 373, 383, 385, 386, and 401. These arbitrations had, however, an international character. Compare the arbitrations between Lippe-Detmold, Schaumburg-Lippe, Lippe Weissenfeld (8, 199, 279), German States (15, 16, 17, 80), Swiss Cantons (18, 19, 30), Lahore (31), Two Sicilies (36), Hannover (39), Sardinia (41), Canada (46, 113), New Brunswick (46), New Granada (55), Moldavia (57), Wallachia (57), Muscat (62), Zanzibar (62), Barolong, Batlapins, Griquas (92), Ontario (113), Bakwena (145), Bamangwato (145), Holy See (274), Danzig (327), Saudi Arabia (396a), Yemen (396a).

Since it is possible that there have been international arbitrations during the

## 2. DISPUTE.

The nature of the dispute is designated in a few words. The matter of difference is described in the terms set down in the treaty or special agreement.

## 3. ARBITRATOR; ARBITRAL TRIBUNAL.

Sometimes parties have designated as arbiter one person (the head of a State, a jurist, a diplomat, the Pope etc.) or an already existing body (court of appeal, court of cassation, Senate of Hamburg, Government etc.) and at others they have selected a special tribunal.

4. ARBITRAL TREATY OR SPECIAL AGREEMENT <sup>1)</sup>.

- a. Date of conclusion (chronological).
- b. The terms by which the parties have indicated to the arbiter which law is to be applied. The Hague Convention of 1907 states that the arbitrator must give a decision „on the basis of respect for law”. Sometimes international conventions, international custom, the general principles of law, judicial decisions <sup>2)</sup> were asked to be applied and yet again a decision was asked *ex aequo et bono* or even more vaguely as *amiable compositeur*. The judicial significance of an arbitral award is dependent largely on the instruction given under this letter <sup>3)</sup>.
- c. Text.

## 5. AWARD OR OTHER DISPOSITION OF CASE.

The arbitral award which may or may not have been motivated is given unless the difference was settled by a treaty or agreement. If there were

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period 1794-1938 which have not been, or at least only sporadically, published, this Survey can not make any claim to completeness. The Appendix refers to: international postal arbitrations based on the Conventions of the Universal Postal Union since 1874 (No. I); international Commissions of Inquiry (Nos. II, IV, V, and VII); the activities of the Central American Court of Justice 1907-1918 (No. III); a Committee of Jurists (League of Nations, No. VI); and the international Commissions of Conciliation (Nos. VIII, IX, X, XI, XII, and XIII). However, to the activities of the permanent Court of International Justice, and to those of Prize Courts and the Mixed Arbitral Tribunals, which have been published separately, no reference is made in this Survey.

<sup>1)</sup> See article 52 of the Hague Convention for the pacific settlement of international disputes, 1907.

<sup>2)</sup> See article 38 of the Statute of the permanent Court of International Justice.

<sup>3)</sup> Compare: article 48 of the Hague Convention for the pacific settlement of international disputes, July 29, 1899; article 73 of the Hague Convention for the pacific settlement of international disputes, October 18, 1907; article 7 of the Hague Convention relative to the establishment of an international Prize Court, October 18, 1907.

several arbiters designated it is possible that some of them have made known a personal or dissenting opinion which is also listed.

- a. Date of the award or the period within which a series of similar awards were pronounced.
- b. The party in whose favour the decision was given. This is often difficult to give in a few words especially in boundary disputes in which instances it is better to refer to the award.
- c. It is also of importance whether both parties have accepted and carried out the award and if positive data has been published it is given under this letter.
- d. Text.
- e. Bibliography.

I wish to express my grateful appreciation to Dr. B. M. Telders, Professor in International Law at the University of Leiden, for his advice in the preparation of this work. I wish also to thank Martinus Nijhoff, Publisher, and the Librarian of the Peace Palace for the assistance and cooperation which I have received from them.

The Hague, October 1939.

A. M. S.

#### SCHEME

1. Parties.
2. Dispute.  
Matter of difference.
3. Arbitrator; Arbitral Tribunal.
4. Arbitral Treaty; special Agreement.
  - a. Date.
  - b. Law to be applied.
  - c. Text.
5. Award or other Disposition of Case.
  - a. Date.
  - b. In favour of.
  - c. Performance.
  - d. Text.
  - e. Bibliography.



## ABBREVIATIONS

- A.J.I.L.*, The American Journal of international law; Washington; from 1907.
- A.J.I.L. Off. Doc.*, Supplement to the A.J.I.L., „Official Documents”; Washington; from 1907.
- Am. State Papers F.R.*, American State Papers, Legislative and Executive Documents of the Congress of the United States, Class I, Foreign Relations; 1832—1859; Washington (6 vol.).
- Annuaire Inst. Dr. Int.*, Annuaire de l'Institut de droit international; from 1877.
- R. Aranda*, Coleccion de tratados, convenciones etc.; 1895—1911; Lima.
- Bulletin I.I.I.*, Bulletin de l'Institut Juridique International; from 1919.
- De Clercq*, J. de Clercq: Recueil des traités de la France; 1713—1906; Paris (23 vol.).
- Darby*, W. E. Darby: International tribunals, London 1904.
- Davis*, J. B. Davis: Treaties and Conventions concluded between the United States of America and other Powers since July 4, 1776, Washington 1889.
- Descamps-R.*, Baron Descamps et Louis Renault:  
a). Recueil international des traités du XIXe siècle; 1801-1825; Paris (1 vol.).  
b). Recueil international des traités du XXe siècle; 1901-1907; Paris (7 vol.).
- La Fontaine*, H. La Fontaine: Pasicrisie internationale. Histoire documentaire des arbitrages internationaux, Berne 1902.
- Grotius*, Annuaire international, The Hague; from 1913.
- Hertslet*, Hertslet's commercial treaties. A collection of treaties and conventions between Great Britain and the foreign Powers; 1354-1921; London (31 vol.).
- Hertslet Map*, E. Hertslet: The map of Europe by treaty; 1814-1891; London (4 vol.).
- Journal Clunet*, Journal de droit international, fondé en 1874 par Clunet; Paris from 1874.
- Journal Officiel*, Journal Officiel de la République Française.
- Lagemans*, Recueil des traités et conventions conclus par le Royaume des Pays Bas; 1813-1924; The Hague (20 vol.).
- Lapradelle-P.*, A. de Lapradelle et N. Politis: Recueil des arbitrages internationaux; vol. I: 1798-1855, Paris 1905; vol. II: 1855-1872, Paris 1923.
- L.N.O.J.*, League of Nations, Official Journal.
- L.N.T.S.*, League of Nations, Treaty Series.
- Malloy*, W. M. Malloy: Treaties, conventions, international acts, protocols and agreements between the United States of America and other Powers; 1776-1909; Washington (2 vol.). Continuation: 1910-1923, Washington (1 vol.).
- De Martens*, a). Recueil des principaux traités d'alliance etc.; 1761-1808; 8 vol.  
b). Nouveau Recueil etc.; 1808-1839; 16 vol. and 3 Supplements.  
c). Nouveau Recueil Général etc.; 1st. Series 1840 - 1873, 20 vol.; 2nd Series 1873-1906, 35 vol.; 3rd Series 1906-1937, 35 vol., etc.
- M.A.T.*, Recueil des décisions des tribunaux arbitraux mixtes; 1920-1929; Paris (9 vol.).
- Moore*, J. B. Moore: History and Digest of the international arbitrations to which the United States has been a party, Washington 1898 (6 vol.).

- Moore Int. Adj.*, J. B. Moore: International adjudications, ancient and modern. Modern Series, New York 1929–1933 (6 vol.).
- Niem. Zeit.*, Niemeyers Zeitschrift für internationales Recht; from 1891.
- Recueil The Hague*, Editions du Bureau international de la Cour permanente d'arbitrage, The Hague.
- R.D.I.*, Revue de droit international (A. de Lapradelle); from 1927.
- R.D.I. (Sottile)*, Revue de droit international (Sottile); from 1923.
- R.D.I.L.C.*, Revue de droit international et de législation comparée; Paris; from 1869.
- R.D.D.I.*, Rivista di diritto internazionale; Roma; from 1906.
- R.D.D.I. (Cuba)*, Revista de derecho internacional; Habana; from 1922.
- R.G.D.I.P.*, Revue générale de droit international public; Paris; from 1894.
- R.G.P.C.*, Recueil général périodique et critique de décisions, conventions et lois relatives au droit international public et privé (A. de Lapradelle); Paris; from 1935.
- Scott*, The Hague Court Reports, ed. by James Brown Scott, New York 1916 and 1932 (2 vol.). The 1st volume has been translated into french, New York 1921.
- State Papers*, British and foreign State Papers; London; from 1812.
- U.S. For. Rel.*, Papers relating to the foreign relations of the United States; Washington; from 1861.
- Wilson*, George Grafton Wilson: The Hague Arbitration Cases, Boston London 1915.
- Z. f. V.*, Zeitschrift für Völkerrecht; Berlin; from 1907.
- Z.f.ö.R.*, Zeitschrift für öffentliches Recht; Wien; from 1919.
- Z.f.a.ö.R.u.V.*, Zeitschrift für ausländisches öffentliches Recht und Völkerrecht; Berlin; from 1929.

## Nr. 1

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. River-boundary question.

„Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said Treaty of Peace (viz: between Great Britain and U.S.A., September 3, 1783; text of article 2: La Fontaine 1; Malloy 1-586), and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners . . . . The said commissioners shall, by a Declaration, under their hands and seals decide what river is the River St. Croix, intended by the Treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source.” Article 5.

#### 3. Commission: Th. Barclay (Gr.Br.); D. Howell (U.S.A.); E. Benson (U.S.A.).

#### 4. Jay Treaty, London.

##### a. **November 19, 1794.**

b. „And the three Commissioners so appointed, shall be sworn, impartially to examine and decide the said question . . . . ” Article 5.

c. La Fontaine 1; Lapradelle-P. 1-6; Malloy 1-590; de Martens R. (2nd ed.) 5-641; Moore 1-5 and 5-4720; State Papers 1-784.

#### 5. Award.

a. October 25, 1798.

b. U.S.A.

c. Accepted (Moore 1-31).

d. Am. State Papers F. R. 6-921; La Fontaine 2; Hertslet 9-761; Lapradelle-P. 1-11; Moore 1-29; Moore Int. Adj. 2-373; State Papers 1-807.

e. Lapradelle-P. 1-5/12; Moore 1-1/43; Moore Int. Adj. vol. 1 and 2; R.D.I.L.C. 6 (1874)-117/8.

## Nr. 2

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Recovery of debts.

„Whereas it is alleged by divers British merchants and others His Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the Peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained . . . . For the purpose of ascertaining the amount of any such losses or damages, five Commissioners shall be appointed, . . . .” Article 6.

#### 3. Commission: Th. Macdonald (Gr.Br.); H. Pye Rich (Gr.Br.); Th. Fitzsimons (U.S.A.); J. Innes, succeeded by S. Sitgreaves (U.S.A.); J. Guillemard (Gr.Br.).

#### 4. Jay Treaty, London.

##### a. **November 19, 1794.**

##### b. The five Commissioners should take the following oath:

„. . . . I will honestly, diligently, impartially and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, . . . .” Article 6.

##### c. La Fontaine 3; Lapradelle-P. 1-15; Malloy 1-590; de Martens R. (2nd ed.) 5-641; Moore 5-4720; State Papers 1-784.

#### 5. Settlement by Convention, London.

Article 6 of the Jay Treaty was annuled.

##### a. January 8, 1802.

##### b. Great Britain.

##### c. U.S.A. paid a sum of \$ 2.664.000 (Moore 1-298).

By Act of April 22, 1803, a Domestic Commission (Th. Macdonald; H. Pye Rich and J. Guillemard) was appointed for the adjudication of the claims and the distribution of the indemnity.

8 Reports resulted (Moore Int. Adj. 3-375/433).

##### d. La Fontaine 4; Lapradelle-P. 1-27; Malloy 1-610; de Martens R. (2nd ed.) 7-397; Moore 5-4727; State Papers 1-808.

##### e. Am. State Papers F. R. vol. 1 and 2 passim; Lapradelle-P. 1-12/28; Moore 1-271/298; Moore Int. Adj. vol. 3; R.D.I.L.C. 6 (1874)-118.

### Nr. 3

#### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Maritime seizures; rights and duties of neutrals.

„Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; . . . . That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed . . . .” Article 7.

#### 3. Commission: J. Nicholl, succeeded by M. Swabey (Gr.Br.); J. Anstey (Gr.Br.); Ch. Gore (U.S.A.); W. Pinkney (U.S.A.); J. Trumbull (U.S.A.).

#### 4. Jay Treaty, London.

##### a. **November 19, 1794.**

b. The Commissioners, after having taken the same oath or affirmation (see No. 2, 4 b), „. . . . shall decide the claims in question according to the merits of the several cases, and to justice, equity and the law of nations.” Article 7.

c. La Fontaine 5; Lapradelle-P. 1-41; Malloy 1-590; de Martens R. (2nd ed.) 5-641; Moore 5-4720; State Papers 1-784.

#### 5. 536 Awards.

The Commission began its work on August 16, 1796, but it was interrupted on July 20, 1799. The powers of the Commissioners were confirmed by article 3, Convention London, January 8, 1802.

a. Latest award: February 24, 1804.

b. 478 Awards in favour of U.S.A., and 58 awards in favour of Gr.Br.

c. Performed (Moore 1-343/4).

d. See under.

e. Am. State Papers F.R. vol 1 passim; Lapradelle-P. 1-28/217; Moore 1-299/349; Moore Int.Adj. vol. 4; R.D.I.L.C. 6 (1874)-118.

„*Betsey*”. Furlong, master.

Nicholl : Lapradelle-P. 1-54; Moore 3-2854 and 3-3160 and 4-4215; Moore Int. Adj. 4-206.

Gore : Lapradelle-P. 1-56; Moore 3-2278 and 3-2825 and 3-3161; Moore Int. Adj. 4-182 and 4-211.

Pinkney : Lapradelle-P. 1-73; Moore 3-2291 and 3-2838 and 3-3180 and 4-4205; Moore Int.Adj. 4-194 and 4-240.

Trumbull: Lapradelle-P. 1-82; Moore 3-2847; Moore Int.Adj. 4-281.

Award : Moore 3-3207; Moore Int.Adj. 4-287.

## Nr. 3 (continued)

„*Molly*”. Young, master.

Gore : Moore Int.Adj. 4-302.  
 Pinkney : Moore Int. Adj. 4-305.  
 Award : Moore Int.Adj. 4-306.

„*Sally*”. Choate, master.

Gore : Lapradelle-P. 1-128; Moore 4-3817; Moore Int.Adj. 4-323.  
 Pinkney : Moore 4-3820; Moore Int.Adj. 4-325.  
 Award : Moore Int.Adj. 4-329.

„*Diana*”. Gardner, master.

Gore : Lapradelle-P. 1-124; Moore 4-3827; Moore Int.Adj. 4-333.  
 Pinkney : Moore 4-3832; Moore Int. Adj. 4-339.  
 Trumbull: Lapradelle-P. 1-125; Moore 4-3832; Moore Int.Adj. 4-339.  
 Award : Moore Int.Adj. 4-344.

„*Farmer*”. Osborne, master.

Gore : Moore Int.Adj. 4-352.  
 Pinkney : Moore Int.Adj. 4-354.  
 Trumbull: Moore Int.Adj. 4-363.  
 Award : Moore Int.Adj. 4-367.

„*Fame*”. Evesham, master.

Gore : Lapradelle-P. 1-120; Moore 3-3100; Moore Int.Adj. 4-370.  
 Award : Moore Int.Adj. 4-371.

„*Neptune*”. Jefferies, master.

Gore : Moore 3-3076 and 4-3844 and 4-4217; Moore Int.Adj. 4-400.  
 Pinkney : Lapradelle-P. 1-140; Moore 3-3083 and 4-3856 and 4-4224;  
 Moore Int.Adj. 4-372.  
 Trumbull: Lapradelle-P. 1-159; Moore 3-3093 and 4-3875; Moore Int.Adj.  
 4-424.  
 Award : Moore Int.Adj. 4-439.

„*Sally*”. Griffiths, master.

Gore : Moore Int.Adj. 4-453.  
 Award : Moore Int.Adj. 4-455.

„*Active*”. Blair, master.

Gore : Moore Int.Adj. 4-456.  
 Award : Moore Int.Adj. 4-459.

„*Sally*”. Hayes, master.

Gore : Moore 3-2305 and 3-3101; Moore Int.Adj. 4-474.  
 Pinkney : Moore 3-2306 and 3-3108; Moore Int.Adj. 4-463.  
 Award : Moore Int.Adj. 4-481.

### Nr. 3 (continued)

„*Nancy*”. Florence, master.

Gore : Lapradelle-P. 1-130; Moore 4-3815; Moore Int.Adj. 4-485.  
Award : Moore Int.Adj. 4-487.

„*Jamaica*”. Martin, master.

Gore : Lapradelle-P. 1-179; Moore 4-3984; Moore Int.Adj. 4-490.  
Pinkney : Moore Int.Adj. 4-500.  
Award : Moore Int.Adj. 4-517.

„*Fanny*”. Pile, master.

Trumbull: Lapradelle-P. 1-186; Moore 4-3993; Moore Int.Adj. 4-519.  
Award : Moore Int.Adj. 4-529.

„*Elizabeth*”. Ross, master.

Trumbull: Lapradelle-P. 1-190; Moore 4-4001; Moore Int. Adj. 4-530.  
Award : Moore Int.Adj. 4-550.

## Nr. 4

1. SPAIN — UNITED STATES OF AMERICA.
2. Maritime captures.
 

„In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners, . . . .” Article 21.
3. Commission: J. Y. Piarez (Sp.); M. Clarckson (U.S.A.); S. Breck.
4. Treaty, San Lorenzo el Real.
  - a. **October 27, 1795.**
  - b. „. . . . and the three Commissioners so appointed shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the law of nations.” Article 21.
  - c. Am. State Papers F.R. 1-546; La Fontaine 79; Malloy 2-1640; de Martens R. (2nd ed.) 6-143; Moore 2-999 and 5-4796; State Papers 8-540.
5. 40 Awards.
  - a. December 27, 1797 — December 31, 1799.
  - b. U.S.A.
  - c. Performed by Spain (Moore 2-1000/3; Moore Int.Adj. 5-57).  
Article 21 of the Treaty of San Lorenzo el Real was annulled by article 12 of the Treaty of Washington, February 22, 1819 (text: Malloy 2-1651).
  - d. First award: La Fontaine 636; Moore 2-1004.  
Other awards: Moore Int.Adj. 5-91/146.
  - e. Am. State Papers F.R. vol. 1, 2 and 4 passim; Moore 2-991/1005; Moore Int.Adj. 5-1/146.



## Nr. 5

### 1. PRUSSIA (AUSTRIA) — RUSSIA.

#### 2. Polish debts.

„Comme ces dettes, soit celles à la charge de la République, soit celles du Roi de Pologne, doivent être assujetties à une vérification, pour parvenir ensuite à leur liquidation, il est convenu entre les Hautes Parties Contractantes, qu'il sera nommé une Commission composée de sujets de chacune des trois Cours respectives, pour procéder à leur vérification et liquidation, d'après les règles qui seront établies dans un plan d'organisation et de direction, qui leur sera donné séparément, après avoir été consenti par les trois Cours.” Article 2.

„. . . . et seront les Commissaires qui la composeront, munis de pleinpouvoirs, d'instructions suffisantes et uniformes, pour pouvoir procéder à la vérification et liquidation des titres, droits et prétentions, qui constituent ces dettes; de manière que les reconnoissances qu'ils donneront aux porteurs d'obligations, ou autres personnes ayant des prétentions légitimes, soient un complément de titre, sur lequel ils puissent respectivement se présenter pour en recevoir le payement d'après le mode adopté respectivement par les trois Puissances.” Article 5.

#### 3. Joint Commission:

#### 4. Convention, St. Petersburg.

##### a. **January 26, 1797.**

b.

c. De Martens, Recueil des Principaux Traités, 6-707 (Göttingen 1800); idem: R. 6-176.

#### 5. Settlement by Convention, Vienna (articles 30-37).

##### a. May, 3, 1815.

b.

c.

d. De Martens N.R. 2-236.

e.

## Nr. 6

## 1. PRUSSIA (AUSTRIA) — RUSSIA.

## 2. Liquidations.

„Non moins attentives à tout ce qui peut intéresser le bien et la prospérité de Leurs sujets respectifs, les Hautes Parties Contractantes n'ont pu que prendre également en considération la situation des maisons de banque en faillite, et les embarras qui en résultent pour ceux de Leurs sujets respectifs qui ont des prétentions à la charge de ces masses. C'est pourquoi Elles sont convenues de rétablir, avec les modifications tirées de la différence des circonstances actuelles, la Commission établie, de concert avec les trois Cours, par la Diète de Grodno, pour procéder à la liquidation de ces masses faillies; à l'effet de quoi il sera dressé un plan d'organisation de cette Commission, d'après les premières bases posées par l'acte passé à ce sujet à la Diète de Grodno en 1793.”

Article 9.

„Cette Commission sera composée de trois membres nommés par chacune des Cours respectives, et d'un président . . . .”

Article 10.

## 3. Special Commission :

## 4. Convention, St. Petersburg.

a. **January 26, 1797.**

## b.

c. De Martens, Recueil des Principaux Traités, 6-707 (Göttingen 1800); idem: R. 6-176.

## 5.

## a.

## b.

## c.

## d.

## e.

## Nr. 7

### 1. SPAIN — UNITED STATES OF AMERICA.

#### 2. Mutual claims.

„The Commissioners . . . shall receive all claims, which, in consequence of this Convention, may be made, as well by the subjects of His Catholic Majesty as by the citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.” Article 3.

#### 3. Commission:

##### 4. I. Convention, Madrid.

a. **August 11, 1802.** (Ratified December 22, 1818.)

b. „. . . . the commissioners . . . shall take an oath to examine, discuss, and decide on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.” Article 2.

c. Descamps-R. 1801-53; La Fontaine 6; Malloy 2-1650; de Martens N.R. 4-568; de Martens N.R. 5 Supplement 400; Moore 5-4798.

##### II. Treaty, Washington.

Article 2: Florida ceded to U.S.A.

Article 9: parties renounced their respective claims.

Article 10: Convention Madrid annuled.

a. February 22, 1819.

b.

c. Descamps-R. 1801-728; La Fontaine 7; Malloy 2-1651; de Martens N.R. 5-328; Moore 5-4799.

#### 5. Final Report.

In conformity with article 11 of the treaty of Washington, a Domestic Commission was organized on June 9, 1821, to make an arrangement. Commissioners: H. L. White; W. King; J. W. Green, succeeded by Littleton Waller Tazewell.

a. June 8, 1824 (Commission adjourned sine die).

b.

c.

d. Moore 5-4507.

e. Am. State Papers F.R. vol. 2 3, 4 and 6 passim; Moore 5-4487/4518; R.D.I.L.C. 6 (1874)-119.

## Nr. 8

1. LIPPE-DETMOLD — SCHAUMBURG-LIPPE.
2. Sovereign rights.  
 „Die wegen der Souverainität über das Amt Blomberg obwaltenden Differenzen sollen durch Schiedsrichter entschieden werden.“
3. Austregal Tribunal: Von Stengel; Minet.
4. Convention, Bückeberg.
  - a. **July 5, 1812.**  
 See also Resolutions of the German Diet: May 29, 1829 and August 4, 1830.
  - b.
  - c. Lapradelle-P. 1-403; de Martens N.R. (Nouveau Supplement), 2-210.
5. 2 Awards.
  - a. January 25, 1839 (December 20 and 22, 1838).
  - b. In favour of Lippe-Detmold as to sovereignty, and of Schaumburg-Lippe as to indemnities.
  - c.
  - d. Lapradelle-P. 1-406 and 416; W. von Leonhardi: Das Austrägalverfahren des Deutschen Bundes, Frankfurt, 2-224 and 251; de Martens N.R. 16-432 and 470.
  - e. Lapradelle-P. 1-401/38; Leonhardi 1-383/451 and 2-224/76.  
 See about other austregal instances: Leonhardi I and II passim.

## Nr. 9

### 1. ALLIED POWERS — FRANCE.

#### 2. Pecuniary claims.

„Les H. P. C. nommeront, immédiatement après l'échange des ratifications du présent Traité, des Commissaires pour régler et tenir la main à l'exécution de l'ensemble des dispositions renfermées dans les articles 18 et 19. Ces Commissaires s'occuperont de l'examen des réclamations dont il est parlé dans l'article précédent, de la liquidation des sommes réclamées et du mode dont le Gouvernement Français proposera de s'en acquitter. Ils seront chargés de même de la remise des titres, obligations et documents relatifs aux créances auxquelles les H.P.C. renoncent mutuellement, de manière que la ratification du résultat de leur travail complétera cette renonciation réciproque.” Article 20.

#### 3. Joint Commission:

English Commissioners: Ch. Bagot; Colin A. Mackenzie; A. E. Impey.

#### 4. Treaty, Paris.

a. **May 30, 1814.**

b.

c. De Clercq 2-414; Descamps-R. 1801-319; de Martens N.R. 2-1; State Papers 1-151.

#### 5.

a.

b.

c.

d.

e. State Papers 1-1233/4.

## Nr. 10

### 1. FRANCE — RUSSIA.

### 2. Mutual pecuniary claims.

„Le Duché de Varsovie étant sous l'administration d'un Conseil provisoire établi par la Russie, depuis que ce pays a été occupé par ses armes, les deux H.P.C. sont convenues de nommer une Commission spéciale composée, de part et d'autre, d'un nombre égal de commissaires, qui seront chargés de l'examen, de la liquidation et de tous les arrangements relatifs aux prétentions réciproques.”

Add. article.

### 3. Special Commission :

#### 4. I. Treaty of Peace, Paris. (Additional article.)

##### a. **May 30, 1814.**

##### b.

c. De Clercq 2-430; Descamps-R. 1801-328; La Fontaine 112; de Martens N.R. 2-15; State Papers 1-176.

#### II. Treaty, Paris. (Separate article.)

##### a. November 20, 1815.

##### b.

c. De Clercq 2-650; Descamps-R. 1801-527; de Martens N.R. 2-691; State Papers 3-341.

#### III. Special Convention, Paris.

##### a. September 27, 1816.

##### b.

c. De Clercq 3-44; La Fontaine 113.

### 5.

#### a.

#### b.

#### c.

#### d.

#### e.

## Nr. 11

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Territorial question.

„Whereas it was stipulated by the second article in the treaty of peace of 1783 (text: La Fontaine 1; Malloy 1-586) . . . and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Funday, and the island of Grand Menan, in the said Bay of Funday, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid treaty of 1783, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners . . . . The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of 1783.”

Article 4.

#### 3. Commission: Th. Barclay (Gr.Br.); J. Holmes (U.S.A.).

#### 4. Treaty of Ghent.

##### a. December 24, 1814.

b. „ . . . and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively.”

Article 4.

c. Descamps-R. 1801-345; La Fontaine 7; Hertslet 2-378; Lapradelle-P. 1-299; Malloy 1-612; de Martens N.R. 2-76; Moore 5-4728; State Papers 2-357.

#### 5. Award.

##### a. November 24, 1817.

##### b. Great Britain.

##### c. Ownership determined.

By article 2, treaty Washington, July 22, 1892 (text: Hertslet 19-899; Malloy 1-763; de Martens N.R.G. 2-20-221 and 2-22-296; State Papers 84-70) two Commissioners were appointed to determine the water-boundary line.

d. Am. State Papers F.R. 4-171; Davis 406; Descamps-R. 1801-676; La Fontaine 8; Lapradelle-P. 1-303; de Martens N.R. 5 Supplement 397; Moore 1-62; Moore Int.Adj. 6-35; State Papers 5-199.

e. Am. State Papers F.R. 1-93/6; idem 2-584/6; idem 3-695/748; idem 4-808/11; Lapradelle-P. 1-291/306; Moore 1-45/64; Moore Int.Adj. vol. 6; R.D.I.L.C. 6 (1874)-121 note; State Papers 4-805.

## Nr. 12

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. River-boundary question.

„Whereas neither that point of the Highlands lying due North from the source of the River St. Croix, and designated in the former Treaty of Peace between the two Powers as the Northwest Angle of Nova Scotia, nor the North-westernmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the Dominions of the two Powers which extends from the source of the River St. Croix directly North to the above-mentioned Northwest Angle of Nova Scotia . . . has not yet been surveyed, it is agreed that for these several purposes two Commissioners shall be appointed . . .”

„The said Commissioners shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said Treaty of Peace of 1783, and shall cause the boundary aforesaid, from the source of the River St. Croix to the River Iroquois or Cataraguay, to be surveyed and marked according to the said provisions.” Article 5.

### 3. Commission: Th. Barclay (Gr.Br.); C. P. van Ness (U.S.A.).

#### 4. Treaty of Ghent.

##### a. **December 24, 1814.**

b. „. . . and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively.” Article 4.

c. Descamps-R. 1801-345; La Fontaine 8; Hertslet 2-378; Lapradelle-P. 1-308; Malloy 1-612; de Martens N.R. 2-76; Moore 1-70 and 5-4728; State Papers 2-357.

#### 5. Separate Reports, New York.

Disagreement of the Commissioners.

##### a. October 4, 1821.

b.

c.

d. Am. State Papers F.R. 5-138; Lapradelle-P. 1-309; Moore 1-81.

e. Lapradelle-P. 1-306/310; Moore 1-65/83; R.D.L.I.C. 6 (1874)-121 note.  
See also No. 27.



## Nr. 13

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Lake- and river-boundary question.

„. . . . and whereas doubts have arisen what was the middle of the said river (viz.: Iroquois), lakes and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners . . . . The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes and water communications, do respectively belong, in conformity with the true intent of the said treaty of 1783.” Article 6.

#### 3. Commission: J. Ogilvy, succeeded by A. Barclay (Gr.Br.); P. B. Porter (U.S.A.).

#### 4. Treaty of Ghent.

##### a. **December 24, 1814.**

b. „. . . . and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively.” Article 4.

c. Descamps-R. 1801-345; La Fontaine 15; Hertslet 2-378; Lapradelle-P. 1-312; Malloy 1-612; de Martens N.R. 2-76; Moore 5-4728; State Papers 2-357.

#### 5. Award.

##### a. June 18, 1822.

##### b. U.S.A.

##### c.

d. Am. State Papers F.R. 5-241; Davis 407; Descamps-R. 1801-869; La Fontaine 16; Lapradelle-P. 1-314; de Martens N.R. 6-45; Moore 1-166.

e. Am. State Papers F.R. 3-695/748; idem 4-808/11; Lapradelle-P. 1-311/17; Moore 1-162/170.

See also article 7, treaty Washington, August 9, 1842 (text: Hertslet 6-853; Malloy 1-650; de Martens N.R.G. 1-3-456; State Papers 30-360).

## Nr. 14

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Lake- and land-boundary question.

The two Commissioners „shall be, and they are hereby, authorized upon their oaths impartially to fix and determine, according to the true intent of the said treaty of peace of 1783, that part of the boundary between the dominions of the two Powers which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of 1783; and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper.” Article 7.

#### 3. Commission: A. Barclay (Gr.Br.); P. B. Porter (U.S.A.).

#### 4. Treaty of Ghent.

##### a. **December 24, 1814.**

##### b. (See under 2.)

c. Descamps-R. 1801-345; Hertslet 2-378; Lapradelle-P. 1-318; Malloy 1-612; de Martens N.R. 2-76; Moore 1-171 and 5-4728; State Papers 2-357.

#### 5. Reports, New York.

- a. October 23, 1826 (State Papers 57-803).
- November 10, 1826 (State Papers 57-816).
- October 22, 1827 (State Papers 57-817).
- October 27, 1827 (State Papers 57-823).

##### b.

- c. The Commission adjourned sine die: December 24, 1827.  
This boundary line was completed by the treaty between Great Britain and the U.S.A., Washington, August 9, 1842 (article 1, 6 and 7, text: State Papers 30-360).  
Report Washington, June 28, 1847 (text: State Papers 57-823).

##### d. See under 5a.

e. Am. State Papers F.R. 3-695/748; idem 4-808/811; Lapradelle-P. 1-318/324; Moore 1-171/195; R.D.I.L.C 6 (1874)-121 note.

## Nr. 15

1. GERMAN STATES (BADEN, HESSE-DARMSTADT, NASSAU, PRUSSIA) — GERMAN PRINCES.
  
2. Claims upon the revenue of the navigation of the Rhine.  
 „La susdite Commission examinera le droit de demander les arrérages des rentes et décidera tant du principe, si les possesseurs actuels de la rive du Rhin sont obligés de payer ces arrérages, que de l'application de ce principe, s'il est reconnu par la Commission, aux différentes réclamations d'arrérages en particulier.”  
Article 28, 4.
  
3. Imperial-Royal Commission: C. F. de Pufendorf; H. K. Fr. Bartenstein; F. C. Fr. de Gärtner; C. F. C. Radermacher; F. J. de Breuning.
  
4. Regulations, Vienna.
  - a. **March 24, 1815.**
  - b. „Cette Commission décidera de cette affaire en toute justice, et avec la plus grande équité, . . . .”  
Article 28, 3, 2.
  - c. De Clercq 2-461; Descamps-R. 1801-366; Lapradelle-P. 1-235; de Martens N.R. 2-434; State Papers 2-162.
  
5. Award.
  - a. March 26, 1816.
  - b. German Princes.
  - c.
  - d. Descamps-R. 1801-556; Lapradelle-P. 1-244; de Martens N.R. 4-225.
  - e. Lapradelle-P. 1-218/255; Staatsarchiv des deutschen Bundes 1-519.

**Nr. 16**

## 1. PRUSSIA ETC. — SAXONY.

## 2. Territorial arrangements.

„Sa Majesté le Roi de Prusse et S.M. le Roi de Saxe nommeront incessamment des Commissaires pour régler d'une manière précise et détaillée les objets mentionnées dans les articles 6 à 13, et 16 à 20.”  
Article 14.

## 3. Mixed Commission: Gaudi (Pr.); Friese (Pr.); Sietze (Pr.); De Globig (S.); Günther (S.); De Waltzdorf (S.); F. C. von Gärtner.

## 4. Treaty, Vienna.

a. **May 18, 1815.**

b.

c. Descamps-R. 1801-400; de Martens N.R. 2-272; State Papers 2-84.

## 5. Settlement by Convention, Dresden.

a. July 23, 1817.

b.

c.

d. De Martens N.R. 4-421; State Papers 4-893.

e.

**Nr. 17**

## 1. NASSAU — PRUSSIA.

## 2. Cession of territory.

„La partie de la principauté de Siegen et des bailliages de Burbach et de Neunkirchen, qui, d'après l'article ci-dessus, devra être cédée, sera déterminée par des commissaires nommés par les deux H.P.C. . . . Les commissaires se conformeront au principe de la contiguïté de ces portions avec les territoires respectifs, et auront un soin particulier pour que les rapports communaux, ecclésiastiques et industriels, actuellement existants, soient maintenus; sous les rapports industriels sont spécialement compris ceux qui regardent l'exploitation des mines. Dans le cas où ces commissaires ne pourraient pas s'accorder sur l'un ou l'autre de ces objets, ils sont autorisés à compromettre sur un arbitre nommé par eux-mêmes, qui décidera sans autre recours.” Article 3.

## 3. Commission:

## 4. Treaty, Vienna.

a. **May 31, 1815.**

b. (See sub 2.)

c. Descamps-R. 1801-416; State Papers 2-102.

## 5.

- a.
- b.
- c.
- d.
- e.

## Nr. 18

1. AUVERGNE — ROHAN (ALLIED POWERS — NETHERLANDS).
2. Question concerning inheritance of the Duchy of Bouillon, between Philippe d'Auvergne and Prince de Rohan, reigning Duke of Bouillon.  
 „Des contestations s'étant élevées sur ledit Duché de Bouillon, celui des compétiteurs dont les droits seront légalement constatés, dans les formes énoncées ci-dessous, possédera en toute propriété ladite partie du Duché, telle qu'elle l'a été par le dernier Duc, sous la souveraineté de S.M. le Roi des Pays Bas, Grand Duc de Luxembourg. Cette décision sera portée sans appel par un jugement arbitral.” Article 69.
3. Arbitral Commission: Baron de Binder; Baron de Brockhausen; Count de Castelalfer; Knight J. Sewell; Count de Fitte de Soucy.
4. Final Act of the Congress of Vienna.
  - a. **June 9, 1815.**
  - b.
  - c. De Clercq 2-567; Descamps-R. 1801-443; La Fontaine 112; Hertslet 1-3; Lapradelle-P. 1-260; de Martens N.R. 2-379; State Papers 2-3.
5. Award.
  - a. July, 1 1816.
  - b. Rohan.
  - c. Performed, as to the domains, by admiral d'Auvergne, 1816 (Lapradelle-P. 1-262). Indemnity was fixed by William I, King of the Netherlands (decree October 24, 1821).  
 But the Duke de Bourbon contested the award, put in a claim to the domains and won his law-suit, against Rohan: Cour de Cassation, Liège, November 16, 1825 (Lapradelle-P. 1-262/4).
  - d. Angeberg 1709; de Clercq 3-41; Descamps-R. 1801-601; La Fontaine 112; Klüber 6-470; Lapradelle-P. 1-261; de Martens N.R. 2-490; Moore 5-4855.
  - e. Klüber: Acten des Wiener Congresses (9 vol.); Lapradelle-P. 1-256/268.  
 (A former instance of arbitration in respect of the inheritance of the Duchy: article 28 of the treaty of Nijmegen, February 23, 1678.)

## Nr. 19

1. TESSIN — URI (HELVETIA).
2. Toll-houses; reciprocal compensations of Cantons.  
 „Si l'exécution ou l'interprétation de l'obligation du paiement au Canton d'Uri de la moitié des péages donnait lieu à des difficultés, cette Commission interposera ses bons offices ou bien, si les parties sont d'accord sur le compromis, elle prononcera une sentence, ou enfin, si les controverses persistaient, on s'en rapportera à la Diète.”  
Article 6.
3. Commission: D. de Wyss; V. de Rüttimann; B. Pfister.
4. Resolution, Zurich.
  - a. **July 18, 1815.**
  - b.
  - c. Klüber 5-326; Lapradelle-P. 1-271.
5. Award.
  - a. August 15, 1815.
  - b. Uri.
  - c. Performed by Tessin. By agreement of January 26, 1846, Tessin paid a total sum of £ 227.000.— (Lapradelle-P. 1-274/5).
  - d. Lapradelle-P. 1-273; de Martens N.R. 4-207.
  - e. See Declaration Vienna, March 20, 1815, article 6 (de Martens N.R. 2-157; State Papers 2-142). Hertslet Map 1-67 and 258; Moore 5-4856.

## Nr. 20

### 1. FRANCE — NETHERLANDS.

#### 2. Arrears of interest.

„Le Gouvernement Français ayant refusé de reconnaître la réclamation du Gouvernement des Pays Bas, relative au paiement des intérêts de la dette de Hollande qui n'auraient pas été acquittés pour les semestres de mars et de septembre 1813, on est convenu de remettre à l'arbitrage d'une Commission particulière la décision du principe de ladite question.” Article 8.

#### 3. Arbitral Commission: Baron Pasquier (F.); Brière de Surgy (F.); Prince of Castelcicala (F.); Baron R. Fagel (N.); P. J. de Bie (N.); General von Waltersdorff (N.); Marquis de Marialva.

#### 4. Convention, Paris.

##### a. **November 20, 1815.**

b. „. . . . ces juges prêteront . . . . serment de prononcer sans partialité aucune pour les parties, d'après les principes établis par le Traité du 30 mai 1814, et par la présente Convention.” Article 5, 3.

c. De Clercq 2-661; Descamps-R. 1801-528; La Fontaine 111; Hertslet 1-298; Lapradelle-P. 1-280; de Martens N.R. 2-717; State Papers 3-315.

#### 5. Award.

a. October 16, 1816.

b. France.

c.

d. De Clercq 3-45; Descamps-R. 1801-617; La Fontaine 111; Lapradelle-P. 1-286; de Martens N.R. 4-263; Moore 5-4868.

e. Lapradelle-P. 1-276/290; Moore 5-4866/8.



## Nr. 21

1. ALLIED POWERS (AUSTRIA, GREAT BRITAIN, PRUSSIA AND RUSSIA) — FRANCE.
  
2. Pecuniary claims.
 

„Les Hautes Parties Contractantes, animées du désir de convenir d'un mode de liquidation, propre en même temps à abrégér le terme et à conduire, dans chaque cas particulier, à une décision définitive, ont résolu, en expliquant les dispositions de l'article 20 du traité du 30 mai 1814, d'établir des Commissions de Liquidation qui s'occuperont en premier lieu de l'examen des réclamations, et des Commissions d'Arbitrage qui en décideront, dans le cas où les premières ne seraient pas parvenues à s'accorder.” Article 5.
  
3. Arbitration Commission:
  
4. Convention, Paris.
  - a. **November 20, 1815.**
  - b. „ . . . ces juges prêteront . . . serment de prononcer sans partialité aucune pour les parties, d'après les principes établis par le Traité du 30 mai 1814 et par la présente Convention.” Article 5, 3.
  - c. De Clercq 2-661; Descamps-R. 1801-528; La Fontaine 104; Hertslet 1-298; de Martens N.R. 2-717; State Papers 3-315.
  
5. Settlement by Convention, Paris.
  - a. April 25, 1818.
  - b. Allied Powers.
  - c. 240.800.000 francs made part of the Public Debt of France.
  - d. De Clercq 3-126; La Fontaine 107; Hertslet 1-336; Hertslet Map 1-541; Lagemans 1-234; de Martens N.R. 3-417; State Papers 5-179.
  - e. Moore 5-4862.

## Nr. 22

## 1. FRANCE — GREAT BRITAIN.

## 2. Private pecuniary claims.

„Les sujets de sa Majesté Britannique, porteurs de créances sur le Gouvernement Français, lesquels, en contravention à l'article 2 du Traité de Commerce de 1786, et depuis le 1er janvier 1793, ont été atteints, à cet égard, par les effets de la confiscation ou du séquestre décrétés en France, seront, conformément à l'article 4 additionnel du Traité de Paris, de 1814, eux, leurs héritiers ou ayant-cause, sujets de sa Majesté Britannique, indemnisés et payés, après que leurs créances auront été reconnues légitimes et que le montant en aura été fixé, suivant les formes et sous les conditions stipulées ci-après: . . . .”

Article 1.

„A l'effet de procéder aux liquidations et reconnaissances de créances mentionnées aux articles précédents, il sera formé une Commission . . . . Ces Commissaires, après avoir reconnu et admis les titres, procéderont, d'après les bases indiquées, à la reconnaissance, liquidation et fixation des sommes qui seront dues à chaque créancier.”

Article 13.

„Il sera nommé en même temps une commission de Surarbitres . . . .”

Article 14.

## 3. Commission of Liquidation: Colin A. Mackenzie; G. L. Newnham.

Commission of Arbitration: G. Hammond; D. R. Morier.

Commission of Deposit: D. R. Morier; J. Drummond.

## 4. Convention, Paris.

a. **November 20, 1815.**

b. „Les Commissaires Liquidateurs, les Commissaires Dépositaires et les Surarbitres prêteront en même temps serment . . . . de bien et fidèlement procéder, de n'avoir aucune préférence ni pour le créancier ni pour le débiteur, et d'agir dans tous leurs actes d'après les stipulations du Traité de Paris du 30 mai 1814, des Traités et Conventions avec la France signés aujourd'hui, et notamment d'après celles du présent acte.”

Article 15.

c. De Clercq 2-675; Descamps-R. 1801-537; La Fontaine 101; Hertslet 1-277; de Martens N.R. 2-707; State Papers 3-342.

## 5. Settlement by Convention, Paris.

a. April 25, 1818.

b. Great Britain.

c. 130.450.000 francs made part of the Public Debt of France.

d. De Clercq 3-134; La Fontaine 103; Hertslet 1-328; de Martens N.R. 3-430; State Papers 5-192

e.

## Nr. 23

### 1. GREAT BRITAIN — PORTUGAL.

#### 2. Slave trade; indemnities; maritime captures.

„In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established . . . . two mixed Commissions . . . .”

Article 8.

„His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22nd of January 1815, engages to grant, in the manner hereafter explained, sufficient indemnification to all the proprietors of Portugueze vessels and cargoes captured by British cruizers between the first of June 1814 and the period at which the two Commissions pointed out in Article 8 of the present Convention, shall assemble at their respective posts. The Two High Contracting Parties agree that all claims of the nature herein before mentioned, shall be received and liquidated by a mixed Commission . . . .”

Article 9.

#### 3. 3 Mixed Commissions:

#### 4. Convention, London.

##### a. **July 28, 1817.**

b. „These Commissions shall judge the causes submitted to them without appeal, and according to the Regulations and Instructions annexed to the present Convention, of which they shall be considered as an integral part.”

Article 8.

(See the Regulations: La Fontaine 85; Hertslet 2-105; de Martens N.R. 4-463.)

c. La Fontaine 84; Hertslet 2-81; de Martens N.R. 4-438; State Papers 4-85.

#### 5.

- a.
- b.
- c.
- d.
- e.

## Nr. 24

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Obligation as to slaves; private claims.

„ . . . . and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent (viz. article 1), the United States are entitled to the restitution of, or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State to be named for that purpose.”

Article 5.

## 3. Alexander I, Emperor of Russia.

## 4. Convention, London.

a. **October 20, 1818.**

## b.

c. Am. State Papers F.R. 4-406; Davis 417; Descamps-R. 1801-716; La Fontaine 17; Hertslet 2-392; Lapradelle-P. 1-330; Malloy 1-631; de Martens N.R. Supplement 5-406; Moore 1-358 and 5-4733; State Papers 6-3.

## 5. Award.

## a. April 22, 1822.

## b. U.S.A.

## c. Accepted.

d. Descamps-R. 1801-866; La Fontaine 619; Lapradelle-P. 1-333; de Martens N.R. 6-82; Moore 1-360.

e. Am. State Papers F.R. vol. 3, 4 and 5 passim; Lapradelle-P. 1-325/341; Moore 1-350/363; R.D.I.L.C. 6 (1874)-120/1.

## Nr. 25

1. GREAT BRITAIN — UNITED STATES OF AMERICA.
2. Amount of indemnity.
 

„For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed....”Article 1.
3. Mixed Commission under the Convention of June 30, 1822: G. Jackson (Gr.Br.); Langdon Cheves (U.S.A.), Commissioners. J. McTavish (Gr.Br.); H. Seawell (U.S.A.), Arbitrators.
4. Treaty, St. Petersburg.
  - a. **July 12, 1822.**
  - b. The Commissioners and Arbitrators should take the following oath: „I . . . do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me . . . .”Article 1.
  - c. Am. State Papers F.R. 5-214; Davis 349; Descamps-R. 1801-876; La Fontaine 17; Lapradelle-P. 1-342; Malloy 1-634; de Martens N.R. 6-66; Moore 5-4734.
5. Settlement by Convention, London.
  - a. November 13, 1826.
  - b. U.S.A.
  - c. Article 1: Great Britain agreed to pay \$ 1.204.960 in full settlement of all the American claims.  
 Article 2: Convention 1822 annuled, except article 2.  
 Article 5: Functions of the Commission terminated. Last session: March 26, 1827.  
 By Act of March 2, 1827, a Commission was appointed to carry the Convention of November 13, 1826, into effect. See: Lapradelle-P. 1-352/4; Moore 1-382/390.
  - d. La Fontaine 20; Hertslet 3-535; Lapradelle-P. 1-351; Malloy 1-641; de Martens N.R. 6-1076; Moore 5-4738; State Papers 14-460.
  - e. Am. State Papers F.R. vol. 5 and 6 passim; Lapradelle-P. 1-341/354; Moore 1-363/382; R.D.I.L.C. 6 (1874)-121.

## Nr. 26

## 1. GREAT BRITAIN — SPAIN.

## 2. Mutual claims.

„A Mixed Commission . . . shall be appointed . . . for the purpose of taking into consideration and deciding in a summary manner, according to equity, upon all cases that shall be brought before it, properly authenticated, of the capture or seizure of British vessels, or detention of property belonging to the subjects or His Britannic Majesty, from the Declaration of Peace between England and Spain of the 4th of July 1808, to the date of the present Convention; and also upon all cases that shall be brought before it, of the capture or seizure of Spanish vessels, or detention of property belonging to the subjects of His Catholic Majesty during the same period.” Article 1.

## 3. Mixed Commission:

## 4. Convention, Madrid.

a. **March 12, 1823.**

## b. (See sub 2.)

c. Descamps-R. 1801-891; La Fontaine 88; Hertslet 3-381; de Martens N.R. 6-237; State Papers 11-44.

## 5. Settlement by Convention, London.

## a. October 28, 1828.

## b. Mutual claims.

c. Spain agreed to pay £ 900.000 in full settlement of the English claims, and Great Britain £ 200.000 for the Spanish claims.

d. Hertslet 4-416; La Fontaine 89; de Martens N.R. 7-747; State Papers 15-900.

e. Moore 5-4534.

## Nr. 27

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. River-boundary question.

„It is agreed that the points of difference which have arisen in the settlement of the boundary between the British and American Dominions, as described in the fifth Article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate and make a decision upon such points of difference.” Article 1.

#### 3. William I, King of the Netherlands.

#### 4. Convention, London.

##### a. **September 29, 1827.**

##### b.

- c. Davis 429; La Fontaine 9; Hertslet 4-502; Lapradelle-P. 1-358; Malloy 1-646; de Martens N.R. 7-491; Moore 5-4740; State Papers 14-1004.

#### 5. Award.

##### a. January 10, 1831.

##### b. Recommendatory, not decisive.

- c. Accepted by Great Britain, but not by U.S.A. The Senate resolved, by a vote of 35 to 8, June 1832, that the award was not obligatory (Moore 1-138). Ultimately settled by a compromise in the treaty of Washington, August 9, 1842 (text: Hertslet 6-853; Malloy 1-650; de Martens N.R.G. 1-3-456; State Papers 30-360).  
Final Report, June 28, 1947, by Col. J. Bucknall Estcourt (Gr.Br.) and A. Smith (U.S.A.). Then the line was described (Moore 1-154).

- d. La Fontaine 11; Hertslet 4-520; Lapradelle-P. 1-371; de Martens N.R. 10-306; Moore 1-119; State Papers 18-1249.
- e. Am. State Papers F.R. vol. 2/6 passim; Blue Book: North American Boundary, A. 1838; Le Conservateur 1 (1868)-111; Correspondence relating to the Boundary between the British possessions in North America and the U.S.A. under the Treaty of 1783 . . . , London 1838, 1840 (3 vol.) and 1843; A. Gallatin: Rights of the U.S.A. to the North-Eastern boundary, claimed by them . . . , New York 1840; Lapradelle-P. 1-355/400; Moore 1-85/161; Remarks upon the disputed points of boundary . . . , New Brunswick 1838; R.D.I.L.C. 6 (1874)-121 note; Statement on the part of the United States, of the case referred, in pursuance of the Convention of 29th September, 1827, between the said States and Great Britain, to His Majesty the King of the Netherlands, for his decision thereon (Printed but not published, Washington 1839).

**Nr. 28**

1. BRAZIL — GREAT BRITAIN.
2. Maritime captures.  
Question of indemnity to be paid by Brazil for the capture of British ships.
3. Mixed Commission:
4. Agreement, Rio de Janeiro.
  - a. **May 5, 1829.**
  - b.
  - c. La Fontaine 91; Herstlet 4-60; de Martens N.R. 10-18; State Papers 18-689.
5.
  - a.
  - b.
  - c.
  - d.
  - e.



## Nr. 29

1. ARGENTINA (BUENOS AYRES) — GREAT BRITAIN.
2. Acts of war; private claims.
 

„The liquidation of the remaining cases of His Britannic Majesty’s subjects against the Government of Buenos Ayres, arising out of the acts of their privateers in the late war, shall be removed to London.” Article 1.

„For the purpose of giving effect to this article, a new Commission shall be named . . . .” Article 2.
3. Mixed Commission: M. Moreno (A.); M. Bruce (Gr.Br.).
4. Convention, Buenos Ayres.
  - a. **July 19, 1830.**
  - b. „With respect to the form in which the said claims shall be proved and substantiated by the parties interested, the Commissioners shall guide themselves by the General Rules and practice according to the Law of Nations.” Article 5.
  - c. La Fontaine 92; Hertset 4-69; de Martens N.R. 10-42; State Papers 18-685.
5.
  - a.
  - b.
  - c.
  - d.
  - e.

## Nr. 30

### 1. BASEL-LANDSCHAFT — BASEL-STADTTHEIL.

#### 2. Consequences separation Kanton Basel-Landschaft and Basel-Stadttheil.

„Das gesammte Staatseigenthum des Kantons Basel an Kapitalien, Gefällen, Gebäuden, Kriegsmaterial u.s.w. ohne irgend eine Ausnahme, und ausdrücklich mit Inbegriff der Kirchen-, Schul-, und Armenfonds, soll auf billigem Fusz zwischen beiden Landstheilen ausgeschieden und vertheilt werden. Diese Ausscheidung soll auch die Zollverhältnisse befassen, nach Inhalt der diesfalls bestehenden Tagsatzungsbeschlüsse und Verkommnisse mit andern Ständen. Beide Landestheile ernennen hierfür binnen acht Tagen, vom Tage der amtlichen Mittheilung gegenwärtigen Beschlusses an gerechnet, Ausschüsse, und jeder derselben zwei Theilungskommissarien aus den Bürgern anderer Kantone; diese Ausschüsse besorgen gemeinsam mit Theilungskommissarien das Liquidations- und Theilungsgeschäft und schliessen die diesfälligen Verkommnisse nöthigen Falls auch über die nachbarlichen Verhältnisse im Gerichts-, Polizei-, und Besteuerungswesen, ab.

Was binnen vier Wochen nicht auf dem Wege gütlichen Einverständnisses ausgetragen wird, darüber haben die Theilungskommissarien schiedsrichterlich abzusprechen. Sie wählen sich zu diesem Behuf eventuell unverzüglich den Obmann, der ebenfalls Bürger eines andern Kantons sein soll. Könnten sich aber die vier Schiedsrichter nicht über die Wahl des Obmanns verständigen, so bezeichnet ihn die Tagsatzung. Den Theilungskommissarien liegt ob, auch über das Staatsarchiv nach Recht und Billigkeit zu verfügen, mit besonderer Bedachtnahme, dass dem Kanton Basel-Landschaft alles dasjenige herausgegeben werde, was auf abgetretenes Staatseigenthum und auf Angelegenheiten der landschaftlichen Gemeinden Bezug hat.“

Article 9.

#### 3. Arbitral Tribunal: Dr. F. L. Keller (Obmann); J. Herzog von Essingen; J. L. Eder; F. v. Tschärner; K. Schnell; F. L. Schnyder.

#### 4. Tagsatzungsbeschluss, Zürich.

a. **August 26, 1833.**

b.

c. „Gesetze, Verordnungen und Beschlüsse für den Kanton Basel-Landschaft“, Liestal 1838, Erster Band p. 295.

#### 5. Awards.

a. October 8, 1833–April 13, 1835.

b.

c.

d. „Gesetze . . .“ p. 349 etc.

e. (Kindly communicated by Prof. J. Basdevant, Paris University.)

**Nr. 31**

1. AFGHANISTAN — LAHORE.
2. Rights of sovereignty.  
Claim of Shah Shoojah-ool-Moolk upon Shikarpoor and the territories of Linde generally.
3. British Government.
4. Treaty,
  - a. **June 26, 1838.**
  - b.
  - c.
5.
  - a.
  - b.
  - c.
  - d.
  - e. Darby p. 777; Parl. Papers, East India, June 8, 1859-294.

## Nr. 32

## 1. FRANCE — MEXICO.

## 2. Mutual claims; acts of war.

„. . . . les parties contractantes conviennent de soumettre à la décision d'une tierce puissance les deux questions de savoir:

1) Si le Mexique est en droit de réclamer de la France soit la restitution des navires de guerre mexicains capturés par les forces françaises subséquentement à la reddition de la forteresse d'Ulloa, soit une compensation de la valeur desdits navires, dans le cas où le gouvernement français en aurait déjà disposé;

2) S'il y a lieu d'allouer les indemnités que réclameraient, d'une part, les Français qui ont éprouvé des dommages par suite de la loi d'expulsion, de l'autre, les Mexicains qui ont eu à souffrir des hostilités postérieures au 26 novembre dernier.”

Article 2 Treaty.

„La question de savoir si les navires mexicains et leurs cargaisons, sequestrés pendant le cours du blocus, et postérieurement capturés par les Français, à la suite de la déclaration de guerre, doivent être considérés comme légalement acquis aux capteurs, sera soumise à l'arbitrage d'une tierce puissance, ainsi qu'il est dit en l'article 2 du traité de ce jour.”

Article 2 Convention.

## 3. Victoria, Queen of Great Britain.

## 4. Treaty and Convention, Vera Cruz.

a. **March 9, 1839.**

b.

c. De Clercq 4-446; La Fontaine 20; Lapradelle-P. 1-554; de Martens N.R. 16-607; State Papers 29-222.

## 5. Award.

a. August 1, 1844.

b. Negative award: claims on both sides invalid.

c.

d. De Clercq 5-193; La Fontaine 21; Lapradelle-P. 1-558; Moore 5-4865.

c. Lapradelle-P. 1-545/579; State Documents relating to the conferences at Jalapa between the Mexican Minister for Foreign Affairs . . . . and rear-admiral Baudin . . . . concerning the adjustment of the differences between the two nations, London 1839.

### Nr. 33

1. MEXICO — UNITED STATES OF AMERICA.
2. Personal indemnity claims.
 

„It is agreed that the claims of citizens of the United States upon the Mexican Government . . . shall be referred to four commissioners . . .” Article 1.  
 „The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican Government in each case.” Article 5.  
 „. . . it is agreed that he (viz. His Prussian Majesty) shall appoint a person to act as an arbiter in his behalf . . .” Article 7.
3. Mixed Commission: P. F. del Castillo (M.); J. V. de Leon (M.); W. L. Marcy (U.S.A.); J. Rowan (U.S.A.); Baron Rönne (Umpire).
4. Treaty, Washington.
  - a. **April 11, 1839.**
  - b. „The said Commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican Republic respectively.” Article 1.
  - c. Davis 678; La Fontaine 21; Lapradelle-P. 1-447; Malloy 1-1101; de Martens N.R. 16-624; Moore 5-4771; State Papers 29-1292.
5. 52 Claims settled.
  - a. 1839-1842.
  - b. U.S.A.
  - c. Mexico paid \$ 671.798,08.
  - d. Lapradelle-P. 1-459/503.  
 Moore vol. 3: 2381/2, 2859, 3009, 3043/5, 3119, 3126, 3227/8.  
 Moore vol. 4: 3235/41, 3265, 3369/82, 3409, 3714, 4226, 4324/6.
  - e. Am. State Papers F.R. vol. 3/5; House Reports No. 505, 26 Cong.; Lapradelle-P. 1-439/506; Minutes of the proceedings of the mixed Commission, Sen. Exec. Doc. 320, 1841/2; Moore 2-1209/45; Reports of Committees Doc. 1096, 1841/2; R.D I.L.C. 6 (1874)-123; State Papers see No. 40, 5. e.

## Nr. 34

1. ARGENTINE REPUBLIC — FRANCE.
2. Personal indemnities; private claims.  
 „Sont reconnues par le Gouvernement de Buenos Ayres les indemnités dues aux Français qui ont éprouvé des pertes ou souffert des dommages dans la République Argentine, et le chiffre de ces indemnités, qui reste seul à déterminer, sera réglé dans le délai de six mois, par la voie de six arbitres. . . .”  
 Article 1.
3. Commission: Ch. Lefebure de Bécourt; A. Pellion; Penaud; Th. Guido; E. Lahitte; F. Casiano de Belausegui.
4. Convention, Buenos Ayres.
  - a. **October 29, 1840.**
  - b.
  - c. De Clercq 4-591; La Fontaine 587; de Martens N.R.G. 1-1-532; State Papers 29-1089.
5. Settlement by agreement, Buenos Ayres.
  - a. April 26, 1841.
  - b. France.
  - c. Argentine paid 173.725 piastres (Article 1).
  - d. De Clercq 4-594; La Fontaine 587; State Papers 31-1037.
  - e.

## Nr. 35

1. GREAT BRITAIN — PORTUGAL.
2. Military service.
 

„The purpose of the Commission shall be to examine and to decide upon the claims of British subjects who served in the Portugueze Army and Navy, during the late war for the liberation of Portugal.” Article 2.
3. Mixed Commission: Rutherford Alcock (Gr.Br.); Col. J. Barreiros (P.).
4. I. Public Notice.
  - a. **November 6, 1840.**
  - b.
  - c. Hertslet 6-726.
 II. Instructions, London.
  - a. November 13, 1840.
  - b. „The Commission shall be authorized to . . . decide such claims according to their judgment.” Article 5.  
 „. . . and if the Commission can arrive at a moral conviction of the justice or of the injustice of a claim, they may, notwithstanding the absence or incompleteness of vouchers, decide such claim according to principles of equity, keeping in view the letter and the spirit of such contracts as may apply to the case.” Article 11.
  - c. La Fontaine 93; Hertslet 6-726; State Papers 30-121.
 III. Regulations.
  - a. June 22, 1841.
  - b.
  - c. La Fontaine 636; Hertslet 6-732.
5. Settlement by agreement.
  - a. August 26, 1842.
  - b. Great Britain.
  - c. See notice March 25, 1844 (text: Hertslet 6-750).  
 Portugal paid £ 162.500 on March 28, 1844.
  - d. La Fontaine 96; Hertslet 6-745.
  - e. State Papers 18-43/341.

## Nr. 36

1. GREAT BRITAIN — TWO SICILIES.
2. Sulphur monopoly.  
 „That a Commission should be appointed . . . to liquidate the claims of British subjects against the Neapolitan Government, for losses sustained by them in consequence of that contract (viz: concluded on the 9th of July, 1838, between the Neapolitan Government and the House of Taix, Aycard, and Co., with respect to the Sulphur trade of Sicily).”
3. Commission: Woodbine Parish (Gr.Br.); St. H. Sullivan (Gr.Br.); M. A. La Rosa (T.S.); G. Bongiardino (T.S.); Comte De Lurde (Umpire).
4. Arrangement, London. (Notice British Foreign Office.)
  - a. **November 17, 1840.**
  - b.
  - c. La Fontaine 97; Hertslet 6-796.
5. Award.
  - a. December 24, 1841.
  - b. Great Britain.
  - c. The Commission adjudged a sum of £ 21.307 14 s. to the British claimants.
  - d. La Fontaine 99; Hertslet 6-802.
  - e.



**Nr. 37**

1. BRAZIL — UNITED STATES OF AMERICA.
2. Maritime capture.  
„*John S. Bryan*” was seized by Brazil in the Province of Para, June 1836.
3. Commission:
4. Commissioners were appointed at Rio de Janeiro.
  - a. **October 15, 1842.**
  - b.
  - c.
5. Award.
  - a. June 12, 1843.
  - b. U.S.A.
  - c. Brazil paid, without interest, on May 20, 1846.  
By Convention of Rio de Janeiro, January 27, 1849 (text: Malloy 1-144), a Domestic Commission was appointed to settle the claim for interest. See about this Commission: Moore 5-4609/26.
  - d. Moore 5-4613.
  - e. **La Fontaine 617.**

## Nr. 38

## 1. FRANCE — GREAT BRITAIN.

## 2. „Portendick” claims. (Blocus.)

„Les deux Gouvernements sont alors convenus de soumettre à l'examen de S.M. le Roi de Prusse la totalité des réclamations présentées dans cette affaire par des sujets britanniques, et de prier S.M. de vouloir bien se prononcer, comme arbitre, sur la question de savoir si, par suite des mesures et des circonstances qui ont précédé, accompagné ou suivi l'établissement et la notification du blocus de la côte de Portendick, en 1834 et 1835, un préjudice réel a été induement apporté à tels ou tels sujets de Sa Majesté Britannique, exerçant sur ladite côte un trafic régulier et légitime, et si la France est équitablement tenue de payer, à telle ou telle classe desdits réclamants, des indemnités à raison de ce préjudice.”

## 3. Frederic-William, King of Prussia.

## 4. Declaration, Paris.

a. **November 14, 1842.**

## b.

- c. De Clercq 4-658; La Fontaine 24; Hertslet 8-992, and 11-125; Lapradelle-P. 1-523; de Martens N.R.G. 1-3-689; Moore 5-4936; State Papers 34-1064.

## 5. Award.

## a. November 30, 1843.

## b. Great Britain.

- c. In conformity with the award a Mixed Commission (J. Ward (Gr.Br.), Engelhardt (Fr.) and Baron Rönne (Umpire)) was appointed, in 1844, to fix the amount of the indemnity. Decisions of the Umpire: June 20 and October 3, 1844.

France was adjudged to pay 41.770,89 francs, which sum was voted by the French Chambers on April 30 and June 14, 1845 and sanctioned by the law of June 20, 1845. (See Lapradelle-P. 1-526/531.)

- d. De Clercq 5-131; La Fontaine 25; Hertslet 8-996; Lapradelle-P. 1-525; Moore 5-4937; State Papers 42-1377.  
e. Lapradelle-P. 1-512/544; Papers relative to the arbitration of His Majesty the King of Prussia . . . . London 1845; State Papers 23-543/88; idem: 27-1228/99; idem: 30-581/649; idem: 34-1036/1108.

**Nr. 39**

1. GREAT BRITAIN — HANNOVER.
2. Ownership of crown jewels.  
Ownership of a part of the crown jewels of Great Britain, which was claimed as property of the Crown of Hannover, that Kingdom being separated from Great Britain on the accession of Queen Victoria in 1837.
3. Arbitral tribunal: (3 English jurists).
4.
  - a. **1843.**
  - b.
  - c.
5. Award.
  - a. Middle of December, 1857.
  - b. King of Hannover.
  - c. Jewels were given up and exhibited in Hannover, February 18, 1858.
  - d.
  - e. Darby p. 780; Official Journal of Hannover, January 1858.

## Nr. 40

### 1. MEXICO — UNITED STATES OF AMERICA.

#### 2. Personal indemnities.

„A new Convention shall be entered into for the settlement of all claims of the Government and citizens of the United States against the Republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States.”  
Article 6.

#### 3. Domestic Commission under Act of March 3, 1849: G. Evans; R. T. Paine; C. B. Smith.

#### 4. I. Convention, Mexico City.

##### a. **January 30, 1843.**

b.

c. Davis 680; La Fontaine 23; Malloy 1-1105; de Martens N.R.G. 1-5-15; State Papers 32-1234.

#### II. Convention, Mexico City.

In execution of article 6, Convention January 30, 1843. Not ratified by Mexico.

##### a. November 20, 1843.

b. (See articles 1 and 5.)

c. Malloy 1-1120; de Martens N.R.G. 1-14-38

#### III. Treaty, Guadalupe Hidalgo.

##### a. February 2, 1848.

b. (See article 15.)

c. Davis 642; La Fontaine 23; Lapradelle-P. 1-509; Malloy 1-1107; de Martens N.R.G. 1-11-387 and 1-14-7; Moore 2-1249; State Papers 37-567.

#### IV. Act of March 3, 1849.

#### 5. Awards.

##### a. April 16, 1849-April 15, 1851.

b. U.S.A.

c.

d. Moore vol. 2: 1253, 1255, 1264, 1275.

Moore vol. 3: 2322/7, 2385/6, 2389, 2657/71, 2779/80, 2800/16, 2972, 2992/6, 3008/9, 3016/9, 3027, 3031, 3229.

Moore vol. 4: 3242, 3266, 3334/47, 3409, 3429/58, 3666, 3885/3902, 3958, 4326, 4348.

e. Lapradelle-P. 1-506/511; Moore 2-1245/1286; State Papers vol. 8, 9, 10, 12, 13, 15, 17, 19, 20, 22/7, 29 and 41 passim.

War followed and was succeeded by a permanent arbitration treaty, the first of that kind between independent nations.

See No. 33.

**Nr. 41**

1. AUSTRIA — SARDINIA.
2. Salt trade.  
Question concerning the interpretation of Article 2 of the Convention of 1751, which regulated the Sardinian salt trade.
3. Nicholas, Emperor of Russia.
4.
  - a. **1845.**
  - b.
  - c.
5. Judgment given as Mediator.
  - a.
  - b.
  - c.
  - d.
  - e. Darby p. 780; Dreyfus: L'arbitrage international, 1892 p. 161/2.

## Nr. 42

## 1. PERSIA — TURKEY.

## 2. Frontier questions.

„Les deux Parties contractantes ayant par le présent Traité abandonné leurs autres réclamations territoriales, s'engagent à nommer immédiatement des deux côtés des Commissaires et des Ingénieurs, afin que ceux-ci déterminent les frontières entre les deux Etats d'une manière conforme à l'article précédent.”

Article 3.

„Il est respectivement décidé que des Commissaires seront immédiatement nommés de part et d'autre, pour juger et régler d'une manière équitable les questions des dommages essuyés des deux côtés depuis l'acceptation des propositions amicales tracées et communiquées par les deux grandes Puissances médiatrices au mois de Djémaziy-ul-Evvel, 1261; ainsi que celles des droits de pâturages depuis l'année où leur paiement a été arriéré.”

Article 4.

## 3. Mixed Commission:

## 4. Treaty, Erzeroum.

a. **May 31, 1847.**

b. (See sub 2.)

c. De Martens N.R.G. 1-20-1; State Papers 45-874.

## 5.

- a.
- b.
- c.
- d.
- e.

### Nr. 43

1. GREAT BRITAIN — GREECE.
2. Loss of documents.
 

„ . . . . it is agreed between the contracting Parties that two arbiters with an umpire to decide between them in case of difference, shall be appointed . . . . and that this Commission of Arbitration shall report to the British and Greek Governments whether any, and if any, what amount of real injury has been sustained by M. Pacifico by reason of the alleged loss of the documents . . . . ” (relating to money claims which he had to establish against the Portuguese Government). Article 2.
3. Commission of Arbitration: P. F. Campbell Johnston (Gr.Br.); J. T. O'Neill (Gr.); L. Béclard (Umpire, appointed by France).
4. Convention, Athens.
  - a. **July 18, 1850.**
  - b.
  - c. La Fontaine 113; Hertslet 9-497; Lapradelle-P. 1-589; de Martens N.R.G. 1-15-430; State Papers 38-16.
5. Report.
  - a. May 5, 1851.
  - b. Great Britain.
  - c. Greece paid £ 150 to Mr. Pacifico on August 1, 1851 (Lapradelle-P. 1-595).
  - d. La Fontaine 114; Hertslet 9-501; Lapradelle-P. 1-593; State Papers 40-635.
  - e. Lapradelle-P. 1-580/597; State Papers 39-332/932

## Nr. 44

## 1. FRANCE — SPAIN.

## 2. Maritime seizures.

„Dans ce but ils ont choisi, d'un commun accord, le cabinet néerlandais, et ils proposent . . . de présenter à ce cabinet les propositions arbitrales suivantes, qui devront être résolues par lui comme question de principe:

1) Si la prise et la vente de la „*Veloz Mariana*” ont été ou non légitimes, et si ce navire est ou non compris dans l'art. 1er de la convention du 5 janvier 1824.

2) Si le navire la „*Victoria*” doit ou non être compris parmi les prises qui font l'objet de l'article 1er de la convention de 1824; et il est bien entendu que la sentence arbitrale sera seulement applicable à la cargaison de ce navire et non au navire lui-même, qui a été restitué.

3) Si l'Espagne doit ou non considérer comme des affaires analogues, au point de vue de la convention de 1824, les affaires de la „*Veloz Mariana*” et de la „*Vigie*”, et si elle est ou non fondée dans son refus de payer l'indemnité qu'elle reconnaît devoir aux propriétaires de ce dernier navire, jusqu'à ce que la France ait consenti à acquitter, par compensation ou de toute autre manière, l'indemnité relative à la „*Veloz Mariana*”.

## 3. William III, King of the Netherlands.

## 4. Declaration, Madrid.

a. **February 15, 1851.**

b.

c. De Clercq 6-81; La Fontaine 26; Lapradelle-P. 1-612.

## 5. Award.

a. April 13, 1852.

b. „*Veloz Mariana*”: in favour of Spain; „*Victoria*” and „*Vigie*”: in favour of France.

c. A Mixed Commission was appointed, in conformity with the Declaration of Madrid, to settle the indemnity-question. But difficulties having arisen, it was not before the Convention of Paris, February 15, 1862 (text: de Clercq 8-388; La Fontaine 29; Lapradelle-P. 1-626; de Martens N.R.G. 1-20-248; State Papers 52-154), that the two Governments made themselves responsible for payment.

d. De Clercq 6-170; La Fontaine 27; Lapradelle-P. 1-619; Moore 5-4873.

e. Lapradelle-P. 1-598/634.

(Text Convention Madrid, January 5, 1824: de Clercq 3-304; Lapradelle-P. 1-603; de Martens N.R. 6-386; State Papers 11-20).



## Nr. 45

## 1. PORTUGAL — UNITED STATES OF AMERICA.

## 2. Duty of neutrals; destruction of privateer.

„The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American privateer brig „*General Armstrong*”, destroyed by British vessels in the waters of the island of Fayal, in September 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers, and crew of the said privateer, should be submitted to the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties.”

Article 2.

## 3. Louis Napoleon, President of the French Republic.

## 4. Treaty, Washington.

a. **February 26, 1851.**

## b.

c. Davis 896; La Fontaine 30; Lapradelle-P. 1-639; Malloy 2-1458; Moore 2-1092 and 5-4791; State Papers 40-1088.

## 5. Award.

## a. November 30, 1852.

## b. Portugal.

c. U.S.A. accepted, but S. C. Reid jr. (Mr. Reid was Captain of the „*General Armstrong*”) refused. A bill of indemnity was accepted by U.S.A., on January 26, 1855. Reid asked the Court of Claims about the legality of this bill, but the Court, deliberating, again, on Portugal’s responsibility, rejected his demand, February 1, 1858. Nevertheless, the bill for the relief of the claimants passed the Senate and the House, April 1882, and became a law, May 1, 1882, without the President’s approval. (See Moore 2-1096/1113.)

d. De Clercq 6-237; La Fontaine 30; Lapradelle-P. 1-646; Moore 2-1093; Ortolan, *Diplomatie de la mer* (Annexes), 2nd ed., 2-547; State Papers 42-1378.

e. Collection of sundry publications and other documents, in relation to the attack made during the late war upon the private armed brig, *General Armstrong*, New York 1833; Claim on account of injuries inflicted on the *General Armstrong* by the British fleet at Fayal, 1814; International law, the case of the private armed brig of war, *General Armstrong* . . . , New York 1857; Lapradelle-P. 1-635/60; Moore 2-1071/1132; U.S. Parl. Papers; State Papers 45-463/556.

## Nr. 46

1. CANADA — NEW BRUNSWICK.
2. Boundary question.  
To report on a line which would satisfy the legal claims of both provinces.
3. Interprovincial arbitration: a Commission was appointed in 1846. (Pipon, succeeded by Robinson; Henderson; Johnstone).  
Their Report, July 20, 1848, was not accepted by Canada. Then an Arbitration Commission was constituted: Travers Twiss; Th. Falconer; S. Lushington.
4.
  - a.
  - b.
  - c.
5. Award.
  - a. **April 17, 1851.**
  - b.
  - c. See Act of Parliament, August 10, 1857 (text: State Papers 47-523).
  - d. Hertslet 9-764; State Papers 40-851 and 44-685.
  - e. Moore 1-157/161; Parl. Blue Book, Canada, July 11, 1851, p. 81, 86.

## Nr. 47

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Mutual claims.

„The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, and all claims on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, which may have been presented to either government for its interposition with the other since the signature of the Treaty of Peace and Friendship, concluded between the United States of America and Great Britain at Ghent, on the 24th of December, 1814, and which yet remained unsettled, as well as any other such claims. . . . shall be referred to two Commissioners. . . . The Commissioners shall then, . . . name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion.”

Article 1.

## 3. Mixed Commission: E. Hornby (Gr.Br.); N. G. Upham (U.S.A.); J. Bates (Gr.Br., Umpire).

## 4. I. Treaty, London.

a. **Februari 8, 1853.**

b. „The Commissioners (and the umpire). . . . shall. . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively.”

Article 1.

c. Davis 445; La Fontaine 31; Hertslet 9-766; Lapradelle-P. 1-662; Malloy 1-664; de Martens N.R.G. 1-16 1st part-491; Moore 5-4743; State Papers 42-34.

## II. Convention, Washington.

## a. July 17, 1854.

## b.

c. Hertslet 9-997; Lapradelle-P. 1-666; Malloy 1-673; de Martens N.R.G. 1-16 1st part-496; Moore 5-4746; State Papers 44-29.

## 5. 115 Claims settled.

## a. September 15, 1853–January 15, 1855.

## b. 75 claims against the U.S.A.; 10 claims against Gr.Br.

## c.

d. List of claims before the Commission: Moore 1-416. Lapradelle-P. 1-668/762; Moore vol. 3: 2313/5, 2331/2, 2419/28, 2671/95, 2824/5, 2866/8, 3046/64; idem: vol. 4: 3401, 3591/3612, 3785/91, 3793/8, 4342/6, 4349/78, 4388/90; Report of decisions of the Commission of Claims under the Convention of February 8, 1853, Washington 1856.

e. E. Hornby: Report of the proceedings of the mixed commission on private claims. . . ., London 1856; Lapradelle-P. 1-661/762; Moore 1-391/425.

## Nr. 48

## 1. ECUADOR — PERU.

## 2. Maritime seizure.

„La adjudicacion i pertenencia de los buques, armas, municiones i pertrechos que, habiendo pertenecido al armamento de D. Juan José Flores, se refugiaron al puerto de Paita, se sometéran a la decision arbitral del Gobierno de Chile, quedando ambas Partes Contratantes sujetas a lo que este decidiere como arbitro.”

Article 5.

## 3. Government of Chile.

## 4. Treaty, Lima.

a. **March 16, 1853.**

## b.

c. La Fontaine 588; Peru, Coleccion de los Tratados 5-132.

## 5.

## a.

## b.

## c.

## d.

## e.

## Nr. 49

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Reserved fisheries question.

„ . . . . And it is further agreed that, in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this article, and that of fishermen of the United States contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall . . . . appoint a Commissioner . . . . The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion . . . . Such Commissioners shall proceed to examine the coasts of the North American provinces and of the United States, embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.” Article 1.

## 3. Mixed Commission: M. H. Perley (Gr.Br.); G. G. Cushman (U.S.A.); J. H. Gray (U.S.A., umpire).

## 4. Treaty, Washington.

## a. June 5, 1854.

b. „ . . . . The said Commissioners . . . . shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article . . . .” Article 1.

c. La Fontaine 437; Hertslet 9-998; Lapradelle-P. 2-443; Malloy 1-668; de Martens N.R.G. 1-16 1st part-498; Moore 5-4747; State Papers 44-25.

## 5. 56 Awards.

## a. Award of the Umpire: April 8, 1858.

(The Commission set from August 1858-February 13, 1866.)

## b. 221 Places examined, 105 declared to be reserved.

As to 24 places: 18 claims in favour of Gr.Br., 6 in favour of U.S.A. As to the mouths of the rivers: in favour of Gr.Br.

c. Mr. Cutts, American expert, attacked the decisions of Mr. Gray. U.S.A. wanted to reopen the cases, but Gr. Br. refused. The awards were finally received. Mr. Cushman was succeeded by B. Wiggin; he by J. Hubbard, and he again by E. L. Hamlin; Mr. Perley was succeeded by J. Howe. U.S.A. denounced the treaty of Washington, 1854, in 1865. (See article 5 of that treaty). After the Commission had ceased to exist, Mr. Cutts made a general Report, March 31, 1866 (text: Moore 1-438). Article 20 of the treaty of Washington, May 8, 1871 (text: Moore 5-4751) stipulated that the awards of the Commission should be final.

d. La Fontaine 438; Lapradelle-P. 2-447; Moore 1-449.

e. Lapradelle-P. 2-441/60; Moore 1-426/94.  
See No. 291.

## Nr. 50

## 1. GREAT BRITAIN — PORTUGAL.

## 2. Personal claim; denial of justice.

„Il est entendu que les diverses plaintes, réclamations et demandes faites par le gouvernement de S.M.B. contre le gouvernement de S.M.T.F. en faveur de M. Croft, sujet britannique, résidant en Portugal, et de sa femme Mme Marie Lucienne d'Oliveira Croft, ou de chacun d'eux, et le droit ou la prétention d'obtenir, pour eux ou l'un d'eux, une indemnité ou compensation du gouvernement de S.M.T.F. seront soumis à la décision du Sénat de la Ville Libre de Hambourg....”

## 3. Senate of Hamburg.

## 4. Memorandum.

a. **May 14, 1855.**

b.

c. La Fontaine 371; Lapradelle-P. 2-12.

## 5. Award.

a. February 7, 1856.

b. Portugal.

c. Claim dismissed; expenses paid (Lapradelle-P. 2-27).

d. La Fontaine 373; Lapradelle-P. 2-22; Moore 5-4979; State Papers 50-1288.

e. Archives of the Free City of Hamburg; Lapradelle-P. 2-1/37.

**Nr. 51**

1. AFGHANISTAN — PERSIA.
2. Boundary question.

„In case of differences arising between the Government of Persia and the countries of Herat and Afghanistan, the Persian Government engages to refer them for adjustment to the friendly offices of the British Government, and not to take up arms unless those friendly offices fail of effect.” Article 6, 3.
3. Commission: General Goldsmid (Gr.Br.); General Pollock (Gr.Br.).
4. Treaty, Paris. (Between Great Britain and Persia.)
  - a. **March 4, 1857.**
  - b. (See sub 2.)
  - c. De Martens N.R.G. 1-16 2nd part-114.
5. Award.
  - a. August 19, 1872.
  - b.
  - c. Accepted by both.
  - d.
  - e. Encyclopedia Britannica, 11th ed., vol. 21-242 („Persia.”); Moore 5-5042; A.C. Yate: Afghan Boundary Commission of 1884.

**Nr. 52**

## 1. AFGHANISTAN — PERSIA.

## 2. Boundary question.

„In case of differences arising between the Government of Persia and the countries of Herat and Afghanistan, the Persian Government engages to refer them for adjustment to the friendly offices of the British Government, and not to take up arms unless those friendly offices fail of effect.” Article 6, 3.

## 3. General McLean.

## 4. Treaty, Paris. (Between Great Britain and Persia.)

a. **March 4, 1857.**

b.

c. De Martens N.R.G.1-16 2nd part-114.

## 5. I. Proposed arrangement.

a. November 9, 1888.

b.

c. Accepted by both.

d.

e.

## II. Report.

a. July 6, 1891.

b.

c.

d.

e. Darby p. 808.



**Nr. 53**

1. FRANCE, GREAT BRITAIN — URUGUAY.
2. Acts of war.

„The claims of English and French subjects on account of losses suffered during the war, to which the law, sanctioned on the 14th of July, 1853, refers, shall be definitively settled, with respect to their justification and amount, by a Mixed Commission, having the character of arbitrator.” Article I.
3. Mixed Commission: Dano (Fr.); Rowley (Gr.Br.); B. Caravia (U.); V. V. Vasquez (Umpire).
4. Convention, Montevideo.
  - a. **June 23, 1857.**
  - b.
  - c. De Clercq 7-290; La Fontaine 115; Hertslet 10-1049; Lapradelle-P. 2-121; State Papers 48-959.
5. Settlement by Convention, Montevideo.
  - a. June 28, 1862.
  - b. France and Great Britain.
  - c. Uruguay paid 4.000.000 piastres as indemnity (Lapradelle-P. 2-128).
  - d. La Fontaine 116; Hertslet 13-1007; Lapradelle-P. 2-127; State Papers 63-1063.
  - e. Lapradelle-P. 2-119/129.

## Nr. 54

## 1. NETHERLANDS — VENEZUELA.

## 2. Territorial question.

„La question du droit de domination (dominio; domein) et de souveraineté (soberania; souverainiteit) de l'île Aves sera soumise à l'arbitrage d'une puissance amie, préalablement choisie d'un commun accord.” Article 1.

## 3. Isabella II, Queen of the Spains.

## 4. Convention, Caracas.

a. **August 5, 1857.**

## b.

c. La Fontaine 151; Lapradelle-P. 2-408; de Martens N.R.G. 1-17 1st part-222.

## 5. Award.

## a. June 30, 1865.

## b. Venezuela.

c. The Aves Island was declared property of Venezuela, who had to pay an indemnity to Holland for the loss of the fishery rights of her subjects. The Netherlands accepted this decision but preferred the continuation of the fishery rights (Lapradelle-P. 2-415).

d. La Fontaine 152; Lapradelle-P. 2-412; Moore 5-5037.

e. Lapradelle-P. 2-404/21.

## Nr. 55

1. NEW GRANADA — UNITED STATES OF AMERICA.
2. Personal claims.
 

„All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of New Granada . . . and especially those for damages which were caused by the riot at Panama on the fifteenth of April 1856, for which the said government of New Granada acknowledges its liability, arising out of its privilege and obligation to preserve peace and good order along the transit route, shall be referred to a Board of commissioners . . . The Commissioners shall then proceed to name an arbitrator or umpire to decide upon any case or cases on which they may differ in opinion.”

Article 1.
3. Mixed Commission: J. M. Hurtado (N.Gr.); E. W. Leavenworth (U.S.A.); N. G. Upham (U.S.A., umpire).
4. Convention, Washington.
  - a. **September 10, 1857.**
  - b. „. . . The commissioners . . . shall make and subscribe a solemn oath that they will carefully examine and impartially decide, according to justice and equity, upon all the claims laid before them, under the provisions of this convention, by the Government of the United States:” Article 1.
  - c. Davis 210; LaFontaine 34; Lapradelle-P. 2-461; Malloy 1-319; Moore 5-4694; State Papers 47-353.
5. 73 Claims decided.
  - a. June 10, 1861–March 9, 1862, when the Commission adjourned sine die. (125 Claims unsettled, see No. 74.)
  - b. U.S.A.
  - c. N.Gr. paid \$ 496.235,49.
  - d. Lapradelle-P. 2-467/472; Moore 2-1376/80.
  - e. Lapradelle-P. 2-461/472; Moore 2-1361/96.  
See No. 74.

## Nr. 56

## 1. BRAZIL — GREAT BRITAIN.

## 2. Mutual claims.

„The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of His Majesty the Emperor of Brazil, and all claims on the part of corporations, companies, or private individuals, subjects of His Majesty the Emperor of Brazil, upon the Government of Her Britannic Majesty, which may have been presented to either Government for its interposition with the other since the date of the declaration of Independence of the Brazilian Empire, and which yet remain unsettled . . . shall be referred to 2 commissioners . . . The commissioners shall . . . name a third person to act as an arbitrator or umpire, in any case or cases on which they may themselves differ in opinion.”

Article 1.

## 3. Mixed Commission:

## 4. Convention, Rio de Janeiro.

a. **June 2, 1858.**

b. „ . . . The commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of Her Britannic Majesty and His Majesty the Emperor of Brazil respectively.”

Article I.

c. La Fontaine 117; Hertslet 10-724; de Martens N.R.G. 1-16 2nd part-576; State Papers 48-18.

## 5. 9 of the 159 claims presented were decided.

## a. March 10, 1859- . . . .

## b.

c. Great Britain made objections as to the competence of the Commission. Diplomatic relations between the two countries were suspended and the powers of the Commissioners came to an end.

## d.

e. Darby p. 784.

## Nr. 57

## 1. MOLDAVIA — WALLACHIA.

## 2. „Dedicated convents”.

„M. le Plénipotentiaire de Russie appelle l'attention de la Conférence sur le conflit existant, dans les Principautés, touchant les biens des couvents dédiés. Après examen, la Conférence décide que, pour donner une solution équitable au différend qui existe à ce sujet entre les Gouvernements des Principautés et le clergé grec, les parties intéressées seront invitées à s'entendre entre elles au moyen d'un compromis; dans le cas où elles ne parviendraient pas à s'entendre dans le délai d'un an, il sera statué par voie d'arbitrage. Dans le cas où les arbitres ne parviendraient pas à s'entendre, ils choisiront un sur-arbitre. S'ils se trouvaient également dans l'impossibilité de s'entendre pour le choix de ce sur-arbitre, la Sublime Porte se concerterait avec les Puissances garantes pour le désigner.”

## 3.

## 4. Protocol, No. 13, Paris.

a. **July 30, 1858.**

b.

c. State Papers 48-103,

## 5. Settlement by Protocol, No. 15, Berlin.

a. July 8, 1878.

b.

c.

d. State Papers 69-1031 (880).

e. Hertslet Map 2-1378/9.

## Nr. 58

## 1. ARGENTINE REPUBLIC — FRANCE, GREAT BRITAIN, SARDINIA.

## 2. Results of civil war.

The High Contracting Parties „ . . . being desirous of agreeing on the means, mode, and form of payment of the debt which the Argentine nation acknowledges in favour of British subjects who have suffered losses in the commotions of civil war which have befallen the Republic, losses which the Argentine nation, adopting a healing and generous policy, has consented to recognize . . . ”

„ . . . the Argentine Government agrees to the appointment of a Commission . . . which shall have for object to endeavor to settle amicably any differences which may arise with regard to any of the three Conventions.” Article 8.

## 3. Commission:

## 4. 3 Similar Conventions, Parana.

a. **August 21, 1858.**

## b.

- c. Convention Argentine — France: de Clercq 7-492; La Fontaine 120.  
 Convention Argentine — Great Britain: Hertslet 11-50; de Martens N.R.G. 1-16 2nd part-582; State Papers 48-38.  
 Convention Argentine — Sardinia: State Papers 49-477 (and 1340).

## 5.

- a.  
 b.  
 c.  
 d.  
 e.

## Nr. 59

## 1. CHILE — UNITED STATES OF AMERICA.

2. „*Macedonian*” case; capture of property.

„The aforesaid plenipotentiaries . . . have agreed, in the name of the government which each represents, to submit to the arbitration of His Majesty the King of Belgium, the pending question between them, respecting the legality or the illegality of the above referred to capture of silver in coin and in bars, made on the ninth day of May, 1821, by order of Lord Cochrane, Vice-Admiral of the Chilean squadron, in the valley of Sitana, in the territory of the former Vice-Royalty of Peru, the proceeds of sales of merchandise imported into that country in the brig „*Macedonian*”, belonging to the merchant marine of the United States of America.

Therefore the above named ministers agree to name his Majesty the King of Belgium as arbiter, to decide with full powers and proceedings *ex aequo et bono*, on the following points:

First. Is, or is not, the claim which the government of the United States of America makes upon that of Chile, on account of the capture of silver mentioned in the preamble of this convention, just in whole or in part?

Second. If it be just in whole or in part, what amount is the government of Chile to allow and pay to the government of the United States of America, as indemnity for the capture?

Third. Is the government of Chile, in addition to the capital, to allow interest thereon; and, if so, at what rate and from what date is interest to be paid?”

## 3. Leopold I, King of Belgium.

## 4. Convention, Santiago.

a. **November 10, 1858.**

b. (See sub 2.)

c. Davis 142; La Fontaine 35; Lapradelle-P. 2-190; Malloy 1-183; le Martens N.R.G. 1-17 1st part-243; Moore 5-4689; State Papers 49-492.

## 5. Award.

a. May 15, 1863.

b. U.S.A.

c. Chile paid \$ 42.000 (Darby p. 785).

d. La Fontaine 36; Lapradelle-P. 2-203; Memoria de Relaciones Exteriores (Chile), 1863-65; Moore 2-1463.

e. Lapradelle-P. 2-182/229; Message of the President of the U.S. in answer to a resolution of the Senate calling for information relative to the seizure, in the valley of Sitana, in Peru, by the authorities of Chile, of the proceeds of the cargo of the brig „*Macedonian*”, the property of citizens of the U.S., Sen. Exec. Doc. 58, 35 Cong. 1 sess., p. 466; Moore 2-1449/68; R.D.I.L.C. 6 (1874)-118.

## Nr. 60

### 1. PARAGUAY — UNITED STATES OF AMERICA.

#### 2. Commercial claims; acts of war.

„The Government of the Republic of Paraguay binds itself for the responsibility in favor of the „United States and Paraguay Navigation Company”, which may result from the decree of commissioners . . . .” Article 1.

„The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said Company may be entitled . . . . hereby covenant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute such a Commission . . . .” Article 2.

#### 3. Commission: J. Berges (P.); C. Johnson (U.S.A.).

#### 4. Convention, Assumption.

##### a. **February 4, 1859.**

b. „The said commissioners . . . ., shall take an oath . . . . that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability.” Article 3.

c. La Fontaine 37; Lapradelle-P. 2-41; Malloy 2-1362; de Martens N.R.G. 1-17 1st part-255; Moore 5-4781; State Papers 49-485.

#### 5. Award.

a. August 13, 1860.

b. Paraguay.

c. Difficulties having arisen, (see Lapradelle-P. 2-49/50; Moore 2-1538/49), the result was that Paraguay promised to pay (Protocol August 12, 1887) \$ 90.000, but the Chamber of Deputies rejected it. A new protocol was signed on May 21, 1888 and the Chamber rejected it again.

d. La Fontaine 620; Lapradelle-P. 2-45; Moore 2-1501.

e. Compilation of reports of Committee on foreign relations, Washington, 1901, 6-131/88; Lapradelle-P. 2-38/54; Moore 2-1485/1549.



## Nr. 61

### 1. GREAT BRITAIN — GUATEMALA.

#### 2. Boundary questions.

„Her Britannic Majesty and the Republic of Guatemala shall . . . appoint each a Commissioner for the purpose of designating and marking out the boundary described in the preceding article. Such Commissioners shall ascertain the latitude and longitude of Gracias a Dios and of the Garbutt's Falls, and shall cause the line of boundary between Garbutt's Falls and the Mexican territory to be opened and marked where necessary, as a protection against future trespass.”

Article 2.

„The Commissioners shall then . . . name some third person to act as arbitrator or umpire in any case or cases in which they may themselves differ in opinion.”

Article 3.

#### 3. Commission:

#### 4. Convention, Guatemala.

##### a. **April 30, 1859.**

b. „ . . . The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all matters referred to them for their decision . . . ”

Article 3.

c. La Fontaine 588; Hertslet 11-345; de Martens N.R.G. 1-16 2nd part-366; State Papers 49-7.

#### 5.

- a.
- b.
- c.
- d.
- e.

## Nr. 62

## 1. MUSCAT — ZANZIBAR.

## 2. Sovereignty claims.

„Au nom du Dieu Très-Miséricordieux, moi, l'indigne Medjid, je déclare, quant aux différends et discordes qui se sont élevés entre mon frère Touéni et moi, à propos de la souveraineté de Zanzibar et de ses dépendances d'Afrique, que j'ai remis le règlement dudit différend et l'apaisement de ladite discorde à Sa Seigneurie le gouverneur général, vice-roi de Sa Très-Haute Majesté dans le gouvernement de l'Inde.”

October 3, 1860.

## 3. Lord Canning, Governor-General of India.

## 4. Engagements.

a. **September 21, 1859** and October 3, 1860.

b.

c. Lapradelle-P 2-58.

## 5. Award.

a. April 2, 1861.

b. Both partially. (Political character.)

c. Accepted by the Sultan of Muscat May 15, and by the Sultan of Zanzibar June 25, 1861 (Lapradelle-P. 2-71/4).

d. Lapradelle-P. 2-70; State Papers 56-1396.

e. Hertslet Map 2-961; Lapradelle-P. 2-55/77; Blue Book (420), Report from the select committee on the slave trade (East Coast of Africa), August 4, 1871, p. 125/209.

## Nr. 63

1. GREAT BRITAIN — HONDURAS.
2. Claims and concessions.
 

„Whereas British subjects have, by grant, lease, or otherwise, heretofore obtained, from the Mosquito Indians, interests in various lands . . . ; and it is further agreed that Her Britannic Majesty and the Republic shall . . . appoint 2 Commissioners, 1 to be named by each party in order to investigate the claims of British subjects arising out of such grants or leases, or otherwise;” Article 4.

„It is further agreed between the Contracting Parties, that the Commissioners . . . shall also examine and decide upon any British claims upon the Government of Honduras that may be submitted to them, other than those specified in that Article, and not already in a train of settlement. . . .” Article 5.

„The Commissioners . . . name some 3rd person to act as an arbitrator or umpire in any case or cases in which they may themselves differ in opinion.” Article 6.
3. Commission: J. Macdonald (Gr.Br.); L. Alvarado (H.); E. O. Crosby (U.S.A., umpire).
4. Treaty, Comayagua.
  - a. **November 28, 1859.**
  - b. „The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, all the matters referred to them for their decision.” Article 6.
  - c. La Fontaine 122; Hertslet 11-367; de Martens N.R.G. 1-16 2nd part-370; State Papers 49-13.
5. Report of the Umpire.
  - a. November 21, 1862.
  - b. Honduras.
  - c. Claims were declared to be void.
  - d. MSS. Dept. of State.
  - e. Moore 2-2106/7.

## Nr. 64

## 1. GREAT BRITAIN — NICARAGUA.

## 2. Claims and land-concessions.

„Her Britannic Majesty and the Republic of Nicaragua shall . . . appoint each a Commissioner for the purpose of deciding upon the BONA FIDE of all grants of land mentioned in the preceding Article as having been made by the Mosquito Indians, of lands heretofore possessed by them, and lying beyond the limits of the territory described in Article 1.”

Article 9.

„The Commissioners shall . . . name some 3rd person to act as arbitrator or umpire in any case or cases in which they may themselves differ in opinion.”

Article 10.

## 3. Commission: J. Green (Gr.Br.); R. Saenz(N.).

## 4. Treaty, Managua.

a. **January 28, 1860.**

b. „The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, all the matters referred to them for their decision.”

Article 10.

c. La Fontaine 54; Hertslet 11-446; de Martens N.R.G. 1-16 2nd part-374; State Papers 50-96.

## 5. Arrangement, Grey Town.

a. September 27, 1862. (The Commission sat from November 1, 1861-April 15, 1865.)

b. Grants confirmed; tax to be paid to Nicaragua.

c.

d. La Fontaine 56; Hertslet 13-667; State Papers 63-1185.

e. Moore 2-2106 nt. 2.

## Nr. 65

1. COSTA RICA — UNITED STATES OF AMERICA.
2. Pecuniary claims.
 

„It is agreed that all claims of citizens of the United States, upon the government of Costa Rica, arising from injuries to their persons, or damages to their property, under any form whatsoever, through the action of authorities of the Republic of Costa Rica . . . shall . . . be referred to a Board of commissioners . . . .”

Article 1.

„Said commissioners shall then proceed to name an arbitrator, or umpire, to decide upon any case or cases concerning which they may disagree, or upon any point or points of difference which may arise in the course of their proceedings.”

Article 2.
3. Mixed Commission: D. L. Molina (C.R.); B. F. Rexford (U.S.A.); J. Bertinatti (It., umpire).
4. Convention, San José.
  - a. **July 2, 1860.**
  - b. „The commissioners . . . shall . . . exhibit a solemn oath . . . that they will carefully examine into, and impartially decide, according to the principles of justice and of equity, and to the stipulations of treaty, upon all the claims laid before them . . . .”

Article 2.

  - c. La Fontaine 38; Lapradelle-P. 2-134; Malloy 1-346; Moore 5-4701; State Papers 50-498.
5. 34 Claims; 13 rejected by the Commissioners; 21 submitted to the Umpire, who allowed 12 of these.
  - a. February 8–December 31, 1862.
  - b. Partly in favour of U.S.A.
  - c. \$ 25.704, 14 awarded.
  - d. Lapradelle-P. 2-141/179; Moore vol. 2: 1559/68; vol. 3: 2315/7, 2583/9, 2695.
  - e. Lapradelle-P. 2-130/181; Moore 2-1551/68.

## Nr. 66

1. ARGENTINE REPUBLIC — FRANCE.
2. Arbitrary acts.
 

„Le gouvernement . . . approuve que, sans interrompre la poursuite de l'action fiscale intentée par l'administrateur de Concordia contre Lacaze devant l'autorité judiciaire, l'action dudit Lacaze contre le même administrateur pour abus d'autorité soit suivie administrativement, la plainte étant déferée à des arbitres qui en jugeront et détermineront, s'il y a lieu, l'indemnité qui pourra être due, laquelle sera ensuite soumise à l'approbation du Congrès.”
3. Commission: E. Carranza (A.); C. Tejedor (Fr.); M. Ugarte (Umpire).
4. Decree.
  - a. **December 18, 1860.**
  - b.
  - c. Lapradelle-P. 2-295.
5. Award.
  - a. March 19, 1864.
  - b. France.
  - c. Lacaze, French subject, protested but accepted finally the award. The Argentine Republic paid 5000 piastres (Lapradelle-P. 2-298/9).
  - d. Lapradelle-P. 2-297.
  - e. Lapradelle-P. 2-290/304; „Exposé des actes arbitraires et de spoliation dont a été victime Pierre Lacaze, sujet français, de la part de l'administration de la Concordia et du gouvernement de la Confédération Argentine.”, Montevideo, 1861.

## Nr. 67

1. GREAT BRITAIN — PORTUGAL.
2. Question of indemnity and interpretation of treaties; private claims.
 

„Le gouvernement de S.M.B. et celui de S.M.T.F., ayant été en négociation depuis 1840 au sujet des réclamations présentées par les sujets britanniques Yuille, Shortridge et Cie contre le gouvernement portugais pour la réparation des pertes par eux souffertes à la suite d'une prétendue violation de traité, et n'étant pas arrivés jusqu'ici à un arrangement amiable de ces réclamations, sont tombés d'accord pour soumettre à l'arbitrage du gouvernement de la Ville libre de Hambourg toute cette affaire, y compris la question relative au montant de l'indemnité.”
3. Senate of Hamburg.
4. Memorandum.
  - a. **March 8, 1861.**
  - b.
  - c. La Fontaine 377; Lapradelle-P. 2-89.
5. Award.
  - a. October 21, 1861.
  - b. Great Britain.
  - c. Portugal paid, November 1861, £ 20.296 2 d. (Lapradelle-P. 2-111).
  - d. La Fontaine 378; Lapradelle-P. 2-101.
  - e. Archives Free City of Hamburg (see Lapradelle-P. 2-79 nt. 2); Breve exposição do bom direito de Manoel José de Oliveira na appelação commercial d'arbitros vinda da ilha de Madeira em que são appellados os Srs. Murdoch, Shortridge e Ca e outros, Lisboa 1837; Correspondencia relativa a historia de Manoel José de Oliveira com a casa de Murdoch, Shortridge e Ca da Madeira, Lisboa 1838; Lapradelle-P. 2-78/118; Moore 5-4984; Parliamentary Papers: July 1854, Report from the select committee on Portuguese claims, and 1856: Correspondence with the Portuguese Government, since June 1854, respecting the claims of Yuille, Shortridge and Co.; Statement on behalf of the claimants; Reply of H.B.M.'s Government to the statement made by H.M.F.M.'s Government.

## Nr. 68

### 1. ECUADOR — UNITED STATES OF AMERICA.

#### 2. Mutual claims.

„All claims on the part of corporations, companies or individuals, citizens of the United States, upon the Government of Ecuador, or of corporations, companies or individuals, citizens of Ecuador, upon the Government of the United States, shall be referred to a Board of Commissioners. . . . The Commissioners shall then proceed to name an Arbitrator or Umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference which may arise in the course of their proceedings.” Article 1.

#### 3. Commission: J. J. Florez, succeeded by F. V. Tamariz (E.); F. Hassaurek (U.S.A.); A. Destruge (Umpire).

#### 4. Convention, Quito.

##### a. **November 25, 1862.**

b. „The Commissioners. . . . shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims that shall be submitted to them.” Article 1.

c. Davis 265; La Fontaine 40; Lapradelle-P. 2-422; Malloy 1-432; Moore 5-4711; State Papers 54-1121.

#### 5. Awards.

a. August 22, 1864–August 17, 1865.

b. U.S.A.

c. 14 Claims against Ecuador. Ecuador paid \$ 94.799, 56.  
Report of Mr. Hassaurek: Moore 2-1575.

d. Lapradelle-P. 2-425/36; Moore 3-2731/40 and 3221/7.

e. Lapradelle-P. 2-422/440; Moore 2-1569/77.



## Nr. 69

## 1. PERU — UNITED STATES OF AMERICA.

## 2. Maritime captures.

„The two contracting parties agree in naming as arbiter, umpire, and friendly arbitrator, His Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions, both of law and fact, involved in the proceedings of the Government of Peru in the capture and confiscation of the ships „*Lizzie Thompson*” and „*Georgiana*”.” Article 1.

## 3. Leopold I, King of Belgium.

## 4. Convention, Lima.

a. **December 20, 1862.**

b. (See sub 2.)

c. Davis 868; La Fontaine 41; Lapradelle-P. 2-394; Malloy 2-1406; Moore 5-4785; State Papers 54-1123.

## 5. No award.

Leopold I declined, January 1864, to act as arbitrator, for several reasons. The U.S.A. accepted his adverse opinion and decided to treat the claims as finally disposed of, July 9, 1864.

e. Correspondance diplomatique entre les Etats-Unis et le Pérou au sujet de la saisie et de la confiscation des navires américains la „*Lizzie Thompson*” et la „*Georgiana*”, Brussels 1864; Larapdelle-P. 2-387/403; Moore 2-1593/1614; R.D.I.L.C. 6 (1874)-126; State Papers 31-1097/1102.

## Nr. 70

## 1. BRAZIL — GREAT BRITAIN.

## 2. Arbitrary arrest.

„And with respect to the question of the officers of the „*Forte*” frigate, in accepting the suggestions made by Mr. Christie, in his note of the 1st instant about an arbitration, the Imperial Government will take care to inform Mr. Christie of the choice of an arbitrator to decide this question; it being understood that the arbiter will have to take cognizance, not of the duty of the Imperial Government to cause the laws of the country to be executed, but only of whether, in the mode of the application of those was to the officers of the „*Forte*”, any offence had been given to the British navy.” January 5, 1863.

## 3. Leopold I, King of Belgium.

## 4. Exchange of notes.

a. **January 3 and 5, 1863.**

b.

c. Archives Dipl. 1863-2-304; Lapradelle-P. 2-236; State Papers 54-789.

## 5. Award.

a. June 18, 1863.

b. Brazil.

c. Accepted (Lapradelle-P. 2-242).

d. Archives Dipl. 1864-1-382; La Fontaine 42; Hertslet 11-907; Lapradelle-P. 2-241; de Martens N.R.G. 1-20-486; Moore 5-4927; State Papers 53-150.

e. Blue Book: Correspondence respecting the plunder of the wreck of the British barque „*Prince of Wales*” on the coast of Brazil, in June 1861, and regarding the ill treatment of officers of H.M. ship „*Forte*” by the Brazilian police, in June 1862 (Nos. 1-44); Lapradelle-P. 2-230/48; Moore 5-4925/8; Relatorio da repartição dos negocios estrangeiros, 1863; R.D.I.L.C. 6 (1874)-126; State Papers 54-579/844 (translations in Archives Dipl. 1863 I and II, 1864 II).

## Nr. 71

1. PERU — UNITED STATES OF AMERICA.
2. Mutual claims.
 

„All claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the United States, which have not been embraced in conventional or diplomatic agreement between the two Governments or their Plenipotentiaries . . . shall be referred to a mixed commission . . . .” Article 1.

„The Commissioners . . . shall . . . name a fifth person to act as an arbitrator or umpire in any case or cases in which they may themselves differ in opinion.” Article 2.
3. Mixed Commission: F. B. Alvarez (P.); S. Tarara (P.); E. G. Squier (U.S.A.); J. S. Mackie (U.S.A.); P. A. Herran (Umpire).
4. Convention, Lima.
  - a. **January 12, 1863.**
  - b. „ . . . each one of the Commissioners . . . shall take an oath . . . that they will carefully examine and impartially decide, according to the principles of justice and equity, the principles of international law and treaty stipulations, upon all the claims laid before them . . . .” Article 3.
  - c. Davis 870; La Fontaine 43; Lapradelle-P. 2-252; Malloy 2-1408; Moore 5-4786; State Papers 54-1124.
5. Awards.
  - a. July 17, 1863–November 27, 1863.
  - b. U.S.A.
  - c.
  - d. Lapradelle-P. 2-255/283; Moore vol. 2: 1621/38; idem vol. 3: 2390/6 and 3120/4; idem vol. 4: 3405/7 and 3460/2.
  - e. Lapradelle-P. 2-249/289; Moore 2-1615/38; idem: 5-4591/4607.

## Nr. 72

## 1. GREAT BRITAIN — PERU.

## 2. Arbitrary arrest.

„The Government of Her Britannic Majesty having been engaged in pressing on the Government of Peru the claim of Mr. Melville White, a British subject, for a pecuniary compensation on account of sufferings and losses caused to him by the acts of Peruvian authorities, the two Governments have agreed that the question as to the right of Mr. Melville White to compensation from the Peruvian Government, as well as the question as to the amount of that compensation, if any should be proved to be due to him, should be referred to the arbitration of a friendly power.”

The two Governments „will address an invitation to the Government of the Free Hanseatic City of Hamburg, requesting the Senate to pronounce a decision on the points above stated.”

## 3. Senate of Hamburg.

## 4. Verbal note, London.

a. **July 1863.**

b.

c. La Fontaine 46; House of Commons Paper 482, July 13, 1864, p. 35; Lapradelle-P. 2-312.

## 5. Award.

a. April 13, 1864.

b. Peru.

c. Claim rejected.

d. La Fontaine 47; House of Commons Paper 482, July 13, 1864 p. 108; Lapradelle-P. 2-318; Moore 5-4967.

e. Blue Book (482): Copy of the award made by the Senate of Hamburg in the case of captain Melville White July 1864; Lapradelle-P. 2-305/43; Captain Melville White: Return to an address of the honorable the House of Commons . . . , London 1864.

## Nr. 73

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Possessory rights.

„And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies, and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of those rights and claims to the Government of the United States for an adequate money consideration. It is hereby agreed that the United States of America and her Britannic Majesty shall . . . appoint each a Commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above quoted articles (3 and 4) of the treaty of June 15, 1846 (between Great Britain and U.S.A., text: Hertslet 8-930; Malloy 1-656; de Martens N.R.G. 1-9-27; State Papers 34-14).”

Article 1.

„The Commissioners shall then proceed to name an Arbitrator or Umpire to decide upon any case or cases on which they may differ in opinion.”

Article 2.

## 3. Commission: J. Rose (Gr.Br.); A. S. Johnson (U.S.A.); B. R. Curtis (Umpire).

## 4. Treaty, Washington.

a. **July 1, 1863.**

b. „The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, all the matters referred to them for their decision . . . .”

Article 2.

c. Davis 467; La Fontaine 44; Hertslet 12-932; Lapradelle-P. 2-500; Malloy 1-688; de Martens N.R.G. 1-20-488; Moore 5-4749; State Papers 53-6.

## 5. Award. (The Umpire refused to sign.)

## a. September 10, 1869.

b. Great Britain (\$ 450.000 awarded to the Hudson's Bay Company, and \$ 200.000 to the Puget's Sound Company).

c. U.S.A. paid the money in two instalments. (Moore 1-269).

d. Award: La Fontaine 46; Hertslet 19-859; Lapradelle-P. 2-517; Moore 1-268; State Papers 79-1338. Opinions of the Commissioners: Lapradelle-P. 2-505/17; Moore 1-250/68.

e. Lapradelle-P. 2-498/523; Moore 1-237/70; R.D.I.L.C. 6 (1874)-126; U.S. For. Rel. 1871-532.

## Nr. 74

1. COLOMBIA — UNITED STATES OF AMERICA.
2. Personal claims.  
 „The high contracting parties agree that the time limited in the convention above referred to (viz. Washington, September 10, 1857, see No. 55) for the termination of the commission, shall be extended . . . ; and that the contracting parties shall appoint commissioners anew, and an umpire shall be chosen anew, in the manner and with the duties and powers respectively expressed in the said former convention.” Article 1.
3. Mixed Commission: Gen. E. Salgar (C.); Th. Biddle (U.S.A.); Fr. Bruce (Gr.Br., umpire.)
4. Convention, Washington.
  - a. **February 10, 1864.**
  - b. (See under 2.)
  - c. Davis 213; La Fontaine 620; Lapradelle-P. 2-472; Malloy 1-321; Moore 5-4696; State Papers 54-1132.
5. 33 Claims decided.
  - a. Last award: May 18, 1866.
  - b. U.S.A.
  - c.
  - d. Lapradelle-P. 2-474/490; Moore vol. 2: 1408/15; idem vol. 3: 2740/3; idem vol. 4: 3612/6.
  - e. Lapradelle-P. 2-472/490; Moore 2-1396/1420.

## Nr. 75

### 1. EGYPT — SUEZ CANAL COMPANY.

#### 2. Concession claims.

„S. A. Ismail Pacha, Vice-roi d’Egypte . . . et M. Ferdinand de Lesseps . . . déclarent constituer S.M. l’Empereur Napoléon III arbitre.” Article 1.

„S.M. sera suppliée de prononcer sur les questions ainsi formulées:

1°. La suppression de la corvée étant acceptée en principe, quelle est la nature et la valeur du Règlement du 20 juillet 1856 sur l’emploi des ouvriers indigènes?

2°. Quelle serait l’indemnité à laquelle l’annulation de ce Règlement peut donner lieu? Le fondé de pouvoir du Vice-Roi se déclarant autorisé à permettre que la clause stipulée en l’art. 2 du deuxième acte de concession et cahier des charges du 5 janvier 1856 sera rapportée.

3°. La portion du canal d’eau douce non rétrocédée au Vice-Roi par la convention du 18 mars 1863 doit-elle continuer d’appartenir à la Compagnie pendant la durée déterminée par l’acte de concession comme une annexe indispensable du canal maritime? Dans le cas contraire, quelles sont les conditions auxquelles la rétrocession pourrait en être opérée et que les parties s’engagent dès à présent à accepter?

4°. Les cartes et plans qui, aux termes de l’art. 8 de l’acte de concession du 30 novembre 1854 et l’art. 11 de celui du 5 janvier 1856, devaient être dressés ne l’ayant pas été, quelle est l’étendue des terrains nécessaires à la construction et à l’exploitation du canal maritime (et du canal d’eau douce s’il est conservé à la Compagnie) dans les conditions propres à assurer la prospérité de l’entreprise?

5°. Quelle est l’indemnité due à la Compagnie à raison de la rétrocession, acceptée en principe, des terrains dont il est fait mention dans les articles 7 et 8 de l’acte de concession de 1854 et dans les articles 10, 11 et 12 de celui de 1856?”

Article 2.

### 3. Napoléon III, Empereur des Français.

#### 4. Convention, Paris.

a. **April 21, 1864.**

b.

c. Lapradelle-P. 2-359; State Papers 55-1005.

#### 5. Award.

a. July 6, 1864.

b. Suez Canal Company.

c. The Sultan of Turkey asked the arbitrator (May 1865), if a mixed commission might determine and limit the lands. The arbitrator allowed it. A Convention was signed, January 30, 1866, regulating the usage of the lands reserved to the Company. The Commission (Lebasteur (France); Server Effendi (Turkey); Aly bey Moubarek (Egypt); Mallet (Suez Canal Com-

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pany)), made a Report, February 19, 1866, and allowed 10.214 ha. to the Company (the arbitrator had allowed 10.264 ha).

See also Convention Cairo, February 22, 1866 (Lapradelle-P. 2-374/5).

- d. Archives Dipl. 1865-2-400; de Clercq 9-108; La Fontaine 123; Lapradelle-P. 2-362; de Martens N.R.G. 1-18-243; J. Charles-Roux: *L'isthme et le canal de Suez*, Paris 1901, 1-476; State Papers 55-1004; Testa: *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, p. 111.
- e. Blue Book; Egypt, No. 6 (1876): Concessions, conventions, statutes and resolutions of the Suez canal Company with the Sultan's Firman; Lapradelle-P. 2-344/86; F. de Lesseps: *Lettres, Journal et Documents pour servir à l'histoire du canal de Suez*, Paris 1875/81, (5 vol.); Moore 5-4862.



**Nr. 76**

1. SALVADOR — UNITED STATES OF AMERICA.

2. Government monopoly.

Claim on behalf of Mr. Henri Savage, citizen of the U.S.A., who had imported into Salvador, September 1857, a certain quantity of gunpowder, with the cognisance of the authorities, who in 1852 issued a decree making the sale of gunpowder a Government monopoly.

3. Arbitrators: M. J. Dardon; A. Andreu; Firmin Armas.

4. Agreement, San Salvador.

a. **May 4, 1864.**

b.

c.

5. Award.

a. February 21, 1865.

b. U.S.A.

c. \$ 4497,50 awarded, with interest.

d.

e. La Fontaine 617; Moore 2-1855/7; MSS Dept of State.

## Nr. 77

## 1. ARGENTINE REPUBLIC — GREAT BRITAIN.

## 2. Results of blockade; private claims.

The high contracting parties „ . . . for the purpose of arranging the mode of defining the claims presented to the Argentine Government, by that of Her Britannic Majesty, on account of the losses which subjects of Her Britannic Majesty may have suffered from the vessels and cargoes which touched at the port of Montevideo, having been refused admittance into the port of Buenos Ayres, in accordance with the Decree of February 13, 1845, claims to which the Argentine Government believe they are not bound to accede, have agreed that the question, whether the Argentine Republic is obliged to pay those losses, shall be submitted to the decision of a friendly Government as arbiter.”

## 3. J. J. Perez, President of the Republic of Chile.

## 4. Protocol of Conference, Buenos Ayres.

a. **July 15, 1864.**

b.

c La Fontaine 61; Hertslet 13-69; Lapradelle-P 2-642; State Papers 63-1026.

## 5. Award.

a. August 1, 1870.

b. Argentine Republic.

c. British claim rejected.

d. La Fontaine 62; Hertslet 13-211; Lapradelle-P. 2-650; Moore 5-4916; State Papers 63-1173.

e. Lapradelle-P. 2-637/67; Memoria de Relaciones Exteriores (Chile), 1871.

## Nr. 78

1. UNITED STATES OF AMERICA — VENEZUELA.
2. Private claims.
 

„All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Venezuela . . . shall be submitted for examination and decision to a mixed commission . . . The Commissioners shall then proceed to appoint an Umpire to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings.”

Article 1.
3. Mixed Commission: D. M. Talmage (U.S.A.); A. G. Blanco, succeeded by J. G. Villafañe (V.); J. N. Machado (Umpire).
4. Convention, Caracas.
  - a. **April 25, 1866.**
  - b. „The Commissioners . . . shall make solemn oath that they will carefully examine and impartially decide, according to justice, and in compliance with the provisions of this convention, all claims submitted to them . . .”

Article 1.

  - c. La Fontaine 56; Malloy 2-1856; Moore 5-4808; State Papers 59-276.
5. Awards.
  - a. Commission sat till August 3, 1868.
  - b. U.S.A.
  - c. 49 claims were decided; 24 thereof allowed (\$ 1.253.310,30) and 25 rejected. (See Moore 2-1665, note 1.) The proceedings of this Commission were contested by the Government of Venezuela, February 12, 1869, for alleged fraud. The American Congress did not receive this protest favourably, it gave rise to many discussions, and ultimately, March 3, 1883, a Joint Resolution was adopted by the American Congress in favour of a new Mixed Commission (Moore 2-1660). See No. 142.
  - d. . . . .  
(Moore 2-1660, note 1.)
  - e. Moore 2-1659/65; Proceedings of the mixed Commission under the Convention of April 25, 1866, between the United States and Venezuela, Washington 1889; U.S. For. Rel. 1866-3-424.

## Nr. 79

## 1. GREAT BRITAIN — MEXICO.

## 2. Private claims.

„All claims of British subjects which have already been presented to the Mexican Government, as well as any others. . . ., shall be referred for the purpose of proving their validity and settling the amount to be paid, to 4 Commissioners. . . . The Representative of Her Britannic Majesty at Mexico, and the Mexican Government, shall select some third person. . . . in order that in the character of Arbitrator or Umpire he may act in any case or cases in which Commissioners may differ in opinion.”

Article 1.

„. . . . only such claims shall be admitted for which the Mexican Government is responsible in accordance with generally admitted principles of international law. . . .”

Article 2.

## 3. Commission:

## 4. Convention, Mexico.

a. **June 26, 1866.**

b. „The Commissioners. . . . shall make and subscribe a solemn declaration that they will impartially and scrupulously examine all the claims which are submitted to them and decide upon them according to conscience, and principles of justice and equity. . . .”

Article 1.

c. La Fontaine 68; Hertslet 12-655; de Martens N.R.G. 1-20-586; State Papers 56-7.

## 5.

- a.
- b.
- c.
- d.

c. Moore 5-4948.

**Nr. 80**

## 1. BAVARIA — PRUSSIA.

## 2. Claim to art treasures.

„Da von Seiten Preussens Eigenthumsansprüche an die früher in Düsseldorf befindlich gewesene, später nach München gebrachte Gemädegallerie erhoben worden sind, so wollen die hohen Kontrahenten die Entscheidung über diese Ansprüche einem Schiedsgerichte unterwerfen. Zu diesem Behufe wird Bayern drei Deutsche Appellations-Gerichte namhaft machen, unter welchen Preussen dasjenige bezeichnet, welches den Schiedsspruch zu fällen hat.“ Article 13.

## 3. Appellations-Gerichte.

## 4. Treaty of Peace, Berlin.

a. **August 22, 1866.**

## b.

c. De Martens N.R.G. 1-18-336; State Papers 56-1044.

## 5. Arrangement.

## a. November 23, 1870.

b. Prussia gave up all claim to the possession of the Gallery of Paintings formerly at Düsseldorf.

## c.

## d.

e. Darby p. 791.

## Nr. 81

1. GREAT BRITAIN — SPAIN.
2. Schooner destruction.
 

„The Government of Her Britannic Majesty and the Government of Her Catholic Majesty agree to refer to the decision of a mixed Commission the claim of Her Britannic Majesty's Government on behalf of the owners of the British schooner „*Mermaid*'' of Dartmouth for compensation for the loss of that vessel alleged by the owners to have been sunk by a shot fired from the batteries of Ceuta on the 16th October of 1864.” Article 1.

„The Commission shall be composed of four individuals . . . the Commissioners shall name some fifth person to act, in case of necessity, as an Arbitrator or Umpire with regard to any point or points on which the Commissioners may differ in opinion.” Article 2.
3. Mixed Commission: J. Walscham (Gr.Br.); . . . (Gr.Br.); A. Segovia (Sp.); E. Catala (Sp.); . . . (Umpire).
4. Convention, Madrid.
  - a. **March 4, 1868.**
  - b. „The Commissioners . . . shall make and subscribe a solemn declaration that they will carefully examine and impartially decide the question submitted to them.” Article 2.
  - c. La Fontaine 69; Hertslet 12-1204; Lapradelle-P. 2-494; de Martens N.R.G. 1-20-491; State Papers 58-2.
5. Award.
  - a. February 28, 1869.
  - b. Great Britain.
  - c. Spain paid on August 9, 1869, the sum of £ 3.866 10 s. 11 d. (Lapradelle-P. 2-496).
  - d.
    - e. Blue Book: Correspondence respecting the british schooner „*Mermaid*'' sunk by a shot fired from the spanish fort at Ceuta (283), July 1867; Lapradelle-P. 2-491/7; Moore 5-5016/7; State Papers 55-40 and 58-1258/91

## Nr. 82

### 1. MEXICO — UNITED STATES OF AMERICA.

#### 2. Mutual claims.

„All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of corporations, companies, or private individuals, citizens of the Mexican Republic, upon the Government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2d of February 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two Commissioners . . . . The Commissioners shall then name some third person to act as an Umpire in any case or cases in which they may themselves differ in opinion.” Article 1.

#### 3. Mixed Commission: F. G. Palacio, succeeded by Guzman, and he succeeded by M. M. de Zamacona (M.); W. H. Wadsworth (U.S.A.); F. Lieber, succeeded by E. Thornton (Umpire).

#### 4. I. Convention, Washington.

##### a. July 4, 1868.

b. „The Commissioners . . . . shall . . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and of the Mexican Republic, respectively.” Article 1.

c. La Fontaine 71; Malloy 1-1128; de Martens N.R.G. 2-1-5; Moore 5-4773; State Papers 61-95.

#### II. Convention, Mexico.

##### a. April 19, 1871.

b.

c. La Fontaine 73; Malloy 1-1133; Moore 5-4776; State Papers 61-99.

#### III. Convention, Washington.

##### a. November 27, 1872.

b.

c. La Fontaine 73; Malloy 1-1134; Moore 5-4777; State Papers 63-892.

#### IV. Convention, Washington.

##### a. November 20, 1874.

b.

c. La Fontaine 74; Malloy 1-1136; Moore 5-4778; State Papers 65-1319.

## Nr. 82 (continued)

- V. Convention, Washington.
- a. April 29, 1876.
  - b.
  - c. La Fontaine 75; Malloy 1-1138; Moore 5-4779.
5. Awards.
- a. November 17, 1871–November 20, 1876.
  - b. 1017 Claims against Mexico; 831 thereof dismissed, 186 in favour of U.S.A.; 998 claims against U.S.A.; 831 thereof dismissed, 176 in favour of Mexico.
  - c. The United States Government returned to Mexico, by decision of the Supreme Court, the money paid by Mexico on the cases known as „La Abra” and „Weil” (Darby p. 792).
  - d. Award April 16, 1874: La Fontaine 76; Moore 3-2444; R.D.I.L.C. 7 (1875)-65.  
Other awards:  
Moore vol. 2: 1324/30;  
vol. 3: 2317/8, 2430/54, 2461/2, 2467/83, 2507/11, 2518/28, 2532/48, 2561, 2695/2721, 2754/72, 2816/9, 2823/4, 2868/2900, 2902/38, 2973/81, 3002/7, 3012/6, 3033/8, 3065/6, 3127/47, 3231/2;  
vol. 4: 3243/52, 3267, 3347/50, 3411/24, 3462/84, 3616, 3668/74, 3717/26, 3784/5, 3798/3813, 3885, 3960, 4027/42, 4180/1, 4309/11, 4379.
  - e. Moore 2-1287/1359; Opiniones del Comisionados . . . , Washington 1875; R.D.I.L.C. 7 (1875)-57/69; R.G.D.I.P. 5 (1898)-606/25; J. I. Rodriguez: La Comision mixta . . . , Mexico 1873; Sinopsis Historica de la Comision Mixta, Mexico 1877; State Papers 48/54 passim; U.S. For. Rel. 1866/70 passim.  
See the award of the Umpire from November 11, 1875, which give rise to the first award of the permanent Court of arbitration (No. 245).  
See No. 354.



## Nr. 83

1. GREAT BRITAIN — VENEZUELA.
2. Private claims.
 

„With the view of determining the amount of all pending British claims upon the Government of Venezuela, the Undersigned . . . has appointed . . . to sit as a Mixed Commission to fix the amount due to those British subjects whose claims have not yet been adjudicated upon . . . The Commissioners shall appoint some third person as an arbitrator or umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings.” Convention.
3. Mixed Commission: Lewis Joel (Gr.Br.); J. de Dios Méndes (V.); G. Y. Mora, G. Sturup (Umpires).
4. Convention, Caracas.
  - a. **September 21, 1868.**
  - b.
  - c. La Fontaine 78; Hertslet 13–1009; Lapradelle-P 2–525; State Papers 59–168 and 63–1065.
5. Awards (79 Claims).
  - a. Report: November 15, 1869.
  - b. Great Britain.
  - c. Venezuela paid (Lapradelle-P. 2–568).  
See No. 254, award of Umpire M. Plumley (Ralston-D. p. 245/9).
  - d. Text Report: La Fontaine 78; Hertslet 13–1010; Lapradelle-P. 2–568; State Papers 59–170.  
Text Awards: Blue Book: Report of the Mixed Commission on the claims of British subjects against the Government of Venezuela, February 1871 (C. 308); Lapradelle-P. 2–529/67.
  - e. Lapradelle-P. 2–524/73; Moore 5–5017; State Papers 59–170/185.

## Nr. 84

### 1. PERU — UNITED STATES OF AMERICA.

#### 2. Mutual claims.

„The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Peru, and all claims on the part of corporations, companies, or private individuals, citizens of Peru, upon the Government of the United States, which may have been presented to either Government for its interposition since the sittings of the said mixed commission and which remain yet unsettled, as well as any other claims which may be presented within the time specified in Article 3 hereinafter, shall be referred to the two Commissioners . . . . The Commissioners . . . . shall name some third person of some third nation to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person of a third nation . . . .”

Article 1.

### 3. Mixed Commission: L. B. Cisneros (P.); F. Valenzuela (Umpire, P.); M. Vidal (U.S.A.); F. A. Elmore (Umpire, U.S.A.).

#### 4. Convention, Lima.

##### a. **December 4, 1868.**

b. „The Commissioners . . . . shall . . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and Peru, respectively . . . .”

Article 1.

c. La Fontaine 79; Lapradelle-P 2-583; Malloy 2-1411; Moore 5-4788; State Papers 59-268.

#### 5. 23 Awards.

a. October 11, 1869–February 26, 1870.

b. 1 Claim against U.S.A.; 22 claims against Peru, 8 therefrom rejected.

c. Performed (Lapradelle-P. 2-601).

d. Text Report: Moore 2-1645 (February 26, 1870).

Awards: Lapradelle-P. 2-588/601; Moore 2-1649/57.

e. Correspondencia diplomática, Lima 1870; Lapradelle-P. 2-583/603; Moore 2-1639/57.

## Nr. 85

### 1. GREAT BRITAIN — PORTUGAL.

#### 2. Territorial question.

„The respective claims of His Most Faithful Majesty’s Government and of the Government of Her Britannic Majesty to the island of Bulama, on the western coast of Africa, and to a certain portion of territory opposite to that island on the mainland, shall be submitted to the arbitration and award of the President of the United States of America, who shall decide thereupon finally and without appeal.” Article 1.

### 3. U. S. Grant, President of the U.S.A.

#### 4. Protocol of Conference, Lisbon.

##### a. **January 13, 1869.**

b. „The award of the President of the United States, whether it be wholly in favour of the claim of either party, or in the nature of an equitable solution of the difficulty, shall be considered as absolutely final and conclusive.” Article 2.

„Should the Arbiter be unable to decide wholly in favour of either of the respective claims, he shall be requested to give such a decision as will, in his opinion, furnish an equitable solution of the difficulty.” Article 9.

c. La Fontaine 81; Hertslet 13-688; Lapradelle-P. 2-606; Moore 5-4793; State Papers 61-1163.

#### 5. Award.

a. April 21, 1870.

b. Portugal.

c. Accepted (Moore 2-1922).

d. La Fontaine 83; Hertslet 13-958; Lapradelle-P. 2-612; Moore 2-1920; State Papers 61-1103.

e. Documentos relativos á questao dos direitos de Portugal a soberania da ilha de Bulama. . . ., Lisbon 1870; Lapradelle-P. 2-604/17; Moore 2-1909/22; R.D I.L.C. 6 (1874)-127.

## Nr. 86

## 1. GREAT BRITAIN — ORANGE FREE STATE.

## 2. Claims and compensation.

„His Excellency the High Commissioner agrees to submit to arbitration the claim of the Orange Free State to compensation for thefts committed and other damage done by the Basutos to the inhabitants of the Orange Free State, and the claim of the Basutos to like compensation since the date of the proclamation of his Excellency the High Commissioner, by which the Basutos have become British subjects, should the Volksraad of the Orange Free State desire such arbitration.”

Article 12.

„In the same manner his Excellency the High Commissioner agrees to arbitration with regard to the claim of the Orange Free State to compensation for the abandonment of the land situate between the boundary line mentioned in Article 1 of the Treaty of Peace between the Orange Free State and the Chief Moshesh, dated 3rd April, 1886, and that mentioned in Article 1 of the present Convention, and in the case provided for by Article 6 for the abandonment of the land situate between the Putisani, the Caledon River, and the Drakensberg.”

Article 13.

## 3.

## 4. Convention, Aliwal North.

a. **February 12, 1869.**

b.

c. Hertslet 15-853; State Papers 70-322.

## 5. Settlement by Agreement.

a. July 13, 1876.

b. Orange Free State.

c. Great Britain should pay £ 90.000.

d. Hertslet 15-862; State Papers 70-330.

e.

## Nr. 87

1. ORANGE FREE STATE — TRANSVAAL.
2. Frontier question.
 

„... que des difficultés se sont présentées entre le gouvernement de la République Sud-Africaine et celui de l'Etat libre d'Orange, relativement à la véritable source du Vaal qui doit séparer ladite République Sud-Africaine de l'Etat libre d'Orange... que les parties contractantes, désireuses de voir régler exactement, amicalement et rapidement le différend au sujet de la dite frontière, ont prié S.E. Robert William Keate Esq., lieutenant-gouverneur de la colonie du Natal, de connaître dudit différend en qualité d'arbitre et de le résoudre par un jugement définitif...”

Award.
3. Robert William Keate, Lieutenant Governor of Natal.
4. Convention.
  - a. **October 30, 1869.**
  - b. („... lesdites parties agiraient respectivement de manière à faciliter la tâche de Robert William Keate, Esq., de rendre un jugement équitable...”)
 

Award.
  - c.
5. Award.
  - a. February 19, 1870.
  - b. Transvaal.
  - c. Accepted (Lapradelle-P. 2-579).
  - d. La Fonatine 589; Lapradelle-P. 2-576.
  - e. Lapradelle-P. 2-574/82.

## Nr. 88

## 1. ITALY — TURKEY.

## 2. Illegal arrest and visit of ship.

„Par une note collective du 30 décembre 1869, S.A. le Grand-Vizir et ministre des Affaires étrangères de S.M. le Sultan, et S.E. l'envoyé extraordinaire et ministre plénipotentiaire de S.M. le Roi d'Italie près la S. Porte ont déféré au soussigné, ministre résident de S.M. le Roi de Suède et de Norvège, un mandat d'arbitre pour statuer définitivement et sans appel sur une réclamation en dommages et intérêts s'élevant à une somme de 500.000 francs formulée par la Compagnie italienne de navigation Adriatico-Orientale dans une note du 21 avril 1868, à propos de l'arrestation et de la visite que le bateau à vapeur de commerce italien „*Principe di Carignano*” eut à subir dans les eaux de la Crète le 1er avril 1868 de la part du croiseur de marine impériale ottomane „*Essevi-Nousret*”.”

Award.

## 3. S. d'Ehrenhoff, Resident Minister of the King of Sweden and Norway.

## 4. Collective note.

a. **December 30, 1869.**

b.

c.

## 5. Award.

a. May 4, 1870.

b. Turkey.

c. Italian claim rejected.

d. Lapradelle-P. 2-619.

e. Lapradelle-P. 2-618/21.

## Nr. 89

1. BRAZIL — UNITED STATES OF AMERICA.
2. Loss of ship.  
 „The claim of the Government of the United States against the Government of Brazil for compensation to the owners of the United States whaleship „*Canada*”, and of the cargo thereof, shall be submitted to the arbitration and award of Edward Thornton, . . . .” Article 1.
3. Edward Thornton, British Minister at Washington.
4. Protocol of Conference, Rio de Janeiro.
  - a. **March 14, 1870.**
  - b.
  - c. La Fontaine 129; Lapradelle-P. 2-625; Moore 5-4687; State Papers 66-203.
5. Award.
  - a. July 11, 1870.
  - b. U.S.A.
  - c. Brazil paid, September 16, 1870, the sum awarded: £ 21.150 10 s. 3 d. (Lapradelle-P. 2-635).
  - d. La Fontaine 131; Lapradelle-P. 2-630; Moore 2-1742; State Papers 66-204.
  - e. Lapradelle-P. 2-622/36; Moore 2-1733/47; Relatório da Repartição dos Negócios Estrangeiros (Brazil), 1870, Annexe I.

## Nr. 90

1. SPAIN — UNITED STATES OF AMERICA.
  
2. Detention of ship.  
 Proposition that „the claim of the owners of the steamer „*Lloyd Aspinwall*” for damages on account of the seizure of that vessel by a Spanish man-of-war and her subsequent detention at Havana”, be „referred to two Commissioners . . . . with power to both to name an arbiter in the event of their disagreeing . . . .”  
May 25, 1870.
  
3. Commission: J. M. Ceballos (Sp.); J. S. Williams (U.S.A.); J. Rösing (Umpire).
  
4. Proposition of U.S.A., and acceptance of Spain.
  - a. **May 25**, and June 16, **1870**.
  - b.
  - c. Lapradelle-P. 2-671; Moore 2-1013.)
  
5. Award.
  - a. November 15, 1870.
  - b. U.S.A.
  - c. \$ 19.702 awarded.
  - d. La Fontaine 154; Lapradelle-P. 2-672; Moore 2-1014.
  - e. Lapradelle-P. 2-668/75; Moore 2-1007/18.



## Nr. 91

### 1. SPAIN — UNITED STATES OF AMERICA.

#### 2. Results of insurrection.

„. . . . arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the Government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property of citizens of whom the said heirs are the legal representatives, by the authorities of Spain in the island of Cuba or within the maritime jurisdiction thereof, since the commencement of the present insurrection.”

„It is agreed that all such claims shall be submitted to arbitrators. . . . and these two to name an umpire who shall decide all questions upon which they shall be unable to agree. . . .”

Article 1.

#### 3. Commission: Don Luis, succeeded by Marquis de Potestad (Sp.); W. T. Otto, afterwards successively: K. Rayner, J. Segar, J. J. Stewart, J. Lowndes (U.S.A.); Baron Lederer, afterwards successively: M. Bartholdi, A. Blanc, C. Lewenhaupt (Umpire).

#### 4. I. Agreement, Madrid.

##### a. February 12, 1871.

b. „The arbitrators and umpire. . . . shall. . . . make and subscribe a solemn declaration that they will impartially hear and determine, to the best of their judgment and according to public law, and the treaties in force between the two countries, and these present stipulations, all such claims as shall. . . . be laid before them on the part of the Government of the United States. . . .”

Article 2.

c. La Fontaine 134; Malloy 2-1661; de Martens N.R.G. 2-1-17; Moore 5-4802; State Papers 61-102.

#### II. Agreement, Washington.

##### a. February 23, 1881.

b.

c. La Fontaine 135; Malloy 2-1671; Moore 5-4804.

#### III. Protocol, Washington.

##### a. May 6, 1882.

b.

c. La Fontaine 135; Malloy 2-1673; Moore 5-4806; State Papers 73-1108.

#### IV. Protocol, Washington.

##### a. June 2, 1883.

b.

c. La Fontaine 640; Malloy 2-1678; Moore 5-4807.

**Nr. 91** (continued)**5. Awards.**

- a. May 31, 1871–February 22, 1883.
- b. 140 Claims were submitted, 35 thereof were allowed (\$ 1.293.450,55 awarded), and 105 dismissed.
- c. Spain paid (Moore 2–1052/3).
- d. Moore vol. 3: 2334/47, 2428/9, 2454/6, 2462/4, 2562/72, 2590/2647, 2772/9, 2780/1, 2981/2, 3007, 3033, 3066, 3124/5, 3147/51.  
vol. 4: 3252/5, 3268/77, 3350/4, 3674/5, 3754/83, 4327.
- e. Moore 2–1019/53; idem 3–2169/2201; U.S. For. Rel. 1871–697.  
Procedure-regulations, June 10, 1871: La Fontaine 137; de Martens N.R.G. 2–1–19; Moore 2–2169.

## Nr. 92

## 1. BAROLONG, BATLAPINS, GRIQUAS — TRANSVAAL.

## 2. Boundary rights.

„Attendu que les parties contractantes (Marthinus Wessel Pretorius, Président de la République Sud-Africaine et Nicolas Waterboer, chef souverain du territoire dit Griqualand occidental), mutuellement désireuses d'arriver à une solution juste, amicale et prompte de leur différend au sujet de la ligne et du territoire susindiqués, ont prié S.E. Sir Henri Barkly, gouverneur de la colonie du Cap de Bonne-Espérance et haut commissaire, de consentir à la nomination d'une Commission mixte, composée de deux personnes, désignées plus loin, pour procéder à l'examen de ce différend et rendre ensuite une sentence, ordonnance et décision finale, les parties promettant et s'engageant mutuellement, au cas où les commissaires ne s'entendraient pas pour rendre une sentence, ordonnance et décision finale, de remettre la solution de leur différend et de soumettre les preuves produites devant la Commission mixte à S.E. Robert W. Keate, Esq.....”

## 3. Commission: J. Campbell (Gr.); H. H. O'Reilly (Tr.); R. W. Keate, Lieutenant Governor of Natal (Umpire).

## 4. Convention.

a. **March 1, 1871.**

b. „.... les parties devront.... faire tout le nécessaire pour mettre le lieutenant-gouverneur Keate.... à même de rendre une juste sentence....”

Article 10.

c. Lapradelle-P. 2-685.

## 5. Award.

a. October 17, 1871.

b. Griqualand.

c. When the decision was given, the public opinion in Transvaal became irritated and President Pretorius had to resign. Transvaal protested against the award, declared it null and void (November 25, 1871), and, after a time, appealed to a judgment delivered by a British Court, which said that Nicolas Waterboer had never enjoyed any right to the territory. He had offered, before the award, his territory to Great Britain and the country was erected into a Crown colony. „The British Government, therefore, without either admitting or denying the Free State title, declared that a district in which it was difficult to keep order amid a turbulent and shifting population, ought to be under the control of a strong Power, and offered the Free State a sum of £ 90.000 in settlement of whatever claim it might possess.” Transvaal accepted to pay this sum (Convention July 13, 1876), „in full settlement of all claims with respect to the Diamond Fields and the question of sovereignty over the lands hitherto in dispute.”

d. Blue Book: Further Correspondence respecting the Affairs of the Cape of Good Hope, February 1872 (C. 508), No. 11, annexe 1, p. 26; Lapradelle-P. 2-691.

e. Blue Book: Correspondence respecting the Affairs of the Cape of Good Hope, 1871 (C. 459); Blue Book: see unde 5 d.; Darby p. 796/7; :Lapradelle-P. 2-676/705.

## Nr. 93

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Civil war claims.

„The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April 1861 and the 9th of April 1865, . . . and all claims . . . on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article 14 of this treaty, shall be referred to three Commissioners . . . .”  
Article 12.

## 3. Commission: Russell Gurney (Gr.Br.); J. S. Frazer (U.S.A.); L. Corti (It., Umpire).

## 4. Treaty, Washington (Articles 12/7).

a. **May 8, 1871.**

b. „The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims, as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively.”  
Article 12.

c. Davis 479; La Fontaine 144; Hertslet 13-970; Malloy 1-700; de Martens N.R.G. 1-20-698; Moore 5-4751; State Papers 61-40.

## 5. Awards.

a. September 28, 1871-September 25, 1873.

b. Great Britain.

c. U.S.A. paid \$ 1.929.819 (Moore 1-699).

d. Text of the final award, September 25, 1873:

La Fontaine 147; Hertslet 14-1180; de Martens N.R.G. 2-1-37; Moore 1-698; State Papers 65-997.

Other awards: Moore vol. 3: 2465/7, 2721/8, 2819/23, 2900/1, 2982/90, 3019/21, 3066/7, 3152/9, 3209/10.

Vol. 4: 3278/3311, 3675/89, 3726/39, 3745/53, 3838/43, 3901/58, 3960/1, 4327, 4378, 4379/87, 4395.

e. Howard's and Hale's Report; Moore 1-683/702; U.S. For. Rel. 1871, 1873/5.

Procedure: La Fontaine 145; Moore 3-2201/11.

## Nr. 94

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. „Alabama” claims; armament of privateer.

„Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the „Alabama Claims”, shall be referred to a Tribunal of Arbitration to be composed of five Arbitrators . . . .”

Article 1.

„The said Tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels.”

Article 7.

#### 3. Tribunal of Arbitration: Ch. F. Adams (U.S.A.); A. J. E. Cockburn (Gr.Br.); Count F. Sclopis (It.); J. Staempfli (Switz.); Baron d'Itajuba (Brazil).

#### 4. Treaty, Washington (Article 1/11).

##### a. **May 8, 1871.**

b. „The Arbitrators . . . shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and Her Britannic Majesty respectively.”

Article 2.

„In deciding the matters submitted to the Arbitrators, they shall be governed by the following three rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.” (3 Rules follow).

„Her Britannic Majesty has commanded Her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government . . . agrees that, in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules. And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them.”

Article 6.

c. Davis 479; La Fontaine 138; Hertslet 13-970; Lapradelle-P. 2-777; Malloy 1-700; de Martens N.R.G. 1-20-698; Moore 1-547; State Papers 61-40.

## Nr. 94 (Continued)

## 5. Award. (Not signed by the British Arbitrator.)

- a. September 14, 1872.
- b. U.S.A.
- c. Great Britain paid \$ 15.500.000, September 9, 1873 (Moore 1-665).
- d. La Fontaine 141; Hertslet 15-833; Lapradelle-P. 2-889; Malloy 1-717; de Martens N.R.G. 1-20-767; Moore 1-653; State Papers 62-233.
- e. Blue Books:  
 Geneva arbitration, case, counter-case, and argument of Great Britain presented to the tribunal of arbitration at Geneva, with appendix and correspondence, 1872, 6 vol.; Case, counter-case, and argument of the U.S., with correspondence on the counter-cases of the British and U.S. Governments and on the proceedings of the tribunal of arbitration, 1872, 3 vol.; Papers relating to the proceedings of the Geneva tribunal of arbitration, 1873, 2 vol.; Papers relating to the Treaty of Washington, Geneva Arbitration (as 2nd part of the Papers relating to the Foreign Relations of the United States), 1872, 5 vol.  
 Th. W. Balch: The Alabama arbitration, Philadelphia 1900; Ch. C. Beaman: The national and private „Alabama Claims“ and their settlement, Washington 1871; Th. Bret: L'arbitrage de l'Alabama, Geneva 1924; Bulletin de législation comparée 1872/3-2-122; C. Cushing: The Treaty of Washington, New York 1873; J. O'Dowd: The law and facts of the case of the Alabama . . . , London 1873; F. H. Geffcken: Die Alabama-Frage, Stuttgart 1872; de Gids 1873-385; W. F. Hackett: The Geneva award acts . . . , Boston 1882; idem: Reminiscences of the Geneva tribunal of arbitration . . . , Boston 1911; R. W. Kaufman: The Alabama case, Geneva 1927; Lapradelle-P. 2-713/983; J. Lorimer: The three rules of Washington, 1890; J. Loudon: De „Drie regelen“ van het Tractaat van Washington, Leyden 1890; Moore 1-495/682; idem 4-4057/4178; H. Ottley: On the errors and mischiefs of modern diplomacy . . . , London 1872; R. von Pauer: Die Entstehungsgeschichte der Washingtoner Regeln, München 1908; A. Pierantoni: Gli arbitrati internazionali e il trattato di Washington, Napoli 1872; Pradier-Fodéré: L'affaire de l'Alabama, 1872; E. Reale: L'arbitrage international. Le règlement judiciaire du conflit de l'Alabama, Lausanne 1929; R.D.I.L.C. 2 (1870)-452; idem 4 (1872)-127; idem 6 (1874)-453/581; Revue des Deux Mondes 1871-795; A. Rivier: L'affaire de l'Alabama et le tribunal arbitral de Genève, Revue suisse, December 1872; W. Rössemann: Die Alabamafrage, Marburg 1933; U.S. For. Rel. 1871/3 passim.

## Nr. 95

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. River boundary question.

„Whereas it was stipulated by Article 1 of the treaty concluded at Washington on the 15th of June 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, . . . should be continued . . . ; and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid, were unable to agree upon the same; . . . it is agreed that the respective claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above mentioned article of the said treaty, shall decide thereupon finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15, 1846.”

Article 34.

#### 3. William, German Emperor, King of Prussia.

#### 4. Treaty, Washington (Articles 34/7).

a. **May 8, 1871.**

b. (See sub 2.)

c. Davis 479; La Fontaine 149; Hertslet 13-970; Malloy 1-700; de Martens N.R.G. 1-20-698; Moore 5-4756; State Papers 61-40.

#### 5. Award.

a. October 21, 1872.

b. U.S.A.

c. Accepted by both (Moore 1-231).

By Protocol of Washington, March 10, 1873, the San Juan water boundary was ultimately fixed and determined. The line was fully defined.

d. La Fontaine 150; Hertslet 13-530; de Martens N.R.G. 1-20-775; Moore 1-229; State Papers 62-188.

e. Case of the Government of Her Britannic Majesty . . . , London 1873; Maps annexed to the case of the Government of Her Britannic Majesty . . . , London 1873; Maps annexed to the memorial and reply of the U.S. Government . . . , London 1873; Memorial on the canal de Haro as the boundary line of the U.S.A. . . . , London 1873; Moore 1-196/236; Papers relating to the treaty of Washington, vol. 5.

## Nr. 96

1. GREAT BRITAIN — UNITED STATES OF AMERICA.
2. Fishery rights.
 

„. . . it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in the Articles 19 and 21 of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article 18 of this treaty, and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum . . . .”

Article 22.
3. „Halifax Commission”: A. T. Galt (Gr.Br.); E. H. Kellogg (U.S.A.); M. Delfosse.
4. Treaty, Washington (Articles 22/5).
  - a. **May 8, 1871.**
  - b. „The Commisisoners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them, to the best of their judgment, and according to justice and equity . . . .”
  - Article 23.
  - c. Davis 479; La Fontaine 148; Hertslet 13-970; Malloy 1-700; de Martens N.R.G. 1-20-698; Moore 5-4754; State Papers 61-40.
5. Award. The American Commissioner dissenting, and withdrawing from the arbitration.
  - a. November 23, 1877.
  - b. Great Britain.
  - c. U.S.A. paid \$ 5.500.000, November 21, 1878 (Moore 1-752/3).
  - d. La Fontaine 149; Hertslet 14-1185; de Martens N.R.G. 2-4-531; Moore 1-745; State Papers 68-781.
  - e. Correspondence respecting the award of the Halifax Fisheries Commission, London 1878; Documents and Proceedings of the Halifax Commission, I and II; The Halifax Fisheries Commission; Moore 1-703/53; Papers relating to the treaty of Washington, vol. 6; U.S. For. Rel. 1870/5, 1878; Senate Papers.



## Nr. 97

## 1. BRAZIL — SWEDEN-NORWAY.

## 2. Damage of ship; collision.

„ . . . . ayant accepté l'invitation qui m'a été faite, d'un commun accord, par le gouvernement brésilien et le consul général de Suède et Norvège auprès de cette Cour, à l'effet d'exercer les fonctions d'arbitre dans la réclamation formée par cet agent contre le dit gouvernement au sujet de l'abordage qui eut lieu, le 5 avril 1870, dans le port d'Assomption, entre l'avis brésilien „*Para*” et le navire norvégien „*Queen*”.”  
Award.

## 3. Mathias de Carvalho e Vasconcellos, Spanish Minister to Brazil.

## 4. Exchange of letters.

a. August 12, 1871.

b.

c. (Lapradelle-P. 2-707.)

## 5. Award.

a. March 26, 1872.

b. Brazil.

c. Claim rejected.

d. La Fontaine 155; Lapradelle-P. 2-708; Relatorio da Repartição dos Negocios estrangeiros (Brazil), 1872-669

e. Lapradelle-P. 2-706/12.

## Nr. 98

## 1. CHILE — PERU.

## 2. Common expenses.

„Los Gobiernos del Peru y Chile . . . nombran . . . señor D. Felix Frias arbitro arbitrador y amigable componedor, para que con tal caracter dirima las cuestiones pendientes y en que no estan de acuerdo los comisionados chileno y peruano en el arreglo y liquidacion de las cuentas de la escuadra aliada a que es referente el pacto de alianza de 5de Diciembre de 1865.” Article 1.

## 3. C. A. Logan, Minister of the United States at Santiago.

## 4. I. Protocol, Lima.

a. **September 27, 1871.**

b. (See sub 2.)

c. La Fontaine 156.

(D. F. Frias, Argentine Minister to Chile, declined to act as arbitrator.)

## II. Protocol, Lima.

a. March 2, 1874.

b.

c.

(Mr. C. A. Logan appointed.)

## 5. Award.

a. April 7, 1875.

b. Chile.

c. Peru condemned to pay \$ 1.130.000.

d. La Fontaine 157; Moore 2-2086; U.S. For. Rel. 1875-1-188.

e. Moore 2-2085/2105; U.S. For. Rel. 1875-1-186/200.

## Nr. 99

1. BRAZIL — PARAGUAY.
2. Damages during war; private claims.
 

„ . . . a mixed Commission shall be appointed . . . to examine and liquidate the indemnities arising from the causes mentioned in the second number of Article 3.” Article 5.

„The government of the Republic of Paraguay shall recognize as a debt of the Republic . . . the amount of damage and loss to the persons and citizens of the said State (viz: Brazil).” Article 3.
3. Mixed Commission: J. Pereira Silva (Br.); J. M. Frehes (P.).
4. I. Treaty, Asuncion.
  - a. **January 9, 1872.**
  - b.
  - c. La Fontaine 167; de Martens N.R.G. 2-4-568; Relatorio da Repartição dos Negocios Estrangeiros (Brazil), 1872-236; State Papers 62-277.

II. Protocol, Assumpção.

  - a. January 24, 1874.
  - b.
  - c. La Fontaine 168; Relatorio . . . 1874-488.
5. Awards.
  - a. December 16, 1872-July 30, 1881.
  - b. Mutual.
  - c. 805 Claims judged; 17.919.702 Reis 185 awarded.
  - d. Final Protocol: La Fontaine 169; Relatorio . . . 1882-152.
  - e.

## Nr. 100

### 1. GREAT BRITAIN — PORTUGAL.

#### 2. Territorial question.

„Whereas the Government of Her Britannic Majesty asserts a claim to certain territories formerly belonging to the Kings of Temb  and Mapoota, on the eastern coast of Africa, including the islands of Inyack and Elephant; and whereas the Government of His Most Faithful Majesty asserts a claim to a portion of the same territories, as far as 26 degrees 30 minutes . . . .”

„The respective claims of Her Britannic Majesty’s Government and of His Most Faithful Majesty . . . . shall be submitted to the arbitration and award of the President of the French Republic who shall decide thereupon finally and without appeal.” Article 1.

### 3. De Mac Mahon, President of the French Republic.

#### 4. Protocol, Lisbon.

##### a. **September 25, 1872.**

b. „Should the Arbiter be unable to decide wholly in favour of either of the respective claims, he shall be requested to give such a decision as will, in his opinion, furnish an equitable solution of the difficulty.” Article 9, 2.

c. De Clercq 11-39; La Fontaine 170; Hertslet 13-708; State Papers 63-1045.

#### 5. Award.

a. July 24, 1875.

b. Portugal.

c. Accepted.

d. Annuaire Inst. Dr. Int. 1878-270; de Clercq 11-369; La Fontaine 172; Hertslet 14-1050; de Martens N.R.G. 2-3-517; Moore 5-4984; State Papers 66-554.

e. Delagoa Bay. Correspondence respecting the claims of Her Majesty’s Government, London 1875; M moire pr sent  par le Gouvernement portugais, Lisbon 1873; 2e M moire du Gouvernement portugais, Lisbon 1874.

See No. 164.

**Nr. 101**

## 1. BOLIVIA — CHILE.

## 2. Mining operations.

„Afin de déterminer au moyen de marques visibles la situation des mines et des filons productifs, sujets à une commune participation des droits d'exportation, entre les 23e et 25e degrés, chaque partie nommera un commissaire, et tous deux comme experts procéderont à déterminer les dites places.”

Article 2.

## 3. Arbitral Commission:

## 4. I. Treaty, La Paz.

a. **December 5, 1872.**

## b.

c. La Fontaine 220; de Martens N.R.G. 2-3-486; State Papers 65-275.

## II. Treaty, Sucre.

## a. August 6, 1874.

## b.

c. La Fontaine 221; State Papers 71-897.

## 5. No award.

War broke out between Bolivia and Chile, 1879-1884. Afterwards the districts in question were ceded to Chile.

## Nr. 102

### 1. COLOMBIA — GREAT BRITAIN.

#### 2. Pecuniary claims; denial of justice.

„The undersigned . . . being both specially authorized by their respective Governments to enter into an agreement which shall put an end to the claim of Messrs. Cotesworth and Powell, British subjects, against the Government of Colombia, arising out of certain acts connected with the administration of Justice in the city of Baranquilla, State of Bolivar, between the years 1858 and 1860, have agreed upon the following stipulations for that purpose: The claim of Messrs. Cotesworth and Powell shall be submitted to the arbitration of two Commissioners . . . .”

Article 1.

„The commissioners . . . shall name some third person to act as an umpire, to decide any point on which they may differ in opinion.”

Article 2.

„The arbitrators shall decide, as a preliminary question, whether the Republic is bound to grant an indemnity to Messrs. Cotesworth and Powell. If that question be decided in the affirmative, they shall fix the amount of the indemnity, both principal and interest.”

Article 3.

#### 3. Commission: Dr. Ancizar, succeeded by General Salgar (C.); Dr. Schumacher, succeeded by Mr. Scruggs (Gr.Br.); C. Troplong (Umpire).

#### 4. Convention, Bogota.

a. **December 14, 1872.**

b.

c. La Fontaine 173; Moore 5-4697.

#### 5. Award.

a. November 5, 1875.

b. Great Britain.

c. Colombia condemned to pay \$ 50.000.

d. La Fontaine 173; Moore 2-2053.

e. Moore 2-2050/85; U.S. For. Rel. 1875-1-417/40.

**Nr. 103**

1. BRAZIL — GREAT BRITAIN.
2. Naval services.  
Claim advanced by the Earl of Dundonald against the Government of Brazil for services which his father, Admiral Lord Cochrane, had rendered to Brazil during her war of independence.
3. Commission: J. R. Partridge (U.S.A.); Baron Cavalchini (It.).
4. Exchange of letters.
  - a. **April 22, 1873.**
  - b.
  - c. La Fontaine 189.
5. Award.
  - a. October 6, 1873.
  - b. Great Britain.
  - c. (£ 38,675 awarded.)
  - d. La Fontaine 189; Relatório da Repartição dos Negócios Estrangeiros (Brazil), 1874-456.
  - e. Moore 2-2107/8; U.S. For. Rel. 1873-91; idem: 1874-70.

## Nr. 104

## 1. JAPAN — PERU.

## 2. Detention of ship.

The contracting parties „having stipulated in the agreement of which a protocol was signed on the 19th day of the present month, that the difference pending between the two governments growing out of the „*Maria Luz*” case, be submitted to the arbitration of the chief of a friendly state.... have.... agreed on behalf of their respective governments to refer the case to the decision of His Majesty the Emperor of all the Russias as arbitrator.”

„The arbitrator shall be requested to decide if the claim of Peru is well founded and if it is, what indemnity shall be paid by Japan.”

Protocol June 25, 1873.

## 3. Alexander II, Emperor of all the Russias.

## 4. I. Protocol, Tokio.

a. **June 19, 1873.**

b.

c. La Fontaine 197; U.S. For. Rel. 1873-617.

## II. Protocol, Tokio.

## a. June 25, 1873.

b.

c. La Fontaine 198; U.S. For. Rel. 1873-618.

## 5. Award.

## a. May 17 (29), 1875.

b. Japan.

c. Claim of Peru rejected.

d. Annuaire Inst. Dr. Int. 1877-353; La Fontaine 199; de Martens N.R.G. 2-3-516; Moore 5-5035.

e. Moore 5-5034/6; U.S. For. Rel. 1873-1-524; idem: 1875-2-765.



## Nr. 105

### 1. FRANCE — GREAT BRITAIN.

#### 2. Custom duties.

„Une Commission . . . se réunira à Paris . . . pour régler, de la manière ci-dessous prévue, les questions relatives aux droits perçus sur les huiles minérales d'origine britannique; et en même temps pour examiner toute autre question que les Hautes Parties Contractantes conviennent ou conviendront de lui soumettre, et en faire l'objet d'un rapport . . . Les Hautes Parties Contractantes . . . nommeront une tierce personne destinée à intervenir comme Arbitre sur toute matière en rapport avec les questions ci-dessus désignées qui se rattachent aux huiles minérales et sur lesquelles les Commissaires ne seront pas d'accord.”

Article 4.

### 3. Mixed Commission: J. Ozenne (Fr.); C. M. Kennedy (Gr.Br.).

#### 4. Treaty, Versailles.

##### a. **July 23, 1873.**

##### b.

c. De Clercq 11-77; La Fontaine 199; Hertslet 14-340; de Martens N.R.G. 2-1-543; State Papers 63-207.

#### 5. Awards.

##### a. Final award: January 5, 1874.

##### b. Great Britain.

##### c. 61 Claims submitted; 314,393,33 francs awarded.

##### d. Final Award: La Fontaine 200; Ed. London 1874; Parl. Papers (C. 913) p. 3; State Papers 65-426.

##### e. Moore 5-4938/9.

## Nr. 106

### 1. CHILE — UNITED STATES OF AMERICA.

#### 2. Detention of ship.

„Los Gobiernos de Chile y de los Estados Unidos de Norte América . . . nombran al señor Don Carlos F. Levenhagen, Ministro Residente del Imperio Germanico en Chile, para que como Arbitro arbitrador y amigable componedor decida con plenos poderes, procediendo *EX AEQUO ET BONO* sobre los puntos siguientes:

a) Es ó no justo, en todo ó en parte, el reclamo que el Gobierno de los Estados Unidos de América hace al de Chile con motivo del embargo y detención del brique ballerino „*Good Return*”, efectuado por las autoridades legalmente constituidos del puerto de Talcaguano en 1832?

b) Si es justo, en todo ó en parte, qué cantidad debe el Gobierno de Chile pagar al Gobierno de los Estados Unidos de América como indemnización y completa cancelación de dicho reclamo?

c) Si se decidiere que el Gobierno de Chile debe pagar al Estados Unidos de América una suma determinada por dicha reclamación, deberá también el citado Gobierno abonar intereses sobre el capital, y en caso de afirmativa, cuál es la tasa del interés y desde qué fecha habra de pagarse?

d) Deberá pagarse la suma total del fallo, incluso intereses, en oro americano ó en moneda de Chile?''

Article 1.

### 3. C. F. Sanminiatielli, Italian Chargé d'Affaires at Santiago.

#### 4. I. Convention, Santiago.

a. **December 6, 1873.**

b. (See sub 2.)

c. La Fontaine 221.

Mr. Levenhagen was compelled to resign on account of ill-health.)

#### II. Additional Act, Santiago.

a. May 4, 1874.

b.

c. La Fontaine 222.

#### 5. Settlement by agreement, Santiago.

a. December 18, 1874.

b. U.S.A.

c. Chile paid \$ 20.000 in Chilian gold.

d.

e. Moore 2-1466/8 note.

## Nr. 107

### 1. ITALY — SWITZERLAND.

#### 2. Frontier question.

„La fixation définitive de la ligne frontière qui sépare le territoire Italien du territoire de la Confédération Suisse (Canton du Tessin) au lieu dit Alpe de Cravairola . . . sera soumise au prononcé d'un tribunal arbitral sous forme de la question suivante. . . .”

Article 1.

„Il est bien entendu que l'arbitrage n'é portera que sur la question de la frontière d'Etat, sans préjudice aux droits privés des tiers sur le territoire en question. Les contestations qui pourraient naître de la revendication ou de l'exercice de ces droits ressortiront aux tribunaux civils de l'Etat dont le dit territoire sera reconnu faire partie.”

Article 2.

„Les arbitres seront au nombre de deux.”

Article 3.

„. . . les arbitres éliront un surarbitre qui sera appelé à prononcer sur la question qui leur est soumise, dans le cas où eux-mêmes ne pourraient tomber d'accord sur la solution à lui donner.”

Article 4.

### 3. Commission: E. Guicciardi (It.); H. Hold (Sw.); G. P. Marsh (Umpire).

#### 4. Convention, Berne.

##### a. **December 31, 1873.**

b.

c. La Fontaine 201; de Martens N.R.G. 1-20-214; State Papers 65-922.

#### 5. Award.

a. September 23, 1874.

b. Italy.

c. A Protocol was signed, May 17, 1875, to carry the award into effect (Moore 2-2049).

d. La Fontaine 203; de Martens N.R.G. 2-8-560; Moore 2-2028; Trattati e Convenzioni 6-638.

e. Moore 2-2027/49; R.D.I.L.C. 6 (1874)-604; idem: 7 (1875)-134/7; U.S. For. Rel. 1875-2-749.

## Nr. 108

### 1. COLOMBIA — UNITED STATES OF AMERICA.

#### 2. Seizure and detention of ship.

„The undersigned . . . being especially authorized by their respective governments to submit to the decision of arbitrators the indemnity-claims made by the Government of the United States against that of Colombia for damages resulting from the seizure and detention of the steamer „*Montijo*”, within the territory and by certain citizens of Colombia, in April, 1871, have entered into the following agreement. Said claims shall be submitted to arbitrators . . . and these two to name an umpire, who shall decide all questions upon which they may be unable to agree.” Article 1.

„The arbitrators shall have jurisdiction of the claims mentioned, and they shall decide, as a primary question, whether the United States of Colombia is obligated to grant indemnification, and if that question should be decided affirmatively, they will fix the amount of indemnification.” Article 4.

#### 3. Commission: M. Tanco (C.); Bendix Koppel (U.S.A.); R. Bunch (Gr.Br., Umpire).

#### 4. Agreement, Bogota.

##### a. **August 17, 1874.**

b. „The arbitrators . . . shall . . . make and subscribe a solemn declaration that they will impartially consider and determine, to the best of their judgment, and according to public law and the treaties in force between the two countries, and these present stipulations, the claims herein submitted . . .” Article 2.

c. La Fontaine 209; Moore 5-4698; State Papers 65-619.

#### 5. Award.

a. July 26, 1875.

b. U.S.A.

c. Colombia paid \$ 33.401 to the U.S.A. (Moore 2-1446/7).

d. La Fontaine 210; Moore 2-1427; State Papers 66-402.

e. Moore 2-1421/47; U.S. For. Rel. 1875-1-426.

**Nr. 109**

1. CHINA — JAPAN.
2. Personal indemnities.  
Claim arising from the murder of Japanese citizens by Chinese, in the island of Formosa.
3. Th. F. Wade, British Minister at Peking.
4.
  - a.
  - b.
  - c.
5. Settlement by arrangement.
  - a. **October 31, 1874.**
  - b. Japan.
  - c. China paid 100.000 taels. (See „Paper attesting an engagement”, annexed to the arrangement.)
  - d. Annuaire Inst. Dr. Int. 1877-318; de Martens N.R.G. 2-3-505; State Papers 66-425.
  - e. Moore 5-4857; Parl. Papers 1875 (C. 1164); State Papers 66-422/31.

**Nr. 110**

1. CHILE — GREAT BRITAIN.
2. Loss of ship.  
Loss of the ship „*Tacna*”, due to improper deckloading, was attributed to the local authorities.
3. William, Emperor of Germany.
4. Agreement.
  - a. **June 3, 1875.**
  - b.
  - c.
5.
  - a.
  - b.
  - c.
  - d.
  - e. La Fontaine 617; U.S. For. Rel. 1875-1-199.

## Nr. 111

### 1. ARGENTINE REPUBLIC — PARAGUAY.

#### 2. Boundary question.

„The proprietorship or right over the territory of the second section, including Villa Occidental, is submitted to arbitration for final decision.”

Article 4.

„The two High Contracting Parties agree to name his Excellency the President of the United States of North America as Arbitrator, to decide on the right of sovereignty over the second section of territory, referred to in the foregoing Article.”

Article 5.

#### 3. R. B. Hayes, President of the United States of America.

#### 4. Treaty, Buenos Ayres.

##### a. **February 3, 1876.**

##### b.

c. La Fontaine 223; de Martens N.R.G. 2-9-748; Moore 5-4783; State Papers 68-86.

#### 5. Award.

##### a. November 12, 1878.

##### b. Paraguay.

##### c. Accepted (Moore 2-1944).

d. La Fontaine 224; de Martens N.R.G. 2-12-472; Moore 2-1943; State Papers 69-600.

e. B. Aceval: Chaco paraguayo. . . ., Asuncion 1896; Appendix and Documents annexed to the Memoir filed by the Minister of Paraguay on the question submitted to arbitration, New York 1878; C. Baez: The Paraguayan Chaco. . . ., New York 1904; E. A. Fretes: El Paraguay en el primer cincuentenario del Fallo arbitral del Presidente Hayes, Asuncion 1932; L. M. Loza: El laudo Hayes, La Paz 1936; Moore 2-1923/44; U. S. For Rel. 1878-17 and 709.

## Nr. 112

## 1. GREECE — TURKEY.

## 2. Boundary question.

„Dans le cas où la Sublime Porte et la Grèce ne parviendraient pas à s'entendre sur la rectification de frontière indiquée dans le treizième protocole du Congrès de Berlin, l'Allemagne, l'Autriche-Hongrie, la France, la Grande Bretagne, l'Italie et la Russie se réservent d'offrir leur médiation aux deux parties pour faciliter les négociations.” Article 24.

## 3. Commission: Hohenlohe; Széchényi; St. Vallier; Odo Russell; Launay; Sabouroff.

## 4. I. Treaty, Berlin.

a. July 13, 1878.

b. (See sub 2.)

c. De Martens N.R.G. 2-3-449; State Papers 69-749.

## II. Identic Note, Thérapia.

a. June 11, 1880.

b. Les Puissances Médiatrices „ont décidé, en conséquence, que leurs Représentants près Sa Majesté l'Empereur d'Allemagne se réuniraient en Conférence à Berlin le 16 de ce mois, pour déterminer, à la majorité des voix, et avec l'assistance d'officiers possédant des connaissances spéciales, la ligne de frontière qu'il convient d'adopter.”

c. State Papers 72-469. (See further idem 71-1223 and 72-1196/1207.)

## 5. Award.

a. July 1, 1880.

b.

c. Accepted by Greece, July 16, 1880; not accepted by Turkey, July 26, 1880. A Convention was signed between Austria-Hungary, France, Germany, Great Britain, Italy, Russia on the one side, and Turkey on the other, at Constantinople, May 24, 1881 (text: de Martens N.R.G. 2-6-753; State Papers 72-382), whereby the new frontier-lines between Greece and Turkey were described. In execution of Article 18 thereof, a Convention was signed between Greece and Turkey, at Constantinople, July 2, 1881 (text: de Martens N.R.G. 2-8-2; State Papers 72-1186). „This was really a case of compulsory Arbitration, involving, as it did, an actual decision, and not merely one of Mediation, as contemplated by Article 24 of the Treaty of Berlin.” (Darby p. 802).

d. Hertslet Map 4-2966; De Martens N.R.G. 2-6-114 („Les pourparlers.... intéressées.”); State Papers 71-699.

e. Hertslet Map vol. 4 passim; Moore 5-5042/3.



**Nr. 113**

1. CANADA — ONTARIO (GREAT BRITAIN).
2. Boundary question.  
„The undersigned having been appointed by the governments of Canada and Ontario as arbitrators to determine the northerly and westerly boundary of the province of Ontario . . . .”  
Award.
3. Commission: R. A. Harrison; E. Thornton; F. Hincks.
4.
  - a.
  - b.
  - c.
5. Award.
  - a. **August 3, 1878.**
  - b.
  - c.
  - d. Moore 5-4966; State Papers 69-299.
  - e.

**Nr. 114**

## 1. GREAT BRITAIN — NICARAGUA.

## 2. Treaty interpretation; question of sovereignty over Mosquito Indians.

„... nachdem die Regierungen Ihrer Britischen Majestät und der Republik Nicaragua übereingekommen sind, die unter ihnen streitige Frage der Auslegung einiger Artikel des am 28 Jänner, 1860, zu Managua zwischen ihnen geschlossenen Vertrages Unserer schiedsrichterlichen Entscheidung zu unterstellen, und Wir uns bereit erklärt haben, das Amt eines Schiedsrichters in dieser Angelegenheit auszuüben....“

Award.

## 3. Franz Joseph I, Emperor of Austria.

## 4.

a. **January 1879.**

b.

c.

## 5. Award.

## a. July 2, 1881.

## b. Great Britain.

c.

d. La Fontaine 385; Hertslet 15-276; de Martens N.R.G. 2-10-609; Moore 5-4954; Parl Papers 1881(C. 3057); State Papers 72-1212.

e. Papers relating to the arbitration of His Imperial Majesty the Emperor of Austria..., London 1881; R.D.I.L.C. 16 (1884)-99; U. S. For. Rel. 1894, App. I-354/63.

## Nr. 115

### 1. FRANCE — NICARAGUA.

#### 2. Confiscation of arms.

„Au mois de novembre 1874, un certain nombre de caisses d'armes ont été confisquées par les autorités du Nicaragua à bord du navire français le „*Phare*”, mouillé à Corinto; cette mesure a été confirmée par le pouvoir judiciaire.”

Les parties contractantes „conviennent . . . de s'en remettre à l'arbitrage de la Cour de Cassation (de Paris). La dite Cour aura tout pouvoir pour apprécier l'ensemble des faits qui ont motivé la réclamation et qui, d'après le gouvernement français, engagent la responsabilité de la République du Nicaragua. Elle aura également tout pouvoir dans le cas où le Nicaragua sera déclaré responsable pour fixer l'indemnité qui devra être payée au capitaine Alard.”

#### 3. Court of Cassation, Paris.

#### 4. Protocol, Paris.

##### a. **October 15, 1879.**

##### b.

c. De Clercq 12-489; La Fontaine 225.

#### 5. Award.

##### a. July 29, 1880.

##### b. France.

##### c. Nicaragua condemned to pay 40.320 francs.

d. De Clercq 12-585; La Fontaine 225; Moore 5-4871; Rouard de Card: Destinées de l'Arbitrage international 1892 p. 237.

##### e. R.D.I.L.C. 13 (1881)-22.

## Nr. 116

### 1. FRANCE — UNITED STATES OF AMERICA.

#### 2. Mutual claims.

„All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of France, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of France, or voluntarily giving aid and comfort to the same, by the French civil or military authorities, upon the high seas or within the territory of France, its colonies and dependencies, during the late war between France and Mexico, or during the war of 1870–71 between France and Germany and the subsequent civil disturbances known as the „Insurrection of the Commune”; and on the other hand, all claims on the part of corporations, companies, or private individuals, citizens of France, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of France not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, upon the high seas or within the territorial jurisdiction of the United States, during the period comprised between the 13th of April 1861 and the 20th of August 1866, shall be referred to three Commissioners . . . .” Article 1.

### 3. Commission: L. de Geofroy, succeeded by A. A. Lefavre (Fr.); A. O. Aldis (U.S.A.); Baron de Arinos.

#### 4. I. Convention, Washington.

##### a. **January 15, 1880.**

b. „The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor, or affection, all claims within the description and true meaning of Articles I and II, which shall be laid before them on the part of the Governments of the United States and of France respectively.” Article 4.

c. De Clercq 12–519; La Fontaine 227; Malloy 1–535; de Martens N.R.G. 2–6–493; Moore 5–4715; State Papers 71–105.

#### II. Convention, Washington.

##### a. July 19, 1882.

b.

c. De Clercq 14–42; La Fontaine 229; Malloy 1–539; de Martens N.R.G. 2–9–700; Moore 5–4718; State Papers 73–1110.

#### III. Convention, Washington.

##### a. February 8, 1883.

b.

c. De Clercq 14–132; La Fontaine 230; Malloy 1–540; de Martens N.R.G. 2–9–701; Moore 5–4719; State Papers 74–141.

**Nr. 116 (Continued)****5. Awards.**

- a. November 5, 1880–March 31, 1884.
- b. Mutual claims.
- c. 726 Claims against U.S.A., \$ 625.566,35 awarded.  
19 Claims against France, 13.659,14 francs awarded.  
Performed (Moore 2–1161).
- d. Final award, March 31, 1884: Archives Dipl. 1884–3–5; La Fontaine 230; Moore 2–1148.  
Other awards: Moore vol. 2: 1153/5; vol. 3: 2399/2418, 2488/2507, 2572/83, 2647/55, 2781, 2999/3001, 3029/31, 3232/4; vol. 4: 3311/32, 3486/91, 3689/3710, 3739/43, 3753/4, 3962/6.
- e. Boutwell's Report; Moore 2–1133/84; idem 3–2211/26; U.S. For. Rel. 1880–357.

**Nr. 117**

1. HONDURAS — SALVADOR.

2. Boundary question.

„Las Altas Partes Contratantes se comprometen á someter las cuestiones de límites entre Opatoro y Colorós y Santa Elena ó Cuguara y Arambala, Perquin y San Fernando, á la resolución definitiva de un arbitro nombrado por ambas partes.”

Article 1.

3. J. Zavala, President of the Republic of Nicaragua.

4. Convention.

a. **December 18, 1880.**

b.

c. La Fontaine 647.

5.

a.

b.

c.

d.

e.

## Nr. 118

1. COLOMBIA — COSTA RICA.
2. Boundary question.
 

„The Republic of Costa Rica and the United States of Colombia submit to arbitration the question of boundaries pending between them, and the fixing the line that is to divide permanently and clearly their respective territories.”  
Article 1.
3. E. Loubet, President of the French Republic.
4. I. Convention, San José.
  - a. **December 25, 1880.**
  - b.
  - c. La Fontaine 393; State Papers 71-215.  
(King of the Belgians declined to act; Alphons XII, King of Spain, accepted.)

II. Convention, Paris.

  - a. **January 20, 1886.**
  - b.
  - c. La Fontaine 394; de Martens N.R.G. 2-32-383; State Papers 92-1034.  
(After the death of Alphons XII, the Queen-Regent of Spain accepted the office of Arbitrator on behalf of His Majesty Alphons XIII, but arbitration lapsed.)

III. Convention, Bogota.

  - a. **November 4, 1896.**
  - b.
  - c. La Fontaine 395; de Martens N.R.G. 2-25-62; State Papers 92-1036.  
(President of the French Republic appointed, who accepted.)
5. Award.
  - a. **September 11, 1900.**
  - b.
  - c.
  - d. La Fontaine 396; Journal Clunet 1901-858; Journal Officiel 250 (1900)-6184; de Martens N.R.G. 2-32-411; State Papers 92-1038; U.S. For. Rel. 1910-786.
  - e. Anales Diplomaticos y Consulares (Colombia), 1 (1901)-269 and 463; L. Anderson: El laudo Loubet, San José 1911; F. de Borda: Límites de Colombia con Costa Rica . . . , Bogota 1896; Consultations et mémoires présentés par la Colombie, Paris 1900; Moore 5-4857; M. M. de Peralta: Exposé des droits territoriaux de la République de Costa Rica . . . , Paris 1896; idem: Réplique à l'exposé de la République de Colombie, Paris 1899; R. Poincaré: Deuxième Mémoire présenté au nom de la République de Colombie, Paris 1899; idem: Troisième Mémoire de la Colombie, Paris 1900; idem: Résumé des conclusions, Paris 1900; idem: Cuestion de limites entre Colombia y Costa Rica, Sevilla 1899; F. Silvela: Exposé à Son Exc. M. le Président de la République Française, 1898; idem: Límites entre la Colombie et le Costa Rica, Madrid 1898; U.S. For. Rel. 1881, 1893/4 passim.  
See No. 298.

## Nr. 119

## 1. NETHERLANDS — SAN DOMINGO.

## 2. Confiscation of ship; imprisonment.

Les Parties Contractantes conviennent „de soumettre à l'arbitrage du Président de la République Française les questions suivantes:

1. Est-il prouvé qu'il y ait eu de la contrebande de guerre à bord de l'embarcation de la dame Dickenson ?

2. Le fait de transbordement, pendant quelques heures à bord du „*Havana Packet*”, de colis appartenant à la dame Dickenson, même dans le cas où ces colis auraient contenu de la contrebande de guerre, constituerait-il un des quatre cas énoncés dans la loi Dominicaine de 1876, et les tribunaux Dominicains se fondant sur l'article 2 de cette loi, ont-ils prononcé à juste titre la peine de la confiscation contre le „*Havana Packet*” ?

3. Le Gouvernement des Pays Bas est-il fondé à prétendre que, dans le cas où les faits mis à la charge du capitaine Harken seraient dûment prouvés, l'arrestation de ce capitaine et les mauvais traitements infligés à lui, à son équipage et à sa passagère la dame Dickenson, en admettant résistance de leur part à l'exécution de la loi, et, le pillage des bagages de cette dernière, même dans le cas où ces bagages auraient contenu de la contrebande de guerre, constituent des actes violents et illégaux pour lesquels une réparation leur est due ?

4. Le procédé des autorités Dominicaines, dans le différend qui fait l'objet de cet arbitrage, en vertu de la loi de 1876, est-il compatible avec les principes du droit international en vigueur chez les nations civilisées ou bien les intérêts, lésés par l'application de cette loi, ont-ils droit à une réparation, et quel sera le montant de l'indemnité ?”

## 3. J. Grévy, President of the French Republic.

## 4. Convention, The Hague.

a. **March 26, 1881.**

b.

c. La Fontaine 240 (Moore 5-5036).

## 5. Award.

a. March 16, 1883.

b. Netherlands.

c. San Domingo condemned to pay 140.000 francs.

d. La Fontaine 241; Moore 5-5081.

e. Moore 5-5036.



## Nr. 120

### 1. GREAT BRITAIN — TRANSVAAL.

#### 2. Mutual claims; acts of war.

„Her Majesty's Government will make due compensation for all losses or damage sustained by reason of such acts as are in the 8th Article hereinafter specified, which may have been committed by Her Majesty's forces during the recent hostilities, except for such losses or damage as may already have been compensated for, and the Government of the Transvaal state will make due compensation for all losses or damage sustained by reason of such acts as are in the 8th Article hereinafter specified which may have been committed by the people who were in arms against Her Majesty during the recent hostilities, except for such losses or damages as may already have been compensated for.”

Article 6.

„The decision of all claims for compensation, as in the last preceding Article mentioned, will be referred to a sub-commission.”

Article 7.

### 3. Commission: G. Hudson; J. P. de Wet; J. G. Kotzé.

#### 4. Convention, Pretoria.

##### a. August 3, 1881.

##### b.

c. La Fontaine 231; Hertslet 15-401; de Martens N.R.G. 2-8-210; State Papers 72-900.

#### 5. Awards.

##### a. December 1881-April 1882.

##### b. Great Britain.

##### c. Transvaal condemned to pay £ 140.839 10 s. 11 d.

##### d.

e. Darby p. 803.

## Nr. 121

## 1. COLOMBIA — VENEZUELA.

## 2. Boundary question.

„The said High Contracting Parties submit to the judgment and decision of the Government of His Majesty the King of Spain, in the capacity of Arbitrator or Umpire, the points of difference in the said question of boundaries, in order to obtain a definite decision, not admitting of any appeal, in accordance with which all the territory appertaining to the jurisdiction of the ancient Captaincy-General of Garácas by Royal Decrees of the ancient Sovereign down to 1810, which constitute the territorial jurisdiction of the Republic of Venezuela, and all that territory which by similar Decrees and at that date belonged to the Vice-Royalty of Santa Fé, constituting the existing Republic called the United States of Colombia.” Article 1.

## 3. Alphonso XII, King of Spain, succeeded in 1886, after his death, by the Queen Regent Maria Christina.

## 4. I. Treaty, Caracas.

a. **September 14, 1881.**

b.

c. La Fontaine 512; State Papers 73-1107.

## II. Act-Declaration, Paris.

## a. February 15, 1886.

b.

c. La Fontaine 513; State Papers 77-1012.

## 5. Award.

## a. March 16, 1891.

b. Colombia.

c. The two Governments made an agreement, April 4, 1894, whereby Venezuela would „nobly concede, in some parts of the line, a slight rectification”, on grounds of mutual convenience and common interest. The Colombian Government accepted in principle this proposal (Moore 5-4861/2). See Treaty November 21, 1896; and Convention December 30, 1898, R.G.D.I.P. 6 (1899)-Doc. p. 18.

d. La Fontaine 513; de Martens N.R.G. 2-24-110; Moore 5-4858; State Papers 83-387.

e. Anales Diplomaticos y consulares de Colombia, I (1900)-78/120; R.D.I.L.C. 19 (1887)-198; R.G.D.I.P. 27 (1920)-181/216; U.S. For. Rel. 1894-200.  
See No. 320.

## Nr. 122

## 1. CHILE — FRANCE.

## 2. Rightful claimants on bank-deposit (Gautreau claim).

„Para que los acreedores del Gobierno del Perú puedan ejercitar el derecho que les otorga el artículo precedente, deberán constituir, por acuerdo previo de todos los que se acogieren á los beneficios de esta concesión, un tribunal de árbitros que solucione las diversas dificultades á que pueda dar origen la liquidación, legitimidad o validez de sus títulos y la prioridad con que deban ser cubiertos de sus créditos respectivos.” Article 14, 9–2–1882.

„Los fondos depositados en el Banco de Inglaterra, á qui se refiere la cláusula A. citada del Protocolo de Enero de 1890, serán distribuidos entre los acreedores á virtud de las resoluciones que el indicado Tribunal transmita directamente á dicho Banco.” Article 3, 23–7–1892.

„Queda ratificada la designación del Presidente de la Suprema Corte de Justicia de la Confederación Suiza como Arbitro llamado á calificar los derechos que cada cual creyere tener y a distribuir la suma depositada en el Banco de Inglaterra.” Article 4.

## 3. Arbitral Tribunal: H. Hafner; Broye; J. Morel.

## 4. I. Decree.

a. **February 9, 1882.**

## b.

c. La Fontaine 594; Memoria del Ministerio de Relaciones Exteriores (Peru), 1896–402.

## II. Treaty, Lima.

## a. October 20, 1883.

## b.

c. La Fontaine 595; U.S. For. Rel. 1883–731.

## III. Protocol, Santiago.

## a. July 23, 1892.

## b.

c. La Fontaine 595.

## IV. Memorandum of the Swiss Federal Council, Berne.

## a. March 24, 1894.

b. „El Tribunal arbitral será compuesto, como queda dicho, del Señor doctor Hafner, Presidente actual, y de dos miembros del Tribunal Federal. Este instituirá el procedimiento que ha de seguirse; estatuirá sobre su propia competencia y sobre todas las cuestiones prejudiciales, tendrá la facultad de decidir en todas las intervenciones y de proceder á los llamamientos en juicio que juzgue necesarios. En una palabra, fijará todas las condiciones del arbitraje.”

c. La Fontaine 597.

**Nr. 122** (Continued)

## 5. Awards.

- a. January 20 and November 10, 1896.
- b. France.
- c.
- d. Descamps-R. 1901-353 note 1 and 356 note 1.
- e. Memoria del Ministerio de Relaciones Exteriores (Peru), 1891 App.; Moore 5-4863/4.  
Rules of Procedure: La Fontaine 597 and 599.  
See Nos. 172, 178 and 182.

## Nr. 123

### 1. CHILE — FRANCE.

#### 2. Damages in war.

„Un tribunal arbitral, ou commission mixte internationale, jugera, en la forme et suivant les termes qui seront établis dans la présente convention, toutes les réclamations, qui, motivées par les actes et opérations accomplis par les forces chiliennes de mer et de terre, sur les territoires et côtes du Pérou et de Bolivie durant la présente guerre, ont été introduites jusqu'à présent ou seront introduites ultérieurement par des citoyens français . . .”

Article 1.

„La Commission mixte examinera et jugera les réclamations que les citoyens français ont introduites jusqu'à aujourd'hui ou introduiront ultérieurement par leur organe diplomatique, et motivées par les actes et opérations accomplis par les armées et escadres de la République depuis le 14 février 1879, date de l'ouverture des hostilités, jusqu'au jour où il sera conclu des traités de paix ou des armistices entre les nations belligérantes, ou jusqu'au jour où auront cessé de fait les hostilités entre les trois nations en guerre.”

Article 3.

#### 3. Commission: F. Lopez Netto, succeeded by Lafayette R. Pereira; etc.

#### 4. I. Convention, Santiago.

##### a. **November 2, 1882.**

b. „La commission mixte jugera les réclamations d'après la valeur de la preuve fournie et conformément aux principes du droit international, ainsi qu'à la pratique et à la jurisprudence établies par les tribunaux récents analogues ayant le plus d'autorité et de prestige, en prenant ses résolutions, tant interlocutoires que définitives, à la majorité des votes.”

Article 6.

c. De Clercq 14-61; La Fontaine 233; de Martens N.R.G. 2-9-704; State Papers 74-128.

#### II. Protocol, Valparaiso.

##### a. March 3, 1883.

b.

c. La Fontaine 235; de Martens N.R.G. 2-9-707; State Papers 74-131.

#### III. Protocol, Santiago.

##### a. October 25, 1886.

b.

c. La Fontaine 235.

#### IV. Protocol, Santiago.

##### a. January 8, 1887.

b.

c. La Fontaine 236.

#### 5. Settlement by Protocol, Santiago.

##### a. November 26, 1887.

b. France.

c. 300.000 piastres allowed. (89 Claims presented.)

d. State Papers 79-671.

e. Moore 5-4862; U.S. For. Rel. 1883-97; idem: 1888-1-181.

## Nr. 124

## 1. CHILE — ITALY.

## 2. Damages in war.

„A Tribunal of arbitration or Mixed International Commission shall decide, in the form and in accordance with the provisions which are established in this Convention, all the claims which, in consequence of the acts and operations executed by the sea and land forces of the Republic on the territories and coast of Peru and Bolivia during the present war, are now made or shall hereafter be made by Italian subjects under the jurisdiction of the Italian Legation in Chile . . . .”

Article 1.

„The Mixed Commission shall examine and adjudicate upon the claims which Italian subjects have made up to the present or may make by means of the proper Diplomatic Agent arising out of the acts and operations performed by the army and the fleet of the Republic between the 14th February, 1879, the date of the commencement of hostilities, and the day on which the Treaty of Peace or the pact of truce between the belligerent nations may be concluded, or the cessation of hostilities between the three nations at war.”

Article 3.

## 3. Commission :

## 4. I. Convention, Santiago.

a. **December 7, 1882.**

b. „The Mixed Commission shall decide the claims with reference to the proofs presented, paying attention to the principles of international law, as well as to the practice and jurisprudence laid down by modern Tribunals of a similar character of higher authority and prestige, and submitting their interlocutory or final decisions to a majority of votes.”

Article 6.

c. La Fontaine 236; de Martens N.R.G. 2-10-638; State Papers 73-1211.

## II. Protocol, Santiago.

## a. October 2, 1886.

b.

c. La Fontaine 238.

## III. Protocol, Santiago.

## a. January 5, 1887.

b.

c. La Fontaine 239; de Martens N.R.G. 2-18-672.

## 5. Settlement by Protocol, Santiago.

## a. January 12, 1888.

b. Italy.

c. Chile should pay 297.000 piastres. (261 claims undecided.)

d. La Fontaine 239; State Papers 79-670.

e. Moore 5-4856; Sentencias pronunciados por el Tribunal Italo-Chileno, 1884-1888; U.S. For. Rel. 1888-1-186.

## Nr. 125

### 1. CHILE — GREAT BRITAIN.

#### 2. Damages in war.

„A Tribunal of Arbitration or Mixed International Commission shall judge, in the form and in accordance with the terms established in this Convention, all the claims which, by reason of the acts and operations effected by the land and maritime forces of Chile in the territories and coasts of Peru and Bolivia during the present war, have been put forward up to the present time, or may hereafter be put forward, by British subjects, and supported by the Legation in Chile, within the term hereinafter defined.” Article 1.

„The Mixed Commission shall examine and judge the claims which British subjects have already or may hereafter put forward, through their Diplomatic Representative, as arising out of the acts and operations effected by the armies and naval forces of the Republic from the 14th of February, 1879, the date on which hostilities commenced, until the day on which Treaties of Peace or Covenants of Truce may be concluded between the belligerent nations, or until such time as hostilities cease between the three nations at war.”

Article 3.

#### 3. Commission :

#### 4. I. Convention, Santiago.

##### a. **January 4, 1883.**

b. „The Mixed Commission shall decide the claims on the merits of the proof rendered, and in accordance with the principles of international law, and the practices and jurisprudence established by analogous modern tribunals of highest authority and prestige, delivering its interlocutory or definitive resolutions by a majority of votes.

The Mixed Commission shall set forth briefly, in each final sentence, the facts and grounds of the claim, the evidence produced for or against the same, and the principles of international right on which the sentences are based.” Article 6.

c. La Fontaine 242; Hertslet 15-542; de Martens N.R.G. 2-9-245; State Papers 74-321.

#### II. Protocol, Santiago.

##### a. August 16, 1886.

b.

c. La Fontaine 244; Hertslet 18-283; State Papers 77-1085

#### 5. Settlement by Protocol, Santiago.

##### a. September 29, 1887.

b. Great Britain.

c. \$ 100.000 allowed and paid.

d. La Fontaine 244; Hertslet 19-135; State Papers 78-774.

e. Moore 5-4928/30; Sentencias pronunciados por el Tribunal Anglo-Chileno, 1884/7; U.S. For. Rel. 1888-1-172.

**Nr. 126**

1. EGYPT — FOREIGN POWERS.
2. Damages resulting from riots etc.  
 „An international Commission is constituted, with exclusive jurisdiction to receive and examine the claims of the victims of the insurrection which has occurred in Egypt since the 10th June, 1882, and to decide, without appeal, on each one of these claims, either by rejecting them or confirming them by fixing an indemnity.”  
 Article 1.
3. International Commission: Abder Rahman Rouchdy (President); Yacoub Artin Bey (Vice-President); M. Bargher; Ch. A. Cookson; E. E. Farman; Kleczkowski; Count Maragna; Spiegelberg; Ducis Stefanou; P. Cavalli.
4. I. Decree, Caïro.
  - a. **January 13, 1883.**
  - b.
  - c. Hertslet 15-586; State Papers 74-1091.
 II. Decree, Caïro.
  - a. February 4, 1883.
  - b.
  - c. Hertslet 15-588; State Papers 74-1094.
5.
  - a.
  - b.
  - c.
  - d.
  - e. Moore 5-4862.



## Nr. 127

## 1. CHILE — PERU.

## 2. Damages in war.

„Las indemnizaciones que se deban por el Perú á los Chilenos que hayan sufrido perjuicios con motivo de la guerra, se juzgarán por un Tribunal arbitral ó Comisión mixta internacional. . . .” Article 12, 20-10-1883.

„Un Tribunal arbitral ó comisión mixta internacional, que funcionará en Lima, juzgará, en la forma que se establece en la presente Convención, todas las reclamaciones de indemnización que, con el patrocinio del Gobierno de Chile, deduzcan contra el Gobierno del Perú los Chilenos que hayan sufrido perjuicios con motivo de la guerra á que puso término el tratado de 20 de octubre de 1883.” Article 1, 5-4-1897.

## 3. Commission:

## 4. I. Treaty, Lima.

a. **October 20, 1883.**

b.

c. La Fontaine 592.

## II. Convention, Lima.

## a. April 5, 1897.

b. „La Comisión mixta decidirá las reclamaciones en mérito de la prueba rendida i con arreglo á los principios del derecho internacional i á las prácticas i jurisprudencia establecidas por los tribunales análogos modernos de mayor autoridad i prestigio, librando sus resoluciones interlocutorias ó definitivas por mayoría de votos. La Comisión mixta expondrá brevemente en cada juzgamiento definitivo los hechos i causales de la reclamación, los motivos alegados en su apoyo ó en su contradicción i los fundamentos de derecho internacional que justifiquen sus resoluciones.” Article 6.

c. La Fontaine 592; Memoria del Ministerio de Relaciones Exteriores (Peru), 1897-66.

## 5.

a.

b.

c.

d.

e.

## Nr. 128

## 1. CHINA — UNITED STATES OF AMERICA.

## 2. Private claims.

„We, George Phillips, H.B.M.'s Consul, officiating at Swatow, and Robert Hunter Hill, H.N.M.'s Consul at Swatow, having been requested . . . to arbitrate in a matter as to the sum of money the Rev. Dr. Ashmore, a U.S. citizen, residing at Swatow, is held to be entitled to receive from the Chinese Government, for giving up to them his title deeds to a certain fishery ground, from which he for many years has received an income of four hundred dollars a year.”  
Award.

## 3. G. Phillips (Consul of Great Britain); R. H. Hill (Consul of the Netherlands).

## 4. Agreement, Swatow.

- a. **1884.**
- b.
- c.

## 5. Award.

- a. May 24, 1884.
- b. U.S.A.
- c. China paid \$ 4600 (Moore 2-1858).
- d. La Fontaine 601; Moore 2-1858.
- e. Moore 2-1857/9.

**Nr. 129**

## 1. GREAT BRITAIN — TRANSVAAL.

## 2. Boundary question.

„Her Majesty's Government and the Government of the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary as described in Article 1 of this Convention; and the President of the Orange Free State shall be requested to appoint a referee to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article, and the decision of such referee thereon shall be final.”

Article 2.

## 3. Commissioners: C. R. Conder and Tielman Nieuwoudt de Villiers. Umpire: Judge Meluis de Villiers.

## 4. Convention, London.

a. **February 27, 1884.**

## b.

c. La Fontaine 244; Hertslet 17-12; de Martens N.R.G. 2-10-180; State Papers 75-5.

## 5. Award.

## a. August 5, 1885.

## b. Transvaal.

## c.

d. La Fontaine 245; Hertslet 17-34; Moore 5-5015; State Papers 76-991.

## e.

**Nr. 130**

## 1. BOLIVIA — CHILE.

## 2. Confiscation of property and goods.

„Chilean property sequestrated by Decrees of the Bolivian Government, or by acts emanating from the civil or military authorities, shall be at once restored to its owners. . . . Indemnity for injuries received by Chilean subjects in the above manner, or by the destruction of their property, shall be subject for negotiation between the Bolivian Government and the parties interested.”

Article 3.

„In the event of disagreement between the Government of Bolivia and the parties interested as to the amount of indemnity or the mode of payment, the disputed points shall be submitted to the arbitration of a Commission. . . .”

Article 4.

## 3. Commission:

## 4. Treaty, Valparaiso.

a. **April 4, 1884.**

b.

c. La Fontaine 323; de Martens N.R.G. 2-10-610; State Papers 75-367.

## 5.

a.

b.

c.

d.

e.

## Nr. 131

### 1. HAITI — UNITED STATES OF AMERICA.

#### 2. Private claims.

„Whereas the Government of the United States of America has presented to the Government of Hayti the claims of Antonio Pelletier and A. H. Lazare for indemnity for acts against person and property alleged to have been done by Haytian authorities; . . . .”

„The said claims . . . . shall be referred to the said Honorable William Strong, as sole Arbitrator thereof. . . .” Article 1.

### 3. William Strong, formerly Justice of the U.S. Supreme Court.

#### 4. I. Protocol, Washington.

##### a. **May 28, 1884.**

b. „Before entering upon the discharge of his duties, the said Arbitrator shall subscribe to the following declaration: ,I do solemnly declare that I will decide impartially the claims of Antonio Pelletier and A. H. Lazare preferred on behalf of the Government of the United States against the Government of the Republic of Hayti; and that all questions laid before me by either government in reference to said claims shall be decided by me according to the rules of International Law existing at the time of the transactions complained of.’” Article 4.

c. La Fontaine 246; Malloy 1-932; de Martens N.R.G. 2-11-798; Moore 5-4768; State Papers 75-382.

#### II. Additional Protocol, Washington.

##### a. **March 20, 1885.**

b.

c. Malloy 1-934; de Martens N.R.G. 2-13-589; Moore 5-4769.

#### 5. Two awards.

##### a. **June 13, 1885.**

b. U.S.A.

c. \$ 57.250 granted to A. Pelletier; \$ 117.500 granted to A. H. Lazare. In the case of A. Pelletier the Haytian Minister filed a formal protest, in which he maintained that the award was induced by a clear mistake by the arbitrator as to his jurisdiction under the Protocol. The Senate asked for a report, which was made by Mr. Bayard, January 20, 1887, holding that neither the award in the case of Pelletier nor that in the case of Lazare should be enforced. According to a Report of Mr. Olney, transmitted to the Senate, February 28, 1896, Hayti had not then paid the amount awarded to A. H. Lazare. „The disposition of the case, as reported by the Secretary of State in 1887, has not been disturbed by any subsequent action of the Government.” (Moore 2-1793/1805).

d. Award A. Pelletier: La Fontaine 247; Moore 2-1757.

Award A. H. Lazare: La Fontaine 259; Moore 2-1779.

e. Journal Clunet 1888-368; Moore 2-1749/1805; U.S. For. Rel. 1887-593/632.

**Nr. 132**

1. GERMANY — GREAT BRITAIN.
2. Territorial question (land concessions).  
Commission appointed to consider and report upon the claims of German subjects in relation to lands in Fiji.
3. Commission: R. Krauel (Germ.); R. S. Wright (Gr.Br.).
4. Exchange of telegrams.
  - a. **June 19 and 21, 1884.**
  - b.
  - c. La Fontaine 267.
5. Report.
  - a. April 15, 1885.
  - b. Germany.
  - c. Great Britain paid £ 10.620.
  - d. La Fontaine 268; Parl. Papers 1885 (C. 4433).
  - e. Correspondence relative to land claims in Fiji, London 1883; idem: London (Eyre and Spottiswoode) 1883 and 1885; Hertslet 17-436; Moore 5-5043; State Papers 76-66 and 887.

**Nr. 133**

1. COLOMBIA — ECUADOR.
2. Private claims.  
Indemnities claimed by Colombian citizens from Ecuador.
3. Arbitral Tribunal:
4. Convention, Quito.
  - a. **June 28, 1884.**
  - b.
  - c.
5. Awards.
  - a. February 11, 1887-...
  - b.
  - c. 37 Claims presented; 10 rejected, 4 withdrawn, 7 left unadjudicated, 16 judged awarding 78.598,76 piasters.
  - d.
  - e. Anales Diplomaticos y consulares de Colombia, 2 (1901)-115; La Fontaine 617; Informe de Relaciones exteriores (Colombia), 1888-38, 1890-16, 1892-13.

## Nr. 134

### 1. CHILE — GERMANY.

#### 2. Damages in war.

„A Tribunal of Arbitration, or Mixed International Commission, shall judge, in the form and in accordance with the terms established in this Convention, all the claims which, by reason of the acts and operations affected by the land and maritime forces of Chile in the territories and coasts of Peru and Bolivia during the late war, have been put forward by German subjects and supported by the German Legation in Chile, within the terms hereinafter defined.” Article 1.

„The Mixed Commission shall examine and judge the claims put forward by German subjects through their Diplomatic Representative, as arising out of the acts and operations effected by the armies and squadrons of the Republic from the 14th February 1879, the date on which hostilities commenced, until the day on which the Treaties of Peace and of Truce were concluded with Peru and Bolivia.” Article 3.

#### 3. Commission:

#### 4. Convention, Santiago.

##### a. **August 23, 1884.**

b. „The Mixed Commission shall decide the claims on the merits of the proof rendered, and in accordance with the principles of international law, and the practices and jurisprudence established by analogous modern Tribunals of highest authority and prestige, delivering its interlocutory or definitive resolutions by majority of votes.” Article 6.

c. La Fontaine 274; State Papers 75-1102.

#### 5. Settlement by Convention.

a. August 31, 1886. Also Protocol April 22, 1887.

b. Germany.

c. 20.000 piastres allowed.

d. Protocol: La Fontaine 276; Recopilación de Tratatos y Convenciones, 1894-II-295.

e. Chile y las comisiones mistas internacionales, Santiago, 1885; Moore 5-4916.



## Nr. 135

### 1. BELGIUM — CHILE.

### 2. Damages in war.

„Les gouvernements de Belgique et du Chili conviennent de porter à la connaissance et de soumettre au jugement du tribunal arbitral établi par la convention italo-chilienne du 7 décembre 1882, les trois réclamations présentées par des sujets belges contre le gouvernement du Chili en conséquence de la dernière guerre entre le Chili, le Pérou et la Bolivie.”

### 3. Commission:

### 4. Convention, Santiago.

#### a. **August 30, 1884.**

b. „Ces réclamations seront jugées conformément aux mêmes principes et avec les mêmes formalités et conditions qu'ont établies, pour les réclamations des sujets italiens, la convention susdite du 7 décembre 1882 et le règlement adopté par le tribunal italo-chilien.” (See No. 123.)

c. Archives Dipl. 1886-3-164; La Fontaine 277; de Martens N.R.G. 2-11-638; State Papers 75-495.

### 5. Awards.

a.

b. Chile.

c. 3 Belgian claims rejected.

d.

e. Moore 5-4856.

## Nr. 136

1. GERMANY — GREAT BRITAIN.
2. Territorial question; private claims.  
 „It will be the duty of the Commission to examine the claims to private property and concessions which subjects of the one Power allege they had acquired in the territory of the other before the German protectorate was proclaimed, and to give their opinion on such claims.” Instructions.
3. First Commission (1885): Dr. Bieber (Germ.); Mr. Shippard (Gr.Br.). This Commission failed to agree.  
 Second Commission (1886): R. Krauel (Germ.); Ch. S. Scott (Gr.Br.).
4. I. Exchange of letters.
  - a. **September 7 and 22, 1884.**
  - b.
  - c. La Fontaine 278; Parl. Papers (C. 4262) p. 36; Weissbuch I p. 117 and 120.
 II. Instructions to the Commission, Berlin.
  - a. March 11, 1885.
  - b.
  - c. La Fontaine 279; Parl. Papers (C. 5180) p. 20.
 III. Exchange of letters.
  - a. March 6 and 8, 1886.
  - b.
  - c.
5. Settlement by Protocol, Berlin.
  - a. July 15, 1886.
  - b.
  - c. Accepted by Great Britain on August 9, and by Germany on November 13, 1886 (La Fontaine 281).
  - d. La Fontaine 280; Hertslet 17-1172; State Papers 77-1042.
  - e. State Papers 75-528/53 and 77-1283/9.

### Nr. 137

1. HAITI — UNITED STATES OF AMERICA.
2. Civil insurrection.
 

„It is sought . . . to fix the figures of the indemnities to be accorded to foreigners whose interests has been directly destroyed at the times of the events which took place the 22nd and 23d September of last year at Port-au-Prince (1883).”

Instructions.
3. Commission: B. Lallemand (H.); C. A. Preston, succeeded by Segu Gentil (H.); Ch. Weyman (U.S.A.); E. Cutts, succeeded by J. B. Terres (U.S.A.).
4. I. Verbal arrangement.
  - a. **January 25, 1885.**

II. Letter confirming that arrangement, Port-au-Prince.

  - a. February 12, 1885.
  - b.
  - c. La Fontaine 291.

III. Instructions for the Haytian Commissioners, Port-au-Prince.

  - a. February 12, 1885.
  - b.
  - c. La Fontaine 291; U.S. For. Rel. 1885-501.
5. Report.
  - a. April 22 and 24, 1885.
  - b. U.S.A.
  - c. \$ 5700 Awarded. Two claims were referred to the Governments and upon these \$ 9000 were paid, November 30, 1887.
  - d. La Fontaine 292; U.S. For. Rel. 1885-519.
  - e. Moore 2-1859/62; U.S. For. Rel. 1883-594; idem: 1884-298; idem: 1885-500.

## Nr. 138

## 1. SPAIN — UNITED STATES OF AMERICA.

## 2. Maritime capture.

„The Government of His Majesty the King (of Spain) . . . and the Government of the United States of America have agreed to submit to the decision of an arbitrator the sum which, as indemnification, the Spanish treasury must pay to the owner of the North American bark „*Masonic*”, in virtue of the decreed sentence of the Council of State of the 16th of October 1884 . . . .”

## 3. Baron Blanc, Italian Minister at Madrid.

## 4. Collective letter, Madrid.

a. **February 28, 1885.**

b. „. . . . you may examine the damages and injuries duly proved by the owner of the „*Masonic*”, and determine the pecuniary indemnification which you justly and equitably believe ought to be assigned to him, in view of the liquidation of the interested party and of the antecedents of the question . . . .”

c. La Fontaine 281; U.S. For. Rel. 1885-699; Moore 2-1060.

## 5. Award.

a. June 27, 1885.

b. U.S.A.

c. Spain paid \$ 51.674,07 (Moore 2-1069).

d. La Fontaine 281; Moore 2-1062; State Papers 76-419; U.S. For. Rel. 1885-725.

e. Moore 2-1055/69; U.S. For. Rel. 1885-678.

## Nr. 139

1. AUSTRIA-HUNGARY — CHILE.
2. Losses in war.
 

„The Government of the Austro-Hungarian Empire and the Government of the Republic of Chile agree to refer to the cognizance and decision of the Tribunal of Arbitration established by the Convention between Germany and Chile of the 23rd August 1884, the claims presented by Austro-Hungarian subjects against the Government of Chile, arising out of the acts and operations carried on by the land and sea forces of the Republic in the territories and coasts of Peru and Bolivia during the late war.”
3. Commission:
4. Convention, Santiago.
  - a. **July 11, 1885.**
  - b. „These claims shall be adjudicated upon in conformity with the same principles, and subject to the same formalities and conditions, as have been prescribed in regard to the claims of German subjects under the aforesaid Convention of the 23rd August, 1884. . . .”
  - c. La Fontaine 293; de Martens N.R.G. 2-12-507; State Papers 76-98.
5. Settlement by Protocol, Santiago.
  - a. April 22, 1887.
  - b. Austria-Hungary.
  - c. 20.000 piastres allowed.
  - d. La Fontaine 276.
  - e. Moore 5-4916  
See No. 134.

## Nr. 140

1. GREAT BRITAIN — RUSSIA.
2. Frontier question.
 

„Il est convenu que des Commissaires seront nommés de suite par les Gouvernements de Sa Majesté l'Empereur de toutes les Russies et Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, qui procéderont à examiner et à tracer sur les lieux les détails de la frontière afghane fixée par l'article précédent.”  
Article 2.
3. Commission: J. West Ridgeway (Gr.Br.); Kuhlberg (R.).
4. Protocol, London.
  - a. **September 10, 1885.**
  - b. „Il est entendu qu'en traçant cette frontière et en se conformant, autant que possible, à la description de cette ligne dans le présent Protocole, ainsi qu'aux points marqués sur les cartes ci-annexées, les dits Commissaires tiendront dûment compte des Localités et des nécessités, et du bien-être des populations locales.”  
Article 3.
  - c. La Fontaine 287; State Papers 77-303. . . .
5. Settlement by Protocol, St. Petersburg.
  - a. July 22, 1887.
  - b.
  - c. The two Governments exchanged Notes, August 3, 1887, accepting the conclusions of the Commissioners (La Fontaine 291).
  - d. La Fontaine 288; de Martens N.R.G. 2-13-566; State Papers 78-246.
  - e. Parl. Papers 1887 (C. 5325); State Papers 76-1102/1232; idem: 77-243/305; A.C. Yate: The Afghan Boundary Commission, London 1887.

**Nr. 141**

1. GERMANY — SPAIN.
2. Territorial question, sovereignty of the Caroline Islands.
3. His Holiness Leo XIII (as Mediator).
4. Question referred to the Pope.
  - a. **September 22, 1885.**
  - b.
  - c.
5. Proposition.
  - a. October 22, 1885.
  - b. Spain.
  - c. The proposition, which had the force of an award, was accepted by both Governments and embodied in a Protocol, signed at Rome, December 17, 1885, by which Spain was declared sovereign, and Germany was accorded freedom of navigation, commerce and fisheries.
  - d. Proposition: La Fontaine 285; de Martens N.R.G. 2-12-292; Moore 5-5043; State Papers 76-293. Protocol: La Fontaine 286; de Martens N.R.G. 2-12-293; Moore 5-5044; State Papers 76-294.
  - e. Allocutio „Etsi Res”, De Pontificia sententia qua controversia componitur Hispanos inter et Germanos orta circa Carolinas Insulas, January 15, 1886 (see: Y. de la Brière and P. M. Colbach „La Patrie et la Paix”, Paris 1938 p. 289); E. Lefebure de Béhaine: Léon XIII et le prince de Bismarck, Fragments d'histoire diplomatique, Paris; de Martens N.R.G. 2-12-283/92; Revue des Deux Mondes July 1, 1897; L. Selosse: L'affaire des Carolines, 1886; U.S. For. Rel. 1886-776.

## Nr. 142

### 1. UNITED STATES OF AMERICA — VENEZUELA.

#### 2. Private claims.

„All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Venezuela, which may have been presented to their Government or to its legation at Caracas, before the first day of August 1868, and which by the terms of the aforesaid convention of April 25, 1866, were proper to be presented to the Mixed Commission organized under said convention, shall be submitted to a new Commission . . . .”

Article 2, Convention December 5, 1885.

### 3. Mixed Commission: J. Little (U.S.A.); J. Andrade (V.); J. V. L. Findlay (U.S.A., Umpire).

#### 4. I. Convention, Washington.

##### a. **December 5, 1885.**

b. „The Commissioners . . . shall . . . make and subscribe a solemn declaration that they will carefully examine and impartially decide, according to justice and in compliance with the provisions of this Convention, all claims submitted to them in conformity herewith . . . .” Article 3.

c. La Fontaine 58; Malloy 2-1858; de Martens N.R.G. 2-22-20; Moore 5-4810; State Papers 76-949.

#### II. Convention, Washington.

##### a. **March 15, 1888.**

b.

c. (La Fontaine 61); Malloy 2-1865; de Martens N.R.G. 2-22-74; Moore 5-4815; State Papers 79-276.

#### III. Convention, Washington.

##### a. **October 5, 1888.**

b.

c. Malloy 2-1866; de Martens N.R.G. 2-22-89; Moore 5-4816; State Papers 86-1320.

#### 5. Awards.

##### a. **September 3, 1889–September 2, 1890.**

b. U.S.A.

c. 14 New claims, to the amount of \$ 1.102.577,83.  
About the other claims, see No. 78 (Moore 2-1689/92).

d. Moore vol. 3: 2347/9; 2456/61; 2743/51; 2944/71; 3021/7; 3039/43; 3125/6; 3160; 3210/20.

Moore vol. 4: 3354/9; 3491/3568; 3616/64; 3710; 3743/4; 4181/4203; 4392/5.

e. Moore 2-1665/92; idem 3-2226/30.



**Nr. 143**

## 1. CHILE — SWITZERLAND.

## 2. Losses in war.

„La Suisse et le Chili conviennent de déférer au Tribunal Arbitral établi en conformité de la Convention Allemande-Chilienne du 23 Août, 1884, et de soumettre à son jugement les réclamations soulevées par des ressortissants Suisses contre le Gouvernement Chilien à l'occasion des actes et opérations des forces de mer et de terre de la République sur les territoire et sur les côtes du Pérou et de la Bolivie pendant la dernière guerre.”

## 3. Commission:

## 4. Convention, Santiago.

a. **January 19, 1886.**

b. „Les réclamations doivent être jugées d'après les mêmes principes et avec les mêmes formalités et conditions qui ont été posés, pour les réclamations de ressortissants allemands, par la Convention précitée du 23 Août, 1884.”

c. La Fontaine 294; de Martens N.R.G. 2-14-324; State Papers 77-826.

## 5. Settlement by Protocol, Santiago.

a. April 22, 1887.

b. Switzerland.

c.

d. La Fontaine 276.

e. Moore 5-4857.  
See No. 134.

## Nr. 144

## 1. COLOMBIA — ITALY.

## 2. Confiscation of goods. (Cerruti claim.)

„Toute autre réclamation, de quelque nature que ce soit, actuellement pendante entre le Gouvernement de S.M. le Roi d'Italie et le Gouvernement de Colombie, dans l'intérêt du sieur Cerruti ou d'autres sujets italiens, reste soumise à la médiation du Gouvernement de S.M. Catholique, par devant lequel les deux Gouvernements présenteront leurs preuves et documents respectifs. Les questions principales que le médiateur aura à résoudre sont les suivantes:

Le sieur Cerruti, ou d'autres sujets italiens, ont-ils, oui ou non, perdu en Colombie leur qualité d'étrangers neutres?

Ont-ils, oui ou non, perdu les droits, les prérogatives et les privilèges que le droit commun et les lois de Colombie accordent aux étrangers?

La Colombie doit-elle, oui ou non, payer des indemnités au sieur Cerruti ou à d'autres sujets italiens?"

Article 2.

„S'il résulte de la dite médiation que la Colombie doit payer des indemnités, le montant de ces indemnités ainsi que les modalités, les termes et les garanties du paiement formeront, sans appel ni réserve quelconque, l'objet d'un jugement arbitral que les deux Gouvernements conviennent dès aujourd'hui de déférer à une Commission mixte. . . ."

Article 3.

## 3. Government of Spain.

## 4. Protocol, Paris.

a. **May 24, 1886.**

## b.

c. La Fontaine 295; de Martens N.R.G. 2-18-659; State Papers 77-1032.

## 5. „Award of mediation”.

## a. January 26, 1888.

## b. Italy.

## c. Accepted by Colombia (Moore 2-2119).

A Mixed Commission was organised in accordance with Article 3 of the Protocol: J. Cock Bayer (C.); Count Gloria (I.); B. de Cologan. But the claims were not presented to the Commission. See Nos. 179 and 296.

## d.

e. Moore 2-2117/20; R.D.I.L.C. 19 (1887)-196.  
See No. 244.

**Nr. 145**

1. BAKWENA — BAMANGWATO.
2. Ownership of wells.  
Question about rights to certain wells at Lopepé.
3. Arbitral Commission: Cpt. Goold Adams (Pres.); . . . .
4.
  - a.
  - b.
  - c.
5. Award.
  - a. **August 26, 1886.**
  - b. Wells equally divided.
  - c. Accepted by both African nations.
  - d.
  - e. Darby p. 811; Herald of Peace, November 1887 p. 291; E. Lloyd: Three Great African Chiefs, 1895; p 253/4.

## Nr. 146

## 1. BULGARIA — SERVIA.

## 2. Territorial question.

„Le Gouvernement Princier de Bulgarie, regrettant l'incident de Bregovo qui avait altéré les relations d'amitié entre les deux Etats voisins, fera évacuer le terrain contesté vis-à-vis de ce village, immédiatement après la signature du présent Acte. Le terrain dont il s'agit sera déclaré neutre jusqu'à la solution définitive de la question dite de Bregovo, par une Commission Serbo-Bulgare qui sera nommée à cet effet. Dans le cas où l'endroit contesté serait attribué par la Commission à la Serbie, le Gouvernement Royal consent en principe à le céder à la Bulgarie en échange d'un terrain équivalent sur un autre point de la frontière.” Article 1.

## 3. Commission :

## 4. Arrangement, Nisch.

a. **October 25, 1886.**

b.

c. De Martens N.R.G. 2-14-292; State Papers 78-446.

## 5. Award.

a. December 16, 1886.

b.

c. The decision was confirmed by Act of March 30, 1887, signed between the two Governments. By Act of December 31, 1888 — the Commission having made its Report, July 13, 1888, concerning the exchange of territory — these territories were exchanged. (Ratifications January 4, 1889, Sophia.)

d.

e. Darby p. 811; Hertslet Map 4-3188/92 and 3202/3.

## Nr. 147

### 1. COSTA RICA — NICARAGUA.

#### 2. Boundary question.

„The question pending between the Contracting Governments in regard to the validity of the Treaty of Limits of the 15th April, 1858 (text: Moore 5-4706), shall be submitted to arbitration.”

Article 1.

„The arbitrator of that question shall be the President of the United States of America.”

Article 2.

„If the decision of the arbitration declares the validity of the Treaty, the same award shall declare whether Costa Rica has the right to navigate the River San Juan with ships of war or revenue boats. Also the decision aforesaid shall, in case of the validity of the said Convention, decide the other points of doubtful interpretation found by either of the Parties in the Treaty . . . .”

Article 6.

### 3. Grover Cleveland, President of the United States of America.

#### 4. Treaty, Guatemala.

##### a. **December 24, 1886.**

##### b.

c. La Fontaine 298; Moore 5-4704; State Papers 77-476.

#### 5. Award.

##### a. March 22, 1888.

##### b. Costa Rica. (Treaty declared to be valid.)

c. Accepted, but difficulties arose as to the execution. The Government of Salvador proposed to mediate, and, through its good offices, the Parties concluded a new Convention for the demarcation of their boundary at San José, April 8, 1896. By this Convention another arbitral procedure was instituted (See No. 197 and Moore 2-1967/8).

d. La Fontaine 299; Moore 2-1964; State Papers 79-555; U.S. For. Rel. 1888-456.

e. Moore 2-1945/68; P. Perez Zeledón: Argument on the question of the validity of the treaty of limits between Costa Rica and Nicaragua . . . , Washington 1887; idem: Reply to the argument of Nicaragua . . . , Washington 1887; R.D.I.L.C. 20 (1888)-512; U.S. For. Rel. 1887-267; idem: 1888-1-455; idem: 1896-100 and 371.

**Nr. 148**

1. GREAT BRITAIN — SPAIN.
2. Marine collision.  
Question concerning a collision between a Spanish man-of-war, „*Don Jorge Juan*”, and a British merchant vessel „*Mary Mark*”, which took place near Belize, July 9, 1884.
3. Arbitral Commission: C. Ford (Gr.Br.); Moret (Sp.); Marquis Maffei (Umpire).
4. Agreement.
  - a. **April** , 1887.
  - b.
  - c.
5. Award.
  - a. December 5, 1887.
  - b. Great Britain.
  - c. 600 Lires awarded.
  - d.
  - e. La Fontaine 617; Herald of Peace, December 1, 1892 p. 166; Moore 5-5017.

## Nr. 149

1. ECUADOR — PERU.
2. Territorial question.
 

„The Governments of Ecuador and Peru, wishing to settle amicably the question of limits pending between the two nations . . . submit the said questions to His Majesty the King of Spain, in order that he may settle them, as rightful Arbitrator, in a definitive way and without appeal.” Article 1.
3. Alphons XII, King of Spain, succeeded in 1896, after his death, by the Queen Regent Maria Christina.
4. I. Convention, Quito.
  - a. **August 1, 1887.**
  - b. (See sub 2.)
  - c. La Fontaine 323; State Papers 78-47.
 II. Boundary Treaty, Quito. (Complementary Protocol, June 5, 1890.)
  - a. May 2, 1890.
  - b.
  - c. (The Arbitrator requested to delay his award.)
 III. Convention, Lima.
 

With adhesion of Colombia, which had mediated together with the Holy See, and prevented imminent rupture between Ecuador and Peru.

  - a. December 15, 1894.
  - b.
  - c. La Fontaine 324.
 IV. Protocol, Quito.
  - a. February 19, 1904.
  - b.
  - c. Descamps-R. 1904-1016.
5.
  - a.
  - b.
  - c.
  - d.
  - e. Boletín del Ministerio de Relaciones Exteriores (Peru), 2-198; 7-137; 9-86; 15-148; 19-1392; 35-212; 39 wholly; Moore 5-4857/8; R.D.I.L.C. 20 (1888)-511; U.S. For. Rel. 1895-1-250; idem: 1904-680. See No. 281.

## Nr. 150

### 1. GUATEMALA — MEXICO.

#### 2. Mutual claims.

„All claims pending of Corporations, Companies, or private persons of Guatemalan nationality for prejudices suffered in their persons and property, and for which the Mexican authorities are considered responsible, and all claims pending of Corporations, Companies, or private persons of Mexican nationality for prejudices suffered in their persons and property, and for which the Guatemalan authorities are considered responsible, as also all claims of this class which may be presented within the term fixed by this Agreement further on, shall be submitted to two Commissioners. . . .”

Article 1.

„The Commissioners shall then name a third person to act as Arbitrator in the case or cases in which they may differ in opinion . . . .”

Article 4.

#### 3. Commission:

#### 4. I. Convention, Mexico.

##### a. **January 26, 1888.**

b. „The Commissioners . . . shall make and sign a solemn declaration that they will carefully examine and decide according to their best judgment, and in accordance with public right, justice, and equity, and without fear, favour, or leaning towards their respective country, on all those claims which may be respectively laid before them by the Government of the Republics of Guatemala and Mexico.”

Article 4.

c. La Fontaine 325; State Papers 81-255.

#### II. Treaty, Guatemala.

##### a. December 22, 1891.

b.

c. La Fontaine 327; de Martens N.R.G. 2-24-140; State Papers 83-369.

#### 5. Awards.

a.

b. Mutual claims.

c. 39.044,30 Piastres awarded to Mexico; 49.100 Piastres to Guatemala (La Fontaine 325).

d.

e.



**Nr. 151**

1. MOROCCO — UNITED STATES OF AMERICA.
2. Illegal arrest.  
Question concerning the arrest and imprisonment of an American Consular protégé, at Rabat, by the Moorish authorities at Fez.  
The American Government demanded an indemnity.
3. Arbitral Commission: Cantagalli (It., umpire); . . . .
4. Agreement, Madrid.
  - a. **April 9, 1888.**
  - b.
  - c.
5.
  - a.
  - b.
  - c.
  - d.
  - e. Darby p. 813; Herald of Peace, May 1888 p. 61.

## Nr. 152

### 1. HAITI — UNITED STATES OF AMERICA.

#### 2. Arbitrary arrest.

„It having been claimed on the part of the United States that the imprisonment of Charles Adrien van Bokkelen, a citizen of the United States, in Hayti, was in derogation of the rights to which he was entitled as a citizen of the United States under the treaties between the United States and Hayti, which the Government of the latter country denies, it is agreed that the question raised in the correspondence between the two Governments in regard to the imprisonment of the said Van Bokkelen shall be referred to the decision of a person to be agreed upon . . . .” Article 1.

#### 3. A. Porter Morse.

#### 4. Protocol, Washington.

##### a. **May 24, 1888.**

b. (On June 8, 1888, the referee subscribed a declaration in writing that he would impartially and carefully examine and decide the case submitted to him, in good faith, to the best of his judgment, and conformably with the principles of law applicable thereto; see Moore 2-1812/3).

c. La Fontaine 301; Malloy 1-935; Moore 5-4770; State Papers 79-668.

#### 5. Award.

a. December 4, 1888.

b. U.S.A.

c. \$ 60,000 allowed. A Protocol was signed as to the mode of payment. Hayti paid the last installment in 1895 (Moore 2-1852/3).

d. La Fontaine 302; Moore 2-1813; State Papers 79-668; U.S. For. Rel. 1888-1007.

e. Journal Clunet 1891-674/5; Juridical Revue 2 (1890)-76; Moore 2-1807/53; U.S. For. Rel. 1884-306; idem: 1885-477; idem: 1888-984.

## Nr. 153

### 1. FRANCE — NETHERLANDS.

#### 2. Boundary question.

„Le Président de la République Française et Sa Majesté le Roi des Pays Bas, voulant mettre fin à l'amiable au différend qui existe touchant les limites de leurs colonies respectives de la Guyane Française et de Surinam, en amont du confluent des rivières de l'Awa et du Tapanahoni qui forment ensemble le Maroni . . . conviennent de remettre à un arbitre le soin de procéder à la délimitation sus-mentionnée.” Conv. 29-11-1888, Article 1.

„. . . . le gouvernement de la République Française et le gouvernement des Pays Bas, désireux d'assurer promptement l'arrangement final du litige, se sont entendus par la présente déclaration pour accorder à l'arbitre désigné avec l'assentiment des Parlements respectifs pour autant que nécessaire, le pouvoir subsidiaire d'adopter et de fixer éventuellement, comme solution intermédiaire, une autre limite sur l'étendue du territoire contesté, pour le cas où il ne parviendrait pas, après examen du différend, à fixer comme frontière une des deux rivières mentionnées dans la convention précitée.” Conv. 28-4-1890.

### 3. Alexander III, Emperor of all the Russias.

#### 4. I. Convention, Paris.

##### a. November 29, 1888.

b.

c. La Fontaine 328; de Martens N.R.G. 2-16-730; State Papers 79-795.  
(Czar declined, terms of reference too narrow. Then new Convention.)

#### II. Convention, Paris.

##### a. April 28, 1890.

b.

c. La Fontaine 328; State Papers 82-1018.

#### 5. Award.

##### a. May 25 (13), 1891.

b. Netherlands.

c.

d. Archives Dipl. 1891-3-5; de Clercq 19-100; La Fontaine 329; Lagemans 11-24; de Martens N.R.G. 2-18-100; idem: 2-27-136; Moore 5-4869; State Papers 83-426.

e. R.D.I.L.C. 23 (1891)-529.

## Nr. 154

## 1. DENMARK — UNITED STATES OF AMERICA.

## 2. Seizure and detention of ships.

„Whereas the Government of the United States of America has heretofore presented to the Kingdom of Denmark the claim of Carlos Butterfield and Company, of which Carlos Butterfield now deceased was the surviving partner, for an indemnity for the seizure and detention of the two vessels, the steamer „*Ben Franklin*” and the bark „*Catherine Augusta*”, by the authorities of the Island of St. Thomas of the Danish West India Islands in the years 1854 and 1855; for the refusal of the ordinary right to land cargo for the purpose of making repairs; for the injuries resulting from a shot fired into one of the vessels, and for other wrongs; . . . .”

„The said claim of Carlos Butterfield and Company shall be referred to the said Sir Edmund Monson, Her British Majesty’s Envoy extraordinary and Minister plenipotentiary in Athens, as sole Arbitrator thereof. . . .” Article 1.

## 3. Edmund Monson, British Minister at Athens.

## 4. Convention, Copenhagen.

a. **December 6. 1888.**

## b.

c. La Fontaine 329; Malloy 1-387; de Martens N.R.G. 2-15-790; Moore 5-4710; State Papers 79-191.

## 5. Award.

a. **January 22, 1890.**b. **Denmark.**c. **American claim rejected.**

d. La Fontaine 330; Moore 2-1203; R.D.I.L.C. 22 (1890)-363; State Papers 82-756; U.S. For. Rel. 1889-158.

e. Moore 2-1185/1207; R.D.I.L.C. 22 (1890)-360/5; Revue d’Histoire diplomatique 15 (1901)-88.

**Nr. 155**

## 1. COSTA RICA — NICARAGUA.

## 2. Interpretation of treaty.

„Se somete á la decisión arbitral del Excelentísimo señor Presidente de los Estados Unidos de América, la cuestión suscitada por el Gobierno de Nicaragua contra el de Costa Rica, con motivo de haber celebrado éste con la Asociación del Canal de Nicaragua el contrato denominado Zeledón-Menocal, que lleva la fecha del 31 de Julio del año próximo pasado.” Article 1.  
(See further article 2.)

## 3. President of the United States of America.

## 4. Convention, San José.

a. **January 10, 1889.**

b.

c. La Fontaine 332.

## 5. No award.

Ratifications of the Convention were not exchanged within the time stipulated (April 30); then both parties considered that the reference had fallen through.

## Nr. 156

1. GERMANY — GREAT BRITAIN.

2. Territorial question.

„Ayant accepté les fonctions d'arbitre . . . au sujet d'un différend survenu entre la Compagnie allemande de Witu et la Compagnie impériale anglaise de l'Afrique orientale; animé du désir sincère de répondre par une décision scrupuleuse et impartiale à la confiance que les deux gouvernements nous ont témoignée; . . . et voulant statuer sur l'objet du litige qui est l'affermage des douanes et de l'administration de l'île de Lamu, située à la côte orientale d'Afrique.”  
Award.

3. Baron Lambermont, Belgian Minister of State.

4. Convention.

- a. **April , 1889.**
- b. (See sub 2.)
- c.

5. Award.

- a. August 17, 1889.
- b. Great Britain.
- c. Accepted by both Governments.
- d. La Fontaine 335; de Martens N.R.G. 2-22-101; Moniteur Belge, August 28, 1890 p. 2461; Moore 5-4940; R.D.I.L.C. 22 (1890)-351.
- e.

## Nr. 157

1. ARGENTINE REPUBLIC — BRAZIL.
2. Boundary question.
 

„The discussion of the right which each of the high contracting Parties believes itself to have to the territory in litigation between them shall be closed within the term of ninety days . . . .” Article 1.

„If the term mentioned in the preceding article should expire without any friendly solution, the question shall be submitted to the arbitration of the President of the United States of America . . . .” Article 2.

„The frontier shall be constituted by the rivers which Brazil or the Argentine Republic have designated, and the arbitrator shall be invited to pronounce in favor of one or the other of the parties as he may consider just after due investigation of the reasons and documents produced.” Article 5.
3. Grover Cleveland, President of the United States of America.
4. Treaty, Buenos Ayres.
  - a. **September 7, 1889.**
  - b.
  - c. La Fontaine 340; Moore 5-4688; State Papers 81-254; U.S.For. Rel. 1892-2.
5. Award.
  - a. February 5, 1895.
  - b. Brazil.
  - c. Accepted by both (Moore 2-2023/6; State Papers 87-1209).
  - d. La Fontaine 341; Moore 2-2020; Relatório do Ministério de Relações Exteriores (Brazil) 1895-Ann. I-5; State Papers 87-697; U.S. For. Rel. 1895-1.
  - e. C. A. Aldao: La cuestión de Misiones ante el Presidente de los Estados Unidos de America, New York 1894; Alegato de la República Argentina, Washington 1894; M. Cruz: La Expresión del arbitraje, Buenos Ayres 1898; Moore 2-1969/2026; Revue d'Histoire Diplomatique 8 (1894)-75; Statement submitted by the United States of Brazil, New York 1894 (6 vol.); State Papers 87-700/2; V. Virasoro: La cuestión Misiones, Buenos Ayres 1892; E. S. Zeballos: Arbitration on Misiones, Buenos Ayres 1893.

**Nr. 158**

## 1. GREAT BRITAIN — HAITI.

## 2. Various claims.

Claims of British subjects against Hayti for supplies, loans, damages, injuries and services, arising on or after August 5, 1888.

## 3. Commission:

## 4. Protocol.

- a. **1890.**
- b.
- c.

## 5.

- a. July 1892—
- b.
- c.
- d.

e. Moore 5-4947/8.

See about a similar Commission, France-Hayti: Moore 5-4864/5; Germany-Hayti: Moore 5-4916.



**Nr. 159**

1. CONGO — PORTUGAL.
2. Boundary question.  
Concerning differences that might arise during the settlement of the frontiers of Congo and Portugal in Africa.
3. Arbitral Tribunal: Swiss Federal Council.
4. Notes, Brussels and Berne.
  - a. **February 7, 1890.**
  - b.
  - c.
5. Settlement by Convention, Lisbon.
  - a. May 25, 1891.
  - b.
  - c.
  - d. De Martens N.R.G. 2-18-28 and 2-27-137; State Papers 83-913.
  - e. La Fontaine 617; Moore 5-5041.

## Nr. 160

1. CHINA — GREAT BRITAIN.
2. Reserved questions.
 

„Two joint Commissioners shall . . . be appointed . . .” to „discuss the questions which, by the last three preceding Articles, have been reserved.” Viz:

„The question of providing increased facilities for trade across the Sikkim-Tibet frontier . . .” Article 4.

„The question of pasturage on the Sikkim side of the frontier . . .” Article 5.

„. . . . the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.” Article 6.
3. Joint Commission: Ho Chang-Jung (Ch.); J. H. Hart (Ch.); A. W. Paul (Gr.Br.).
4. Convention, Calcutta.
  - a. **March 17, 1890.**
  - b.
  - c. Hertslet 18-288; State Papers 82-9.
5. Regulations.
  - a. December 5, 1893.
  - b.
  - c.
  - d. Hertslet 19-160; State Papers 85-1235.
  - e.

## Nr. 161

### 1. ITALY — PERSIA.

#### 2. Customs question.

„The Government of his Imperial Majesty the Shah of Persia and the Government of His Majesty the King of Italy, being equally animated with the desire to settle in a friendly manner the difference which arose at Recht in November 1882 between the administration of the Imperial Persian customs and M. Joseph Consonno, an Italian subject, on account of the importation by the latter of ninety-two cases of merchandise, have decided to submit the question to the judgment of an arbitrator, who has been chosen in the person of His Ex. Sir W. White, ambassador of Her Majesty the Queen of Great Britain at Constantinople.”

#### 3. W. White, British Ambassador at Constantinople. E. Borchgrave (Belg.) and E. de Winckler (Germ.), assessors.

#### 4. Agreement, Teheran.

a. **June 5, 1890.**

b.

c. La Fontaine 342; Moore 5-5019.

#### 5. Award.

a. June 12, 1891.

b. Italy.

c. 78,000 Francs allowed.

d. La Fontaine 343; Moore 5-5019.

e.

## Nr. 162

## 1. GERMANY — GREAT BRITAIN.

## 2. Boundary question.

„The delimitation of the southern boundary of the British territory of Walfish Bay is reserved for arbitration, unless it shall be settled by the consent of the two Powers within two years from the date of the conclusion of this Agreement.”  
Article 3. 1-7-1890.

„. . . . the Government of His Britannic Majesty and the Imperial German Government have accordingly decided in pursuance of the provisions of the said third Article of the Agreement of the 1st July, 1890, to have recourse to the Arbitration of His Majesty the King of Spain. . . .”

„His Majesty the King of Spain shall be asked to select from among his subjects a jurist of repute to decide as Arbitrator in the matter of the delimitation of the Southern Boundary of the British Territory of Walfish Bay.”  
Article 1. 30-1-1909.

## 3. Don Joaquin Fernandez Prida, Professor of international law, University of Madrid.

## 4. I. Agreement, Berlin.

## a. July 1, 1890.

b.

c. La Fontaine 602; Hertslet 18-455; de Martens N.R.G. 2-16-894; State Papers 82-35.

## II. Declaration, Berlin.

## a. January 30, 1909.

b.

c. A.J.I.L. Off. Doc. 1909-306; Hertslet 26-172; de Martens N.R.G. 3-2-705; State Papers 102-91.

## 5. Award.

## a. May 23, 1911.

b.

c.

d. Hertslet 26-187; de Martens N.R.G. 3-6-396; Parl. Papers, Africa No. 1., (C. 5857); State Papers 104-50.

e.

## Nr. 163

1. FRANCE — GREAT BRITAIN.
2. Boundary question.
 

„The Government of Her Britannic Majesty recognizes the sphere of influence of France to the south of her Mediterranean possessions, up to a line from Say on the Niger, to Barruwa on Lake Tchad, drawn in such manner as to comprise in the sphere of action of the Niger Company all that fairly belongs to the Kingdom of Sokoto; the line to be determined by the Commissioners to be appointed.”
3. Joint Commission: G. Hanotaux (Fr.); J. Haussmann (Fr.); E. H. Eger-ton, succeeded by E. C. H. Phipps (Gr.Br.); J. A. Crowe (Gr.Br.).
4. Declarations, London.
  - a. **August 5, 1890.**
  - b.
  - c. De Clercq 18-578; Hertslet 18-436; State Papers 82-89.
5. I. Agreement, Paris (instructions for Technical Commissioners).
  - a. June 26, 1891.
  - d. De Clercq 19-111; Hertslet 19-212; State Papers 83-43.

II. Agreement, Paris (frontier line on the gold coast fixed).

  - a. July 12, 1893.
  - b.
  - c. Accepted by the two Governments.
  - d. De Clercq 20-40; Hertslet 19-228; State Papers 85-31.
  - e.

## Nr. 164

## 1. GREAT BRITAIN, UNITED STATES OF AMERICA — PORTUGAL.

## 2. Railway concessions.

„The mandate which the three governments have agreed to refer to the arbitration tribunal is to fix, as it shall deem most just, the amount of the compensation due by the Portuguese Government to the claimants of the other two countries, in consequence of the rescission of the concession of the Lourenço Marques Railroad, and the taking possession of that railroad by the Portuguese Government, and thereby to settle the controversy existing between the three governments on the subject.” Article 1.

## 3. Arbitral Tribunal: J. Blaesi; A. Heusler; Ch. Soldan.

## 4. I. Notes addressed to the President of the Swiss Confederation.

a. **August 13, 1890.**

b.  
c.

## II. Protocol, Bern.

## a. June 13, 1891.

b. „The arbitration tribunal shall have full authority to take cognizance of the conclusions presented to it by each of the parties, in their whole extent and in all their appurtenances or incidents; it shall render its judgment upon the substance of the case, and shall pronounce, as it shall deem most just, upon the amount of the indemnity due by Portugal to the claimants of the other two countries. . . .” Article 3.

c. La Fontaine 397; Malloy 2-1460; Moore 2-1874 and 5-4795.

## 5. Award.

## a. March 29, 1900.

## b. Great Britain and U.S.A.

c. 15.314.000 Swiss francs awarded, in addition to the ₣ 28.000 paid on account in 1890, and paid on July 21, 1900 (U.S. For. Rel. 1900-845/9).

d. La Fontaine 398; de Martens N.R.G. 2-30-329; „Sentence finale du Tribunal arbitral de Delagoa”, Bern 1900; U.S. For. Rel. 1900-903.

e. Da Arriaga: Lourenço Marques, Lisbon 1882; Caminho de ferro de Lourenço Marques, Documentos . . . , London 1892/4; Consultation délibérée à la requête des demandeurs. Observations complémentaires par Ch. Lyon-Caen et Louis Renault, Paris 1895; Duplique présentée par le gouvernement du Portugal . . . , Lausanne 1894; F. Meili: Der internationale Streit betreffend die Eisenbahnlinie Lourenço-Marques, Zürich 1892; idem: Procès international du chemin de fer de Lourenço Marques . . . , Seconde consultation . . . Zürich 1894; Mémoire présenté par le gouvernement des Etats Unis de l'Amérique du Nord, Lisbon 1895 (2 vol.); Mémoire présenté par le Gouvernement du Portugal . . . , Bern 1892; Memoria consulta dirigida ao governo Portuguez . . . , Lisbon 1892, idem: Segunda consulta, Lisbon 1894; Moore 2-1865/99; Parl. Papers (C. 5903), 1890, Africa No. 1; J. M. da Ponte Horta: Tratado de Lourenço Marques (Viz between Great Britain and Portugal, May 30, 1879), Lisbon 1882; Résumé final présenté par le Gouvernement du Portugal, Bern 1899; U.S. For. Rel. 1900-845/9. See No. 100.

## Nr. 165

### 1. FRANCE — VENEZUELA.

#### 2. Denial of justice (A. Fabiani).

„Le Gouvernement de la République Française et le Gouvernement des Etats Unis de Vénézuéla sont convenus de soumettre à un arbitre les réclamations de M. Antoine Fabiani, contre le Gouvernement Vénézuélien.

L'arbitre devra :

1) Décider si, d'après les lois du Vénézuéla, les principes généraux du droit des gens et la Convention en vigueur entre les deux Puissances contractantes, le Gouvernement Vénézuélien est responsable des dommages que Fabiani dit avoir éprouvés, pour dénégation de justice;

2) Fixer, au cas où cette responsabilité serait reconnue pour tout ou partie des réclamations dont il s'agit, le montant de l'indemnité pécuniaire que le Gouvernement Vénézuélien devra verser entre les mains de M. Fabiani, et qui s'effectuera en titres de la dette diplomatique du Vénézuéla 3%.

Les deux Gouvernements sont d'accord pour prier M. le Président de la Confédération suisse, de vouloir bien se charger de cet arbitrage.”

#### 3. A. Lachenal, President of the Swiss Confederation.

#### 4. Convention, Caracas.

a. **February 24, 1891.**

b. (See sub 2.)

c. La Fontaine 344; deMartens N.R.G. 2-20-705.

#### 5. Award.

a. December 30, 1896.

b. France.

c. 4.346.656,51 francs allowed.

d. La Fontaine 344; Ed. Genève 1896; de Martens N.R.G. 2-27-663; Moore 5-4878.

e. Affaire Fabiani. Exposé de Antoine Fabiani. . . . , Paris 1893;

Affaire Fabiani. Réplique à la défense du Gouvernement Vénézuélien. . . . , Berne 1894.

## Nr. 166

## 1. FRANCE — GREAT BRITAIN.

## 2. Fishery dispute.

„The Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions:

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government, or by their Delegates, concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.”

## 3. Arbitral Commission: de Martens; A. Rivier; G. Gram; . . . . .

## 4. Arrangement, London.

a. **March 11, 1891.**

## b.

c. La Fontaine 369; Hertslet 19-208; de Martens N.R.G. 2-27-123; State Papers 83-415.

## 5. Settlement by Agreement, London.

## a. April 8, 1904.

## b.

## c.

d. A.J.I.L. Off. Doc. 1907-9; Descamps-R. 1904-67; Hertslet 24-392; de Martens N.R.G. 2-32-29; R.G.D.I.P.

11 (1904)-Doc. 34; State Papers 97-31.

e. Law Magazine and Review 25 (1899/1900)-67; Livre Jaune 1891; Moore 5-4939; Parl. Papers (C. 6703); R.D.I.L.C. 22 (1890)-217; idem: 23 (1891)-201; R.G.D.I.P. 6 (1899)-141.



## Nr. 167

### 1. GREAT BRITAIN — PORTUGAL.

#### 2. Territorial questions.

„ . . . its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission . . . ”

Article 4.

„For deciding on the validity of mineral concessions given by the legitimate authority within 30 miles of either side of the frontier south of the Zambesi, a Tribunal of Arbitration is to be named by common agreement.”

Article 9.

„Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts . . . ”

Article 11.

„Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence. Any question arising out of the provisions of this Article shall be referred to a Joint Commission, and in case of disagreement, to arbitration.”

Article 13.

„Details in respect of such connection, and in respect to questions relating to the settlement of through-tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the conditions prescribed in Article 11.”

Article 15.

### 3. Different Commissions and Tribunals.

#### 4. Treaty, Lisbon.

##### a. **June 11, 1891.**

b.

c. La Fontaine 370; Hertslet 19-777; de Martens N.R.G. 2-18-185; State Papers 83-27.

#### 5.

a.

b.

c.

d.

e. Parl. Papers 1891 (C. 6370), Africa No. 5; idem: 1891 (C. 6495), Africa No. 7; idem: 1891 (C. 6375), Portuga l No. 1; State Papers 83-833/94. See No. 183.

## Nr. 168

## 1. ITALY — PORTUGAL.

## 2. Action of port-authorities.

„Les Gouvernements de Sa Majesté le Roi de Portugal et de Sa Majesté le Roi d'Italie, étant tombés d'accord pour soumettre la réclamation du sujet italien Michelangelo Lavarello, pour dommages qu'il a dit avoir subis au mois d'août et d'octobre 1884, comme propriétaire de marchandises transportées à bord du bateau „*Adria*”, à l'arbitrage d'un jurisconsulte.... S.E. Mr. J. Heemskerk....”

Trois questions étant soumises à la décision de l'arbitre :

„1) Les autorités sanitaires du Cap Vert ont-elles causé au sujet italien Michelangelo Lavarello, les dommages et les préjudices pour lesquels il réclame ?

2) Lui ayant causé les dommages et ces préjudices, les autorités sanitaires du Cap Vert ont-elles procédé en conformité des lois et des règlements en vigueur à Cap Vert à l'époque où le vapeur „*Adria*” y a mouillé et y a été ancré, et sans manquer aux droits et aux obligations internationaux, établis par les traités existant entre l'Italie et le Portugal ?

3) Ont-elles causé ces dommages et ces préjudices par leur procédé irrégulier, illégal ou injustifiable ?

En cas de décision affirmative sur le premier et sur le troisième point, il appartiendra à l'arbitre de fixer le montant de l'indemnité qui serait due à Michelangelo Lavarello.”

## 3. J. Heemskerk, Dutch Minister of State.

## 4. Convention, The Hague.

a. **September 1, 1891.**

## b.

c. La Fontaine 411; Negocios externos. Documentos apresentados ao Cortes, 1891. Secção II-63.

## 5. Award.

## a. March 12, 1893.

## b. Italy.

## c. 12.347,68 Lires allowed to the claim, only founded in part.

d. La Fontaine 411; Moore 5-5021; Negocios...., 1893, Secção III.

## e.

## Nr. 169

1. UNITED STATES OF AMERICA — VENEZUELA.
2. Seizure and detention of ships.
 

“The high contracting Parties agree to submit to arbitration the question whether any, and, if any, what indemnity shall be paid by the Government of the United States of Venezuela to the Government of the United States of America for the alleged wrongful seizure, detention and employment in war or otherwise of the steamships „*Hero*”, „*Nutrias*” and „*San Fernando*”, the property of the „Venezuela Steam Transportation Company”, a corporation existing under the laws of the State of New York and a citizen of the United States, and the imprisonment of its officers, citizens of the United States.” Article 1.

„The question stated in Article 1 shall be submitted to the board of three Commissioners . . . .” Article 2.
3. Commission: N. L. Jeffries (U.S.A.); J. Andrade (V.); M. Romero (Mex.), succeeded by A. Grip (Sw. and Norw., umpire).
4. Convention, Caracas.
  - a. **January 19, 1892.**
  - b. „. . . . the three Commissioners . . . . shall subscribe, as their first act, a solemn declaration to examine and decide the claim submitted to them in accordance with justice and equity and the principles of international law.” Article 3.
  - c. La Fontaine 420; Malloy 2-1868; de Martens N.R.G. 2-22-263; Moore 5-4818; State Papers 86-1322.
5. Award. (Mr. Andrade, dissenting, published a protest against it.)
  - a. March 26, 1895.
  - b. U.S.A.
  - c. \$ 141,500 awarded.
  - d. La Fontaine 422; Moore 2-1723.
  - e. Documentos, Publicación oficial, Caracas 1890; Moore 2-1693/1732; idem: 3-2238/9; R.D.I.L.C. 23 (1891)-76; U.S. For. Rel. 1892; idem: 1895-1480/91.

## Nr. 170

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Jurisdictional rights in the Behring's Sea.

„The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in or habitually resorting to the said waters, shall be submitted to a tribunal of arbitration, to be composed of seven Arbitrators....”

Article 1.

„.... their award shall embrace a distinct decision upon each of the said five points, to wit:

1) What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2) How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3) Was the body of water now known as the Behring's Sea included in the phrase „Pacific Ocean” as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said treaty?

4) Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

5) Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring's Sea when such seals are found outside the ordinary three mile limit?” Article 6.

„If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring's Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend, and to aid them in that determination, the report of a Joint Commission, to be appointed by the respective Governments, shall be laid before them, with such other evidence as either Government may submit.” Article 7.

#### 3. Arbitral Tribunal: Lord Hannen (Gr.Br.); J. Thompson (Gr.Br.); J. M. Harlan (U.S.A.); J. T. Morgan (U.S.A.); A. de Courcel (Fr.); E. Visconti Venosta (It.); Gregers Gram (Sw. and N.).

#### 4. I. Treaty, Washington.

a. **February 29, 1892.**

b. „The Arbitrators.... shall proceed impartially and carefully to examine

## Nr. 170 (continued)

and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of the United States and Her Britannic Majesty respectively.” Article 2.

- c. La Fontaine 422; Hertslet 19–890; Malloy 1–746; de Martens N.R.G. 2–18–587 and 2–21–293; Moore 5–4759; State Papers 84–48.

### II. Convention, Washington (for a *modus vivendi* pending the arbitration).

a. April 18, 1892.

b.

- c. La Fontaine 425; Hertslet 19–895; Malloy 1–760; de Martens N.R.G. 2–18–592 and 2–21–298; Moore 5–4763; State Papers 84–62.

### 5. Award.

a. August 15, 1893.

b. Mainly in favour of Great Britain.

Claim of pelagic ownership: in favour of Great Britain; admission of the necessity for regulation of pelagic sealing and of their proposals for doing so: in favour of U.S.A.

c. A sum of \$ 425,000 was paid, dispensed by a mixed Commission (Moore 2–2123/31).

See Proclamation of April 9, 1894, giving effect to the award: La Fontaine 432; de Martens N.R.G. 2–22–557.

See also Act of Parliament, April 23, 1894, to provide for carrying into effect the award: La Fontaine 435; Hertslet 19–925; State Papers 86–75.

- d. A.J.I.L. 6 (1912)–233; La Fontaine 426; Hertslet 19–910; Journal Clunet 1893–1259; Malloy 1–751; de Martens N.R.G. 2–21–439; Moore 1–935; Parl. Papers (C. 7107); State Papers 85–1158; U.S. For. Rel. 1894 App. I–109; idem: 1902 App. I–373.
- e. A.J.I.L. 1 (1907)–742 and 963; U.S. Congress Papers, Fur Seal Arbitration (12 vol.); Ed. Paris 1894; Fortnightly Review 1897–2–679; Journal Clunet 1894–36; Law Magazine Review 15 (1889/90)–42; idem: 18 (1892/3)–231; idem: 19 (1893/4)–21; Moore 1–755/961; Proceedings of the Tribunal of arbitration. . . ., Washington G.P.O. 1903/4 (16 vol.); R.D.I.L.C. 22 (1890)–229; idem: 23 (1891)–236; idem: 25 (1893)–417; idem 26 (1894)–386; idem: 41 (1909)–415; Revue des Deux Mondes 1893–419; Revue d'Histoire Diplomatique 7 (1893)–375 and 561; R.G.D.I.P. 1 (1894)–32; idem: 5 (1898)–193 and 347; S. B. Stanton: The Behring Sea controversy, New York 1892; M. Tillier: Les pêcheries de phoques de la mer de Behring, Paris 1906; U.S. For. Rel. 1890–358; idem: 1891–530; idem: 1894 App. I–107; idem: 1895–585; idem: 1896–255. See Nos. 195 and 222.

## Nr. 171

1. FRANCE — GREAT BRITAIN.
2. Concessions.  
Question concerning the concession of the exclusive mintage of the Zanzibar coinage to M. Henri Greffühle.
3. R. B. Martin, M. P.
4. Agreement.
  - a. **June 11, 1892.**
  - b.
  - c.
5. Award.
  - a. July 19, 1893,
  - b. France.
  - c. £ 23,500 allowed.
  - d.
  - e. La Fontaine 618; Moore 5-4939.

**Nr. 172**

1. CHILE — FRANCE.
2. Rightful claimants on bank-deposit.  
(See No. 122.)
3. Arbitral Tribunal: H. Hafner; A. Soldati; H. Lienhard.
4. Protocol, Santiago.
  - a. **July 23, 1892.**
  - b.
  - c. Ed. Lausanne (G. Bridel et Cie.), 1901, p. 10; La Fontaine 595.
5. Award.
  - a. July 5, 1901.
  - b. France.
  - c.
  - d. Descamps-R. 1901-188; Ed. Lausanne.
  - e. Arbitrage franco-chilien, Mémoires, etc., Lausanne 1897 (2 vol.); La Fontaine 597; Moore 5-4863/4.  
See Nos. 122, 178 and 182.

## Nr. 173

## 1. CHILE — UNITED STATES OF AMERICA.

## 2. Mutual claims.

„All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Chile, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of Chile, or voluntarily giving aid and comfort to the same, by the civil or military authorities of Chile; and, on the other hand, all claims on the part of corporations, companies, or private individuals, citizens of Chile, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of Chile, not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, shall be referred to three Commissioners. . . .” Article 1.

## 3. Commission: D. Gana (Ch.); J. Goode (U.S.A.); A. de Claparède (Umpire).

## 4. Convention, Santiago.

## a. August 7, 1892.

b. „The Commissioners. . . . shall. . . . make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice and equity, without fear, favor, or affection, all claims within the description and true meaning of Articles I and II, which shall be laid before them on the part of the Governments of the United States and of Chile respectively.” Article 4.

c. La Fontaine 474; Malloy 1-185; de Martens N.R.G. 2-22-339; Moore 5-4691; State Papers 84-600.

## 5. Awards.

a. Final award: April 9, 1894.

b. Mutual claims.

c. \$ 240,564,35 allowed to U.S.A. (2 Claims against U.S.A.).

d. Final award: La Fontaine 476; Moore 2-1475.

Other awards: Moore vol. 3: 2318/22, 2781/99, 2938/44, 2990/2, 3001/2, 3067/71; idem vol. 4: 3255/65, 3569/90, 3711/4, 3744/5, 4329/32.

e. Moore 2-1469/84; idem 3-2231/5; Shields' Report; U.S.For. Rel. 1894-87. See No. 210.



## Nr. 174

### 1. ECUADOR — UNITED STATES OF AMERICA.

#### 2. Alleged illegal arrest.

„The two governments agree to refer to the decision of an arbitrator, to be designated in the manner hereinafter provided, the claim presented by the Government of the United States against that of the Republic of Ecuador in behalf of Julio R. Santos, a native of Ecuador, and naturalized as a citizen of the United States in the year 1874; the said claim being for injuries to his person and property, growing out of his arrest and imprisonment by the authorities of Ecuador, and other acts of the said authorities in the years 1884 and 1885.”

Article 1.

„These decisions and opinions (of the Arbitrator) shall embrace the following points, to wit:

*a)* Whether, according to the evidence adduced, Julio R. Santos by his return to and residence in Ecuador did or did not, under the provisions of the Treaty of Naturalization between the two Governments, concluded May 6, 1872, forfeit his United States' citizenship as to Ecuador, and resume the obligations of the latter country.

*b)* If he did not so forfeit his United States' citizenship, whether or not it was shown by the evidence adduced, that Julio R. Santos has been guilty of such acts of unfriendliness and hostility to the Government of Ecuador, as under the Law of Nations, deprived him of the consideration and protection due to a neutral citizen of a friendly Nation.”

Article 3.

#### 3. A. St. John, British Consul at Callao.

#### 4. Convention, Quito.

a. **February 28, 1893.**

b.

c. La Fontaine 449; Malloy 1-438; de Martens N.R.G. 2-22-375; Moore 5-4713; State Papers 86-1174.

#### 5. Award.

Before this, the parties had agreed, already, upon an award of \$ 40.000 to M. Santos. The Arbitrator agreed to put this arrangement on record.

a. September 22, 1896.

b. U.S.A.

c. \$ 40.000 allowed and paid (Moore 2-1592).

d. La Fontaine 451; Moore 2-1591; State Papers 88-552; U.S. For. Rel. 1896-109.

e. Moore 2-1579/92; U.S. For. Rel. 1896-103/10.

**Nr. 175**

## 1. AFGHANISTAN, GREAT BRITAIN — RUSSIA.

## 2. Boundary question.

Question concerning „the N.W. frontier of Afghanistan, and related to an alleged infraction of the stipulations of clause 3 of Protocol 4, of July 22, 1887, which determined the use, by Afghans and Russians respectively, of the waters of the river Kuskh for irrigation and other purposes.” Darby p. 821.

## 3. Anglo-Russian Joint Commission: Col. Yate (Gr.Br.); M. V. Ignatieff (R.).

## 4. Instructions sent to the Commissioners.

- a. **March 28, 1893.**
- b.
- c.

## 5. Award.

- a. September 3, 1893.
- b.
- c.
- d.
- e. Parl. Papers (C. 5235).

## Nr. 176

### 1. CHILE — GREAT BRITAIN.

#### 2. Results of civil war.

„A tribunal of Arbitration shall decide . . . all claims for which the Government of Chile may be held responsible in view of the acts and operations executed by the land and sea forces of the Republic during the civil war which began on the 7th of January, 1891, and ended on the 28th of August of the same year, and also those claims which were caused by subsequent events, for which the government may be held responsible . . . .”

Article 1.

„The Tribunal shall consist of three members . . . .”

Article 2.

#### 3. Arbitral Tribunal: L. Aldunate (Ch.); L. Joel, succeeded by A. St. John (Gr.Br.); C. Janssen (Belg., umpire).

#### 4. Convention, Santiago.

##### a. **September 26, 1893.**

b. „The Tribunal shall decide the claims according to the evidence tendered, and in accordance with the principles of international law and the practice and jurisprudence established by such analogous modern Tribunals as enjoy the greatest authority and the best reputation . . . . The Tribunal shall express shortly, in every final judgment, the facts and origin of each claim, the arguments alleged for and against each, and the principles of international law on which the Tribunal's decision is made to rest.”

Article 5.

c. La Fontaine 451; Hertslet 19-136; de Martens N.R.G. 2-21-649 and 2-22-520; State Papers 85-22.

#### 5. Awards.

a. October 24, 1894-March 4, 1896.

b.

c. 103 Claims, £ 7548 18 s. 2 d. and \$ 135,079,30 awarded (La Fontaine 451).

d. Reclamaciones presentados al Tribunal Anglo-Chileno, 1894/6; Award September 25, 1895: La Fontaine 455; de Martens N.R.G. 2-21-652; Award December 12, 1895: La Fontaine 456; Moore 5-4933; U.S. For. Rel. 1896-38.

Report, April 23, 1896: La Fontaine 457; Moore 5-4931.

e. Moore 5-4930/6; U.S. For. Rel. 1896-35/42.

Rules of Procedure, November 16, 1894: La Fontaine 453; Hertslet 19-142; State Papers 86-173.

## Nr. 177

## 1. GREAT BRITAIN — TRANSVAAL.

## 2. Question of immigration.

„Whereas certain questions have arisen between the Government of the South African Republic and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with reference to the fourteenth article of a certain Convention entered into in London, on the 27th day of February, 1884, by the representatives of the said Governments on behalf of the said Governments respectively, with reference to Law No. 3, of 1885, enacted and in the year 1886 amended, by the Volksraad of the South African Republic and with reference to certain dispatches thereunto relating; and whereas the said Governments have agreed to submit the said questions to arbitrator, and have nominated . . . Melius de Villiers . . .” Award.

## 3. Melius de Villiers, Chief Justice of Orange Free State.

## 4. I. Letter from the High Commissioner, Capetown.

a. **March 21, 1894.**

b.

c. La Fontaine 459; Groenboek 1894-II-92.

## II. Resolution of the Volksraad.

a. July 11, 1894.

b. („And whereas it has been agreed on behalf of the said Governments, that the arbitrator . . . might decide as to him, the arbitrator, should appear to be equitable and just . . .” Award.)

c. La Fontaine 459; Groenboek 1899-III-3.

## 5. Award.

a. April 2, 1895.

b. Transvaal.

c.

d. La Fontaine 459; Groenboek 1899-III-22; Edition Staatsdrukkerij Pretoria, 1895.

e.

**Nr. 178**

1. CHILE — FRANCE (AND GREAT BRITAIN AND PERU).
2. Rightful claimants on bank-deposit (Dreyfusz Frères et Cie. claim).  
(See No. 122. Preliminary questions.)
3. Arbitral Tribunal: H. Hafner; J. Morel; A. Soldati.
4. Memorandum, Bern.
  - a. **March 24, 1894.**
  - b.
  - c. Descamps-R. 1901-194 nt. 1.
5. Award.
  - a. October 20, 1900.
  - b. Peru.
  - c.
  - d. Descamps-R. 1901-197 nt. 1.
  - e. See Nos. 122, 172 and 182.

## Nr. 179

## 1. COLOMBIA — ITALY.

## 2. Confiscation of goods (Cerruti claim).

„The Government of the Kingdom of Italy and the Government of the Republic of Colombia, desiring to put an end to the subjects of disagreement between them, growing out of the claims of Sign. Ernesto Cerruti against the Government of Colombia for losses and damages to his property in the State (now Department) of Cauca, in the said Republic, during the political troubles of 1885, . . . agree to submit to arbitration the matters and claims above referred to, for the purpose of arriving at a settlement thereof, as between the Governments. To this effect . . . the governments of Italy and of Colombia will join in asking H.E. the President of the United States of America, to be pleased to accept the position of arbitrator in the case, and discharge the duties pertaining thereto, as a friendly act to both Governments.”

## 3. Grover Cleveland, President of the United States of America.

## 4. Protocol, Castellamare di Stabia.

## a. August 18, 1894.

b. „. . . the arbitrator . . . shall become vested with full power, authority and jurisdiction to do and perform, and to cause to be done and performed all things without any limitation whatsoever, which in his judgment may be necessary or conducive to the attainment, in a fair and equitable manner, of the end and purposes which this agreement is intended to secure. And he shall thereupon proceed to examine and decide according to the documents and evidence . . . and the principles of public law . . .”

c. La Fontaine 296; Moore 5-4699; Trattati e Convenzioni 13-348.

## 5. Award.

a. March 2, 1897.

b. Italy.

c. £ 60,000 awarded to Cerruti; Colombia paid it, but refused to pay the claims of the creditors of Cerruti, a rupture followed until the matter was settled by the submission of Colombia, paying £ 100,966.

d. A.J.I.L. 6 (1912)-1015; La Fontaine 297; Moore 2-2120; Trattati e Convenzioni 15-9; U.S. For. Rel. 1898-245.

e. A.J.I.L. 6 (1912)-965; P. Bureau: Le conflit Italo-Colombien (Affaire Cerruti), Paris 1899; Documents relatifs à l'arbitrage de la réclamation Cerruti, Paris 1890; Moore 2-2117/23; A. Pierantoni: Voto per la verità sopra la sentenza arbitrale 2 Marzo, 1897, Caserta 1897; R.D.I.L.C. 30 (1898)-445; R.G.D.I.P. 6 (1899)-533; U.S. For. Rel. 1898-245/73.  
See Nos. 144 and 296.

## Nr. 180

1. HONDURAS — NICARAGUA.
2. Boundary question.
 

„Los Gobiernos de Honduras y Nicaragua, nombrarán comisionados que, con la autorización correspondiente, organicen una Comisión Mixta de Límites, encargada de resolver de una manera amigable, todas las dudas y diferencias pendientes, y de demarcar sobre el terreno la línea divisoria que señale el límite fronterizo de ambas Repúblicas.”

Article 1.
3. Alphons XIII, King of Spain.
4. Convention, Tegucigalpa.
  - a. **October 7, 1894.**
  - b. (See sub 2, and article 5 of the Convention.)
  - c. La Fontaine 478; Tratados celebrados por el Gobierno de Honduras, 1895-29.
5. Award.
  - a. December 23, 1906.
  - b.
  - c. Nicaragua refused to accept the award. Good offices of U.S.A., 1918. See agreement Amapala, November 17, 1920 (U.S. For. Rel. 1920-1-323). A proposition of a Mediation Commission (Costa Rica, U.S.A. and Venezuela) was finally accepted by both parties, December 10, 1937 (La Documentation Internationale 1938, No. 43/4 p. 19).
  - d. Boletín del Ministerio de Relaciones Exteriores (Peru), 19-1396; Descamps-R. 1906-1028; Gaceta de Madrid, December 25, 1906; de Martens N.R.G. 2-35-563; State Papers 100-1096; Ed. Tegucigalpa 1907; Z. f. V. 2 (1908)-362.
  - e. Alegato presentado. . . . por los representantes de la República de Honduras, Madrid 1905; A. A. Ramírez F. Fontecha: El arbitraje entre Honduras y Nicaragua. . . ., Tegucigalpa 1908; Réplica al alegato de Nicaragua, Madrid 1905; Réplica de la República de Nicaragua. . . ., Paris 1905; Resumen de los alegatos y pruebas. . . . Madrid 1906; U.S. For. Rel. 1918-11/34; idem: 1920-1-318/24; idem: 1921-1-234/7.

## Nr. 181

## 1. CHILE — FRANCE.

## 2. Injuries in civil war.

„Un tribunal arbitral jugera en la forme et selon les termes établis dans l'article 5 de cette convention toutes les réclamations motivées par les actes et opérations accomplies par les forces de mer et de terre de la République, pendant la guerre civile qui a commencé le 7 janvier 1891 et qui s'est terminée le 28 août de la même année, ainsi que celles motivées par des actes postérieurs, qui, selon les termes dénoncés dans l'article 5, seront de la responsabilité du Gouvernement du Chili.” Article 1.

## 3. Arbitral Tribunal:

## 4. I. Convention, Santiago.

a. **October 19, 1894.**

b. „Le tribunal jugera les réclamations d'après la valeur de la preuve fournie, et conformément aux principes de droit international et à la pratique de la jurisprudence établie par les tribunaux récents analogues ayant le plus d'autorité et de prestige, en prenant ses résolutions tant interlocutoires que définitives à la majorité des votes. Dans chaque jugement définitif, le tribunal exposera brièvement les faits et causalités de la réclamation, les motifs allégués à l'appui ou en contradiction, et les bases de droit international sur lesquelles s'appuient ses résolutions.” Article 5

c. La Fontaine 480; de Martens N.R.G. 2-23-152.

## II. Additional Convention, Santiago.

## a. October 12, 1895.

## b.

c. La Fontaine 482; de Martens N.R.G. 2-23-155; R.G.D.I.P. 3 (1896)-479.

## 5. Settlement by arrangement, Santiago.

## a. February 2, 1896.

## b. France.

## c. £ 5000 to be paid by Chile.

d. De Clercq 20-365; La Fontaine 484; de Martens N.R.G. 2-23-231; R.G.D.I.P. 3 (1896)-485.

e. Moore 5-4862/3; R.G.D.I.P. 3 (1896)-476/86; U.S. For. Rel. 1896-42.

Rules of procedure: La Fontaine 482; de Martens N.R.G. 2-23-156.



**Nr. 182**

1. CHILE — FRANCE (AND GREAT BRITAIN AND PERU).
2. Rightful claimants on bank-deposit (Dreyfusz Frères et Cie. claim).  
(See No. 122.)
3. Arbitral Tribunal: H. Hafner; A. Soldati; H. Lienhard.
4. Procuration, Paris.
  - a. **November 5, 1894.**
  - b.
  - c. Descamps-R. 1901-173.
5. Award.
  - a. January 8, 1901.
  - b. Chile.
  - c.
  - d. Descamps-R. 1901-173.
  - e. See Nos. 122, 172 and 178.

## Nr. 183

## 1. GREAT BRITAIN — PORTUGAL.

## 2. Boundary question.

„Le 11 juin 1891, un Traité a été signé entre Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes, et Sa Majesté Très Fidèle le Roi de Portugal et des Algarves, lequel Traité déterminait la question des frontières de leurs possessions et de leurs zones d'influence dans l'Afrique Orientale et Centrale. L'Article II de ce Traité contient la démarcation de la frontière au sud de Zambèze. . . . Des différends ayant surgi à l'égard de la signification de certaines phrases dans ledit Article, les deux Gouvernements ont décidé à recourir à l'arbitrage de Son Excellence M. Paul Honoré Vigliani . . . . les deux Gouvernements sont convenus de prier l'Arbitre . . . de se prononcer sur la ligne qui devra séparer la zone d'influence Portugaise en Afrique de celle de la Grande Bretagne à partir du parallèle 18°30' jusqu'au point où se rencontrent le Lunte et le Sabi.”

## 3. P. H. Vigliani, late Chief President of the Court of Cassation of Florence.

## 4. Declaration, London.

a. **January 7, 1895.**

b.

c. La Fontaine 485; Hertslet 20-827; de Martens N.R.G. 2-28-282; State Papers 87-71.

## 5. Award.

## a. January 30, 1897.

b. Partly in favour of each.

c.

d. La Fontaine 486; Hertslet 20-832; de Martens N.R.G. 2-28-294; Moore 5-4985; Parl. Papers (C. 8434); State Papers 89-714.

e. „Délimitation de la frontière Anglo-Portugaise: Arrêt de l'Arbitre”, Florence 1897; de Martens N.R.G. 2-28-273/328; State Papers 89-702/51.

(Text treaty June 11, 1891: State Papers 83-27.)

See No. 167.

## Nr. 184

1. HONDURAS — SALVADOR.
2. Boundary question.  
 „Los Gobiernos de Honduras y El Salvador nombrarán comisionados que, con la autorización correspondiente, organicen una Comisión Mixta de Límites encargada de resolver de una manera amigable todas las dudas y diferencias pendientes, y de demarcar sobre el terreno, la línea divisoria que señale el límite fronterizo de ambas Repúblicas.” Article 1.
3. Mixed Commission:
4. Convention, San Salvador.
  - a. **January 19, 1895.**
  - b. „La Comisión Mixta, para fijar los límites, atenderá al dominio del territorio plenamente probado. A la posesión solamente deberá darse valor en lo que tenga de justo, legítimo y fundado, conforme á los principios generales del derecho y á las reglas de justicia que sobre el particular tiene sancionadas el Derecho de Gentes.” Article 2, 4.
  - c. La Fontaine 505; Tratados celebrados por el Gobierno de Honduras, 1895-83.
5.
  - a.
  - b.
  - c.
  - d.
  - e.

## Nr. 185

## 1. GUATEMALA — HONDURAS.

## 2. Boundary question.

„The Governments of Guatemala and Honduras shall name a Mixed Technical Commission, composed of an equal number of members for each Party, to study the antecedents, documents and data existing as to the limits of both Republics.” Article 1.

„In order to arrive at an agreement as to the fixing of the boundary-line between Guatemala and Honduras, the respective Governments may, if they hold it to be necessary or convenient, adopt the system of equitable compensation, bearing in mind the rules and usages established in international practice.” Article 7.

„If the Governments should not be able to agree on any one or more of the points of discussion, they agree to submit to an Arbitrator, who shall be the President of any one of the Central American Republics . . . .” Article 9.

## 3. Mixed Technical Commission :

## 4. Convention, Guatemala.

a. **March 1, 1895.**

## b. (See sub 2.)

„Possession shall only be considered valid so far as it is just, legal, and well founded, in conformity with general principles of equity, and with the rules of justice sanctioned by the law of nations.” Article 6.

## c. La Fontaine 506; State Papers 87-530.

## 5.

- a.
- b.
- c.
- d.
- e.

**Nr. 186**

## 1. GUATEMALA — MEXICO.

## 2. Military occupation.

„ . . . . with the view of arranging in a pacific manner, honorable alike for Guatemala and Mexico, the difficulties that have arisen between both countries by the exercise of acts of sovereignty within the territory, extending to the west of the river Lacantum . . . . the Government of Guatemala agrees, from a sense of justice, to indemnify those who were injured by its agents, for the value of the property occupied or destroyed, and for the damages that may have been directly caused to them by such occupation or destruction. An Arbitrator, nominated by common consent, shall fix the amount of these indemnities.”

Article 2.

## 3. . . . ., Spanish Minister in Mexico.

## 4. Treaty, Mexico.

a. **April 1, 1895.**

## b.

c. La Fontaine 508; de Martens N.R.G. 2-34-347; R.G.D.I.P. 2 (1895)-564; State Papers 87-528.

## 5. Award.

## a. January 15, 1898.

## b. Mexico.

## c. 86.659,80 piastres awarded.

## d. Boletín oficial de la Secretaría de Relaciones Exteriores (Mexico), 5-292/316.

## e. R.G.D.I.P. 2 (1895)-564/7; U.S. For. Rel. 1895-766/71 and 979/94.

## Nr. 187

## 1. FRANCE — SAN DOMINGO.

## 2. Claims.

„Le Gouvernement de la République française et le Gouvernement de la République Dominicaine ayant décidé de soumettre à un arbitrage les difficultés qui se sont élevées entre eux à raison des réclamations formées contre ce dernier Gouvernement par la banque de Saint-Domingue, réclamations à la suite desquelles la France interrompit ses relations diplomatiques avec la République Dominicaine et par l'abbé Chiappini, sont convenus des dispositions suivantes: Le Gouvernement de Sa Majesté la Reine Régente d'Espagne sera prié de remplir les fonctions d'arbitre. Il aura tout pouvoir pour régler, conformément au droit, les difficultés susmentionnées, et sa décision, qui ne pourra être l'objet d'aucune contestation, sera souveraine et acceptée par les parties contractantes comme terminant définitivement le litige.”

Article 7.

## 3. Spanish Government.

## 4. Arrangement, San Domingo.

- a. **April 27, 1895.**
- b. (See sub 2.)
- c. De Clercq 20-231.

## 5.

- a.
- b.
- c.
- d.
- e. U.S. For. Rel. 1895-235/43.

## Nr. 188

## 1. GREAT BRITAIN — NETHERLANDS.

2. Illegal arrest („*Costa Rica Packet*”).

„Considérant que le Gouvernement Britannique a adressé au Gouvernement des Pays Bas des réclamations du chef de l'arrestation et de la détention préventive aux Indes Néerlandaises du sieur Carpenter, capitaine du baleinier „*Costa Rica Packet*” de Sydney; que ces réclamations concernent non seulement les dommages qui, d'après le Gouvernement Britannique, ont été soufferts par ledit capitaine personnellement, mais encore ceux qui ont été subis par les officiers, l'équipage et les propriétaires dudit bâtiment, et qui doivent être considérés comme étant les conséquences nécessaires de la détention préventive du capitaine;”

„Cet arbitre aura à prendre connaissance des réclamations d'indemnité susmentionnées formulées par le Gouvernement Britannique à charge du Gouvernement des Pays Bas, tant en faveur du capitaine du baleinier „*Costa Rica Packet*”, qu'en faveur des officiers, de l'équipage et des propriétaires de ce bâtiment.”

Article 2.

## 3. F. de Martens, Councillor of State at St. Petersburg.

## 4. Treaty, The Hague.

a. **May 16, 1895.**

b. „Dans sa sentence, . . . , l'arbitre, tout en tenant compte des principes du droit des gens, décidera à l'égard de chaque réclamation formulée à charge du Gouvernement des Pays Bas, si elle est bien fondée, et, dans l'affirmative, si les faits sur lesquels chacune de ces réclamations est basée sont prouvés.”

Article 6.

c. La Fontaine 509; Hertslet 20-807; de Martens N.R.G. 2-23-48; State Papers 87-21.

## 5. Award.

## a. February 25, 1897.

## b. Great Britain.

c. Netherlands paid on March 3, 1897, the sum awarded: £ 11.082 7 s. 6 d. (State Papers 87-24).

d. La Fontaine 510; Journal Clunet 1897-624; Lagemans 13-238; de Martens N.R.G. 2-23-808; Moore 5-4952; R.D.I.L.C. 29 (1897)-196; State Papers 89-1284.

e. A. E. Bles: Het volkenrecht en de „*Costa Rica Packet*” zaak. The Hague 1895; Contre-mémoire du Gouvernement de Sa Majesté la Reine des Pays-Bas, . . . Annexes; Nouveau contre-mémoire . . . , The Hague 1895/6 (3 vol.); G. A. van Hamel: Verspreide Opstellen 1912, 2-834; de Martens N.R.G. 2-23-715/813; H. A. van Karnebeek: „*De Costa Rica Packet*” arbitrage, 1900; Moore 5-4948/54; Parl. Papers (C. 8428), 1897 No. 3; M. C. Piepers: Antwoord in zake de „*Costa Rica Packet*”, The Hague 1895; idem: Slotwoord in zake de „*Costa Rica Packet*”, Amsterdam 1897; idem: Nabetrachting in zake de „*Costa Rica Packet*”; R.D.I.L.C. 28 (1896)-452; R.G.D.I.P. 4 (1897)-735; idem: 5 (1898)-57; State Papers 89-1181/1287.

## Nr. 189

## 1. HAITI — SAN DOMINGO.

## 2. Boundary question.

„La difficulté qui a surgi entre le Gouvernement d'Hayti et le Gouvernement dominicain au sujet de l'interprétation de l'article 4 du Traité de 1874 sera soumis à l'arbitrage de Sa Sainteté le Pape, à la bonté paternelle et impartiale duquel il sera demandé de décider si le dit article 4 du Traité de 1874 a le sens et donne le droit que lui suppose le Gouvernement dominicain.”

Article 1 Convention.

„The difference which has arisen between the Government of the Dominican Republic and that of the Republic of Haiti on account of the interpretation of Article 4 of the Treaty of 1874, as well as all other difficulties which have kept the boundary question from coming to a solution, shall be submitted to the arbitration of His Holiness the Pope Benedict XV, from whose fatherly kindness a decision shall be requested which may bring to an end all the discussions and difficulties pending between the two sister Republics and establish definitely the boundary between the possessions of the two nations.”

Article 1 Treaty.

## 3. His Holiness Pope Leo XIII. After new Convention Benedict XV.

## 4. I. Convention, San Domingo.

a. **July 3, 1895.**

b.

c. La Fontaine 602; de Martens N.R.G. 2-23-79 and 2-27-17; R.G.D.I.P. 7 (1900)-487.

## II. Treaty, San Domingo.

a. 1920.

b.

c. U.S. For. Rel. 1920-1-308.

## 5.

a.

b.

c.

d.

e. De Martens N.R.G. 2-27-3/54; Moore 5-5018; U.S. For. Rel. 1920-1-295/311; idem: 1921-1-228/31; R.G.D.I.P. 7 (1900)-437/501.



## Nr. 190

### 1. CHILE — SWEDEN-NORWAY.

#### 2. Results of civil war.

„The Tribunal of Arbitration created under the Convention concluded between Chile and Great Britain, under date of the 26th September 1893, to settle the claims arising out of the civil war of 1891, shall be requested to decide . . . all the claims on account of which the Government of Chile may have incurred any responsibility owing to the acts and operations executed by the sea and land forces of the Republic during the civil war which commenced on the 7th January and terminated on the 28th August of the same year, and all claims arising out of subsequent acts for which the Government of Chile may also be held responsible in conformity with the stipulations of the said Article 5.’’

Article 1.

### 3. Anglo-Chilean Tribunal of Arbitration:

#### 4. Convention, Santiago.

a. **July 6, 1895.**

b.

c. La Fontaine 516; State Papers 87-937.

#### 5. Award.

a.

b. Chile.

c. 2 Claims submitted: the one rejected; the other: the Tribunal declared itself incompetent.

d.

e. Moore 5-4935/6; Reclamaciones presentados al Tribunal Anglo-Chileno, 1894/6.

**Nr. 191**

## 1. BOLIVIA — PERU.

## 2. Military occupation.

„Someter al fallo arbitral de un Gobierno sud-americano la siguiente cuestión: Los hechos lamentados por el Perú en 1890 fueron de la misma naturaleza y gravedad que los lamentados por Bolivia durante la última guerra civil peruana, hasta hacer necesaria igual satisfacción de saludo à la bandera?”

Protocol 26-8-1895.

„Designase en calidad de árbitro al Excmo. Gobierno de los Estados Unidos del Brasil . . . .”

Protocol 7-9-1895.

## 3. Brazilian Government.

## 4. I. Protocol, Lima.

a. **August 26, 1895.**

b.

c. Aranda 14-557; La Fontaine 603; Memoria de Relaciones Exteriores (Bolivia), 1895-401.

## II. Protocol, Lima.

## a. September 7, 1895.

b.

c. Aranda 14-558; La Fontaine 604; Memoria de Relaciones Exteriores (Bolivia), 1895-401.

## 5.

a.

b.

c.

d.

e. Moore 5-5041.

## Nr. 192

1. GREAT BRITAIN — NICARAGUA.
2. Injury to property and goods; insurrection.
 

„A mixed Commission shall be constituted to fix the amount due to British subjects in respect of injury caused to them or their property or goods in the Mosquito Reserve, owing to the action of the Nicaraguan authorities in the course of the year 1894.” Article 1.
3. Mixed Commission:
4. Convention, London.
  - a. **November 1, 1895.**
  - b. „The Commission shall decide the claims according to the evidence tendered, and in accordance with the principles of international law, and the practice and jurisprudence established by such analogous modern Commissions as enjoy the best reputation. . . . The Commission shall express shortly in each award. . . . the principles on which the decision is based.” Article 4.
  - c. La Fontaine 517; Hertslet 20-818; de Martens N.R.G. 2-23-162; State Papers 87-55.
5. Settlement by Arrangement.
  - a.
  - b. Great Britain.
  - c. Nicaragua paid a lump sum, accepted by Great Britain, February 1897.
  - d.
  - e. Moore 5-4966; U.S. For. Rel. 1894 App. I-234/363; idem: 1896-307.

## Nr. 193

1. BRAZIL — ITALY.
2. Private claims.  
„Tutt'i reclami predetti saranno deferiti al Giudizio arbitrale del Presidente degli Stati Uniti di America, senza limitazione alcuna al suo mandato.”
3. President of the United States of America.
4. I. Protocol, Rio de Janeiro.
  - a. **December 3, 1895.**
  - b.
  - c. La Fontaine 518; Relatorio do Ministerio das Relações exteriores (Brazil) 1896 Ann. I-150.
 II. Protocol, Rio de Janeiro . .
  - a. February 12, 1896.
  - b. „L'arbitro darà il suo giudizio nel tempo e del modo che stimerà convenienti, anche con facoltà di giudicare ex aequo et bono, da nessuna limitazione dovendosi intendere vincolato il mandato che gli è conferito.” Article 4.
  - c. La Fontaine 518; Relatorio . . . . , 1896 Ann. I-156.  
The Brazilian Congress declined to sanction this Protocol.
5. Settlement by agreement, Rio de Janeiro.
  - a. November 19, 1896.
  - b. Italy.
  - c. 4000 contos de reis allowed.
  - d. La Fontaine 519; Relatorio . . . . , 1897 Ann. III-44; R.G.D.I.P. 4 (1897)-415.
  - e. Moore 5-5018; Relatorio . . . . , 1896-59 and Ann. I-104/62; idem: 1897-22 and Ann. I-250/65; R.G.D.I.P. (1897)-403/16.  
See No. 196.

**Nr. 194**

## 1. FRANCE — GREAT BRITAIN.

## 2. Boundary question.

„The two Governments agree to name Commissioners delegated by each of them, who shall be charged to fixe by mutual agreement, after examination of the titles produced on either side, the most equitable delimitation between the British and French possessions in the region situated to the West of the Lower Niger.”  
Article 5.

## 3. Joint Commission :

## 4. Declaration, London.

a. **January 15, 1896.**

## b. (See sub 2.)

c. Hertslet 20-304; de Martens N.R.G. 2-23-226; R.G.D.I.P. 3 (1896)-48; State Papers 88-13.

## 5. Settlement by Convention, Paris.

## a. June 14, 1898.

## b.

## c.

d. De Clercq 21-386; Hertslet 21-374; de Martens N.R.G. 2-29-116 and 2-30-249; R.G.D.I.P. 5 (1898)-859; State Papers 91-38.

e. R.G.D.I.P. 3 (1896)-46/55; idem : 5 (1898)-859/68.

## Nr. 195

### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Jurisdictional rights in the Behring's Sea.

„The High Contracting Parties agree that all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States and arising by virtue of the Treaty aforesaid (Washington, February 29, 1892), the award and the findings of the said Tribunal of Arbitration (August 15, 1893, see No. 170), as also the additional claims specified in the 5th paragraph of the preamble hereto, shall be referred to two Commissioners . . . .”

Article 1.

#### 3. Commission: G. E. King (Gr.Br.); W. L. Putnam (U.S.A.).

#### 4. Convention, Washington.

##### a. **February 8, 1896.**

b. The two Commissioners . . . . after taking an oath that they will fairly and impartially investigate the claims referred to them and render a just decision thereon, . . . . shall proceed jointly to the discharge of their duties.”

Article 2.

c. La Fontaine 520; Hertslet 20-935; Malloy 1-766; de Martens N.R.G. 2-29-23; Moore 5-4764; State Papers 88-8.

#### 5. Award.

a. December 17, 1897.

b. Great Britain.

c. \$ 473,151,26 awarded and paid on August 2, 1898.

d. La Fontaine 522; Hertslet 21-1063; de Martens N.R.G. 2-32-384; Moore 2-2123; State Papers 90-1264; U.S. For. Rel. 1902 App.1-92.

e. Moore 1-960/1; U.S. For. Rel. 1896-281/5; idem: 1897-258/324; idem: 1898-371/3. See Nos. 170 and 222.

## Nr. 196

### 1. BRAZIL — ITALY.

### 2. Military requisitions.

„. . . per la soluzione dei reclami italiani originati da requisizioni di animali, viveri ed altri oggetti o valori per le forze del Governo in operazione contro i federalisti. . . . Il Presidente dello Stato di Rio Grande e il Console del Regno d'Italia in Porto Alegre, personalmente o per mezzo di loro rispettivi Delegati, esamineranno e risolveranno *EX AEUO ET BONO* i reclami di tale categoria originati da atti effettuati in quello Stato, fissando le corrispondenti indennità. . . .”

Article 1.

„Riguardo ai reclami per fatti della stessa natura verificatisi nello Stato di Santa Caterina la relativa liquidazione verrà eseguita dal Presidente dello stesso Stato e dal Console del Regno d'Italia in Florianopolis. . . .”

Article 4.

### 3. Two Arbitration Commissions:

### 4. Protocol, Rio de Janeiro.

a. **February 12, 1896.**

b. (See sub 2.)

c. La Fontaine 526; Relatorio do Ministerio das Relações Exteriores (Brazil), 1896 Ann. I-151.

### 5. Settlement of 5 claims by Agreement.

The former Commission settled 376 claims, the latter Commission 63.

a. June 18, 1898.

b. Italy.

c. 59.882,5 Reis allowed.

d.

e. La Fontaine 528; Moore 5-5018; Relatorio. . . ., 1898-28/33 and Ann. I-208/33.  
See No. 193.

## Nr. 197

## 1. COSTA RICA — NICARAGUA.

## 2. Boundary question.

„Los Gobiernos Contratantes se obligan á nombrar cada uno una comisión compuesta de dos Ingenieros ó agrimensores, con el objeto de trazar y amojonar debitamente la línea divisoria entre las Repúblicas de Costa Rica y Nicaragua, según lo establece el Tratado de 15 de abril de 1858 y el Laudo arbitral del señor Presidente de los Estados Unidos de Norte América, Mr. Grover Cleveland.”  
(March 22, 188/8, see No. 147). Article 1.

„. . . . cuando en la práctica de las operaciones estuvieren en desacuerdo las Comisiones de Costa Rica y Nicaragua, se someterá el punto ó puntos discutidos al juicio del Ingeniero del señor Presidente de los Estados Unidos de América. El Ingeniero tendrá amplias facultades para decidir cualquier clase de dificultades que surjan, y conforme á su fallo se ejecutarán ineluctiblemente las operaciones de que se trate.” Article 2.

## 3. Commission: . . . . ; . . . . ; Gen. E. P. Alexander (Umpire).

## 4. Convention, San Salvador.

a. **March 27, 1896.**

b. (See sub 2.)

c. La Fontaine 528; Memoria de Relaciones Exteriores (Costa Rica), 1897-28.

## 5. 5 Awards.

a. September 30, 1897; December 20, 1897; March 22, 1898; July 26, 1899; March 10, 1900.

b.

c.

d. 1st award: La Fontaine 529; Monthly Bulletin of the Bureau of the American Republics, 1897, 5-909; Moore 5-5074.

2nd award: La Fontaine 532; Memoria de Relaciones Exteriores (Nicaragua), 1899-228.

3rd award: La Fontaine 533; Memoria . . . , 1899-232.

4th award: La Fontaine 535; Monthly Bulletin . . . , 1899, 7-877.

5th award: La Fontaine 537; Monthly Bulletin . . . , 1900, 9-294.

e. Moore 2-1967/8; U.S. For. Rel. 1896-100 and 371; idem: 1897-111 and 419.



## Nr. 198

## 1. ARGENTINE REPUBLIC — CHILE.

## 2. Frontier question.

„The operations of frontier delimitation between the Republics of Chile and Argentina, which are to be performed in conformity to the Treaty of 1881 (State Papers 72–1103) and the Protocol of 1893 shall extend in the Cordillera of the Andes. . . .”  
Article 1.

„Should disagreements occur between the experts in fixing in the Cordillera of the Andes the dividing boundary-marks to the south of the 26°52'45", and should they be unable to settle the points in dispute by agreement between the two Governments they will be submitted for the adjudication of Her Britannic Majesty's Government, whom the Contracting Parties now appoint as Arbitrator to apply strictly in such cases the dispositions of the above Treaty and Protocol, after previous examination of the locality by a Commission to be named by the Arbitrator.”  
Article 2.

## 3. Edward VII, King of Great Britain and Ireland.

(Lord MacNaghten; Major-General Sir John C. Ardagh; Col. Sir Th. H. Holdich.)

## 4. Convention, Santiago.

a. **April 17, 1896.**

## b. (See sub 2.)

c. La Fontaine 543; Memoria de Relaciones Exteriores (Argentina), 1896–22; State Papers 88–553.

## 5. Award.

## a. November 20, 1902.

## b.

c. Accepted by both parties. A Delimitation Commission was appointed to mark out the frontier on the lines of the award.

d. Descamps-R. 1902–372; Diario Oficial (Argentine Rep.), January 17, 1903; R.G.D.I.P. 10 (1903)–673; State Papers 95–162; B. Toro: Recopilacion de tratados. . . ., (Chile), 6 (1913)–20.

e. Moore 5–4854; R.G.D.I.P. 5 (1898)–422; idem: 10 (1903)–651; Statement presented on behalf of Chile. . . . London 1901/2 (6 vol.); B. Toro: Recopilacion de tratados. . . ., (Chile), 6 (1913)–25/38; U.S. For. Rel 1896–32; idem: 1898–1 and 179; idem: 1899–1; idem: 1902–18; L. V. Varela: La République Argentine et le Chili, Buenos Ayres 1899 (2 vol.); Report presented to the Tribunal. . . . to justify the Argentine claims. . . ., London 1900 (5 vol.).

See No. 224.

### Nr. 199

1. LIPPE-DETMOLD — SCHAUMBURG-LIPPE.

2. Question of inheritance.

Claim to the regency and succession of the princely throne of Lippe-Detmold, arising out of the incurable illness of Prince Alexander, who succeeded his brother Waldemar on his death, 1895. The dispute arose between Prince Adolf of Schaumburg-Lippe and Count Ernst of Lippe-Biesterfeld.

3. Albert, King of Saxony.

(His Arbitral Court: Dr. von Oelschläger; Dr. Bingner; Dr. Petersen; Dr. Bolze; Müller; von Ege.)

4. Treaty,

a. **June 25/9** and July 3, **1896**.

b.  
c.

5. Award.

a. June 22, 1897.

b. Count Ernst of Lippe-Biesterfeld.

c.

d. Ed. von Veit, Leipzig, 1897.

e. Archiv für öffentliches Recht 5 (1890)–382; idem 14 (1899)–1; idem 18 (1903)–135; W. Dreyer: Die Tragweite des Schiedsspruchs im Lippischen Thronfolgestreite, Marburg 1904; V. Pinsker: Der Lippische Schiedsspruch, Prag 1898; H. Triepel: Die Tragweite des Schiedsspruchs vom 22 Juni 1897, Guben 1904.

**Nr. 200**

1. GREAT BRITAIN — SIAM.
2. Private claims.  
Question concerning the building of a railway from Bangkok to Korat, by Mr. Murray Campbell, a British subject. Difficulties arose with the authorities and arbitration was claimed.
3. E. Clarke, K.C.
4. I. Agreement of reference to G. Molesworth and F. Lange (van Bosse being umpire).
  - a. **July 2, 1896.**
  - b.
  - c.  
Their award was not accepted. Sir E. Clarke, requested by both parties to advise what was to be done, declared the previous award null and void.II. Agreement of reference to Sir E. Clarke.
  - a. July 12, 1900.
  - b.
  - c.
5. Award.
  - a. March 2, 1901.
  - b. Great Britain.
  - c. £ 161.000 awarded, paid by the Siamese Government.
  - d.
  - e. Darby p. 827.

## Nr. 201

### 1. COLOMBIA — GREAT BRITAIN.

#### 2. Breach of contract.

„Whereas certain contracts were entered into between the Government of the Department of Antioquia, the Government of Colombia, and Messrs. Punchard, McTaggart, Lowther and Co., a mercantile co-partnership in London, for the construction of a railway to connect the city of Medellin with the Magdalena River . . . and whereas differences have arisen between the parties to the said Contracts touching their import, validity, interpretation, and mode of execution, now, therefore, the Governments of Her Britannic Majesty and the Republic of Colombia . . . have agreed . . . that the differences referred to shall be submitted to the examination and decision of a Tribunal of Arbitration.”

#### 3. Swiss Tribunal of Arbitration: Dr. Schmid; Dr. Weber; Weissenbach.

#### 4. Convention, London.

##### a. **July 31, 1896.**

b. „The Tribunal of Arbitration being so constituted, it will stand vested with the necessary and sufficient authority to frame and adopt its own rules, regulations, and mode of procedure.” Article 2.

c. La Fontaine 544; Hertslet 20-239; de Martens N.R.G. 2-23-357; State Papers 88-19.

#### 5. Award.

a. October 17, 1899.

b. Great Britain.

c. 1.000.000 Swiss francs allowed.

d. La Fontaine 545; „Tribunal Arbitral International du Chemin de Fer d'Antioquia”, Sentence arbitrale, Berne 1900.

e.

**Nr. 202**

## 1. CHILE — FRANCE.

## 2. Failure of contract.

Claim of a French shipowner, M. Bordes, against the Chilean Government for the non-execution of a contract, entered into in 1891, relative to transport of immigrants by the steamship „*Chérifon*”.

## 3. Mixed Commission: Blest Gana (Ch.); Decrais (Fr.); E. Monson (Umpire).

## 4.

- a. **1897.**
- b.
- c.

## 5.

- a.
- b. France.
- c. 200.000 Francs allowed.
- d.
- e. La Fontaine 618; Memoria de Relaciones Exteriores (Chile), 1897-99 and 1899-73.

**Nr. 203**

1. GERMANY — GREAT BRITAIN.

2. Personal losses.

Claim on account of losses sustained by a firm of German merchants, Messrs. Dehnhardt Brothers, in South Eastern Africa, during the rising in Witu, 1890.

3. Court of Arbitration:

4.

- a. **1897.**
- b.
- c.

5.

- a.
- b.
- c.
- d.
- e. Darby p. 830.

**Nr. 204**

1. FRANCE — GERMANY.
2. Boundary question.  
Question concerning the boundary between the French possession of Dahomey and the Soudan and the German Togo territory.
3. Arbitral Commission:
4.
  - a. **1897.**
  - b.
  - c.
5. Settlement by Protocol.
  - a. July 9, 1897.
  - b.
  - c. The agreement was confirmed by a Convention, July 23, 1897 (de Clercq 21–281; de Martens N.R.G. 2–25–415; R.G.D.I.P. 5 (1898)–100; State Papers 89–584), which appointed a delimitation Commission (Art. 4).
  - d.
  - e. Darby p. 830.

**Nr. 205**

1. SIAM — UNITED STATES OF AMERICA.
2. Military assault.  
Question concerning an attack made by Siamese soldiers upon Mr. E. V. Kellett, the U.S. Vice-Consul in Siam, November 19, 1896.
3. Mixed Commission: P. Orts (S.); J. Barrett (U.S.A.).
4. Agreement.
  - a. **1897.**
  - b.
  - c.
5. Award.
  - a. September 20, 1897.
  - b. U.S.A.
  - c.
  - d. La Fontaine 604; Moore 2-1863.
  - e. Moore 2-1862/4; U.S. For. Rel. 1897-461/80.



## Nr. 206

1. AUSTRIA — HUNGARY.
2. Frontier question.  
 „Le Gouvernement est autorisé à faire déterminer la frontière entre l'Arrondissement de Neumarkt (Galicie) et le Comitat de Zips (Hongrie), aux environs du lac dit ‚Oeil de la Mer‘ (en Hongrois Halastó) par un Tribunal Arbitral . . . .”
3. Arbitral Tribunal: Tchorznicki (A.) ; Lehoczky (H.) ; J. Winkler (Umpire).
4. Austrian and Hungarian Laws.
  - a. **January 25, 1897.**
  - b.
  - c. Descamps-R. 1902-730 nt.
5. Award.
  - a. September 13, 1902.  
(Written and revised at Vienna, September 15/7.)
  - b. Austria.
  - c.
  - d. Descamps-R. 1902-730; de Martens N.R.G. 3-3-71; R.D.I.L.C. 38 (1906)-196.
  - e. R.D.I.L.C. 38 (1906)-162; R.G.D.I.P. 10 (1903)-419.

## Nr. 207

## 1. GREAT BRITAIN — VENEZUELA.

## 2. Territorial question.

„An Arbitral Tribunal shall be immediately appointed to determine the boundary line between the Colony of British Guiana and the United States of Venezuela.” Article 1.

„The Tribunal shall investigate and ascertain the extent of the territories belonging to, or that might lawfully be claimed by, the United Netherlands or by the Kingdom of Spain respectively at the time of the acquisition by Great Britain of the Colony of British Guiana . . . .” Article 3.

## 3. Arbitral Tribunal: Baron Herschell,, succeeded by Lord Russell of Killowen (Gr.Br.); R. Henn Collins (Gr.Br.); Melville Weston Fuller (V.); D. J. Brewer (V.); F. de Martens.

## 4. Treaty, Washington.

## a. February 2, 1897.

## b. „Rules:

a) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

b) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever, valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule.

c) In determining the boundary line, if territory of one party be found by the Tribunal to have been at the date of this Treaty in the occupation of the subjects or citizens of the other Party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require.”

Article 4.

c. La Fontaine 554; Hertslet 20-943; de Martens N.R.G. 2-28-328; State Papers 89-57.

## 5. Award.

## a. October 3, 1899.

## b.

## c. Accepted by all parties. A Mixed Commission was appointed to demarcate the boundary on the spot.

d. La Fontaine 556; Hertslet 21-1123; de Martens N.R.G. 2-29-581; Parl. Papers (C. 9533) 1899 No. 7; R.G.D.I.P. 8 (1901)-72; State Papers 92-160.

e. The Argument on behalf of the Government of Her Britannic Majesty, London 1898; The printed Argument on behalf of the United States of Venezuela before the Tribunal of arbitration, London 1899; J. B. Breukelman: De beslissing in het Britsch-Venezuelaansch grensgeschil, Leyde 1900; The Case of the United States

## Nr. 207 (continued)

of Venezuela . . . , New York 1898 (3 vol.); The Case on behalf of the Government of Her Britannic Majesty, London 1898 (8 vol.); G. Cleveland: The Venezuelan boundary controversy, Princeton 1913; Correspondence between the Governments of Great Britain and the United States with respect to proposals for arbitration, London 1896; Correspondence in relation to the boundary controversy between Great Britain and Venezuela . . . , Washington G.P.O. 1896; Counter-case of the United States of Venezuela . . . , Baltimore 1898; The Counter-case on behalf of the Government of Her Britannic Majesty, London 1898 (2 vol.); Documents and correspondence . . . , London 1896 (6 vol.); Documents relating to the question of boundary . . . , Washington 1896 (3 vol.); Fortnightly Review 1896-1-231 and 397; idem: 1899-2-793; H. Froidevaux: Les rapports américains sur le contesté anglo-vénézuélien, Paris 1899; Historia oficial de la discusión entre Venezuela y la Gran Bretaña sobre sus límites en la Guyana, New York 1896; Law Magazine and Review 21 (1895/6)-177; Memorandum del Ministerio de Relaciones Exteriores . . . , Caracas 1896; Moore 5-5017/8; Parl. Papers; Proceedings of the arbitration . . . , Paris 1899 (11 vol.); Questions diplomatiques et coloniales 7 (1898)-365; idem: 8(1899)-257; Report and accompanying papers of the Commission appointed by the President of the United States . . . , Washington 1897 (3 vol.); R.D.I.L.C. 30 (1898)-117; R.G.D.I.P. 8 (1901)-71; W. L. Scruggs: The Venezuelan question, Atlanta 1896; J. Strickland: Documents and Maps on the boundary question . . . , Rome 1896; U.S. For. Rel. 1896-240/55. Rules of procedure, June 14, 1899: State Papers 92-466. See also Convention between U.S.A. and Great Britain, November 12, 1896 (text: La Fontaine 557).

## Nr. 208

## 1. MEXICO — UNITED STATES OF AMERICA.

## 2. Personal injuries; illegal arrest.

„Whereas the United States of America, on behalf of Charles Oberlander and Barbara M. Messenger, citizens of the United States of America, have claimed indemnity from the Government of Mexico for injuries alleged to have been done to the said Oberlander and Messenger by Mexican citizens . . . . That the question of law and of fact brought into issue between the two Governments in respect of these claims shall be referred to the decision of Señor Don Vicente G. Quesada, Minister of the Argentine Republic at Madrid, who is hereby fully authorized thereto as Arbitrator.”

Article 1.

## 3. V. G. Quesada.

## 4. Convention, Washington.

a. **March 2, 1897.**

## b.

c. La Fontaine 558; Malloy 1-1180; State Papers 90-1252.

## 5. Award.

## a. November 19, 1897.

## b. Mexico.

## c.

d. Boletín oficial (Mexico) 5-129; La Fontaine 559; U.S. For. Rel. 1897-382.

e. Arbitraje en la reclamación de Charles Oberlander etc., Mexico 1898; U.S. For. Rel. 1897-370/88.

## Nr. 209

## 1. BRAZIL — FRANCE.

## 2. Boundary question.

„Le Gouvernement de la République des Etats Unis du Brésil et le Gouvernement de la République Française, désirant fixer définitivement les frontières du Brésil et de la Guyane Française, sont convenus de recourir dans ce but à la décision arbitrale du gouvernement de la Confédération suisse. L'arbitre sera invité à décider quelle est la rivière Yapoc ou Vincent-Pinson et à fixer la limite intérieure du territoire.”

## 3. Swiss Federal Council: . . . ; Hauser (President).

## 4. Treaty, Rio de Janeiro.

## a. April 10, 1897.

## b.

c. La Fontaine 563; de Martens N.R.G. 2-25-335; R.G.D.I.P. 4 (1897)-Doc. p. 1; State Papers 90-952.

## 5. Award.

## a. December 1, 1900.

## b. Brazil.

## c.

d. De Clercq 21-701 (partially); La Fontaine 564; de Martens N.R.G. 3-10-153 (partially); Relatorio do Ministerio de Relações Exteriores (Brazil), 1901-3; „Sentence du Conseil Fédéral Suisse,” Berne 1900.

e. J. B. Breukelman: Le contesté franco-brésilien, The Hague 1900; Mémoires présentés par les Etats Unis du Brésil, Berne-Paris 1899 (6 vol.); Questions diplomatiques et coloniales 3 (1898)-273; idem: 11 (1901)-31; Relatorio . . . , 1897-15 and Ann. I-120, 1898-1-33 and 234, 1899-20, 1900-39, 1901-3 and Ann. I-3/73; Réponse du Gouvernement de la République Française, Paris 1899; R.G.D.I.P. 4 (1897)-277; idem: 8 (1901)-48; Stoll: Franko-brasilianischer Grenzstreit, 1900.

**Nr. 210**

1. CHILE — UNITED STATES OF AMERICA.
2. Mutual claims.
 

„The High Contracting Parties agree to revive the Convention of August 7, 1892, between the United States of America and the Republic of Chile, and that the Commission thereunder created shall be allowed for the transaction of its business a period of four months. . . . the new Commission shall be limited to considering the claims duly presented to the former Commission in conformity with the terms of the Convention and with the Rules that governed its labours . . . .”  
Article 1.
3. Commission: D. Gana (Ch.); J. Goode (U.S.A.); J. B. Prioda (Umpire).
4. Convention, Washington.
  - a. **May 24, 1897.**
  - b.
  - c. La Fontaine 478; Malloy 1-190; State Papers 92-1123.
5. Award.
  - a. June 18, 1901.
  - b. Mutual.
  - c. \$ 28.062,29 awarded in favor of U.S.A.; \$ 3000 in favor of Chile (Malloy 1-191).
  - d.
  - e. See No. 173.

**Nr. 211**

1. ECUADOR — UNITED STATES OF AMERICA (GUAYAQUIL AND QUITO RAILWAY CO.).
2. Confiscation; fulfillment of contract.

„All controversies or disagreements that may arise between the contracting parties, shall be settled by arbitration, one arbiter shall be the President of the U.S.A. and the other shall be the President of Ecuador; should they not wish to act, they will each name an arbiter, and should these not agree, then the said President of the U.S.A. and the President of Ecuador will name a third arbiter to decide the question.”  
Article 27.  
Arbitration concerning the taking possession of the Guyaquil and Quito Railway by the Government of Ecuador. U.S.A. protested against the spoliation of the property and property rights of American citizens.
3. Arbitral Tribunal: C. Borja (E.); Williams C. Fox (U.S.A.).
4. Contract between the Government of Ecuador and Mr. Archer Harman.
  - a. **June 14, 1897.**
  - b.
  - c.
5. Award.
  - a. November 24, 1908.
  - b.
  - c.
  - d.
  - e. U.S. For. Rel. 1907-1-385/91; idem: 1908-273/7.

## Nr. 212

1. ECUADOR — UNITED STATES OF AMERICA (GUAYAQUIL AND QUITO RAILWAY CO.).
2. Fulfillment of contract.
 

„The Government of the United States and the Government of Ecuador agree that all controversies and disagreements that have arisen since the date of the award (November 24, 1908, see No. 211), and particularly all controversies and disagreements as to the performance or fulfillment of the terms of said award, are referred to arbitration under article 27 . . . .”
3. Arbitral Tribunal: A. Baquerizo Moreno (E.); H. L. Janes, after his resignation succeeded by A. L. Miller (U.S.A.).
4. I. Contract.
  - a. **June 14, 1897.**
  - b.
  - c.
 II. Agreement,
  - a. July 1, 1913.
  - b. „. . . . the Arbitrators . . . will impartially and carefully examine and decide to the best of their judgment and according to public law, justice and equity, without fear, favor or affection to either party, upon all claims that shall be laid before them . . . .” Article 1.
  - c. U.S. For. Rel. 1913-502.
5.
  - a.
  - b.
  - c.
  - d.
  - e. U.S. For. Rel. 1912-412/22, 1913-473/504, 1914-274/80, 1915-340/72, 1916-260/9, 1917-730/47, 1918-401/27, 1919-2-171/200, 1920-2-191/206, 1921-1-881/95; 1923-1-926/31.



## Nr. 213

## 1. CHILE — FRANCE.

## 2. Non-execution of contracts.

„Los Gobiernos de Chile i Francia designan al Señor don Eduardo H. Strobel para que, como Arbitrador i amigable componedor, decida con plenos poderes, procediendo EX ÆQUO ET BONO sobre los puntos siguientes:

A. Es o nó justa en todo o en parte la reclamacion del ciudadano frances señor Carlos Frérait, presentada contro el Gobierno de Chile con el patrocinio diplomático de la Legacion de Francia?

B. Si es justa, en todo o en parte, qué cantidad debe el Gobierno de Chile pagar al señor Frérait o a quien sus derechos represente, como indemnizacion i completa cancelacion de dicho reclamo?" Article 1.

## 3. E. H. Strobel, ex-Minister of the U.S. in Chile.

## 4. Protocol, Santiago.

a. July 3, 1897.

b. (See sub 2.)

c. La Fontaine 579; Memoria de Relaciones Exteriores (Chile), 1897-347.

## 5. Settlement by agreement.

a.

b. France.

c. \$ 200.000 allowed.

d.

e. Darby p. 829.

## Nr. 214

### 1. SIAM — UNITED STATES OF AMERICA.

#### 2. Personal injuries; forest-concession.

„Whereas the United States of America, on behalf of the late Marion A. Cheek, have claimed indemnity from the Government of Siam for arbitrary, unjustifiable, and other injurious action alleged to have been taken against the said Marion Cheek by the Government of Siam . . . every matter of dispute, both facts and law, brought into issue between the two parties shall be referred to the decision of Sir Nicholas J. Hannen, Her Britannic Majesty's chief justice and consul general at Shanghai, who is hereby authorized as Arbitrator . . . .”  
Article 1.

#### 3. N. J. Hannen.

#### 4. Procotol, Bangkok.

a. **July 26, 1897.**

b.

c. La Fontaine 579; U.S. For. Rel. 1897-479.

#### 5. Award.

a. March 21, 1898.

b. U.S.A.

c. 706.721 ticals (£ 40.476) awarded.

d. La Fontaine 580; Moore 5-5068.

e. Moore 2-1899/1908.

## Nr. 215

1. GREECE — TURKEY.
2. Consular Convention.
 

„En cas de divergences dans le cours des négociations entre la Grèce et la Turquie, les points contestés pourront être soumis, par l'une ou l'autre des parties intéressées, à l'arbitrage des Représentants des Grandes Puissances à Constantinople, dont les décisions seront obligatoires pour les deux Gouvernements.”  
Article 15.

(See also articles 9 and 11.)
3. Arbitral Tribunal: Calice; Pansa; Baron de Marchall; Zinoviev; N. R. O'Conor; Constans.
4. Treaty, Constantinople.
  - a. **November 22**, December 4, **1897**.
  - b.
  - c. La Fontaine 605 (only article 15); de Martens N.R.G. 2-28-630; R.G.D.I.P. 5 (1898)-462; State Papers 90-422.
5. Award, formulating the Consular Convention.
  - a. March 20, April 2, 1901.
  - b.
  - c.
  - d. Descamps-R. 1901-21; La Fontaine 641; de Martens N.R.G. 2-31-696; Niem. Zeit. 12-101; R.D.I.L.C. 34 (1902)-25; R.G.D.I.P. 10 (1903)-71 nt.; State Papers 95-939.
  - e. R.D.I.L.C. 34 (1902)-24, 178, 281 and 527; R.G.D.I.P. 5 (1898)-451/80; idem: 9 (1902)-202 and 406; idem: 10 (1903)-69; Zeitschrift für intern. Privat- und öffentl. Recht (12 1903)-100.

**Nr. 216**

## 1. GUATEMALA — ITALY.

## 2. Withdrawal of employment.

Miss Maria Cedroni, an Italian subject, established for 5 years an academy for young ladies, with the approval of the Guatemalan Government, April 11, 1892. Friction arising, however, between her and the Secretary of State for Public Instruction, the Government took away her occupation, January 3, 1893. Question of indemnity submitted to arbitration.

## 3. F. Garcia Gomez de la Serna.

## 4. Convention.

- a. **March 18, 1898.**
- b.
- c.

## 5. Award.

- a. October 12, 1898.
- b. Italy.
- c. 5800 Piastres awarded.
- d. La Fontaine 606; Memoria presentada por la Secretaria de Relaciones Exteriores (Guatemala), 1899 5.
- e.

## Nr. 217

### 1. BELGIUM — GREAT BRITAIN.

#### 2. Arrest and expulsion.

„Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of the Belgians, considering that, on the 21st day of August, 1896, Mr. Ben Tillett, a British subject, was arrested at Antwerp, in pursuance of orders issued by the Belgian Minister of Justice, was detained, and was subsequently expelled from the country; . . . Her Britannic Majesty and His Majesty the King of the Belgians, being desirous that the difference of opinion which has arisen between their respective Governments should be settled in a just and equitable manner, have agreed to submit the aforesaid difference to the examination and decision of an Arbitrator . . .”

#### 3. A. Desjardins, Advocat-General of the French Court of Cassation.

#### 4. Convention, Brussels.

##### a. **March 19, 1898.**

##### b.

c. La Fontaine 581; Hertslet 21-270; de Martens N.R.G. 2-29-239; R.G.D.I.P. 6(1899)-46; State Papers 90-5.

#### 5. Award.

##### a. December 26, 1898.

##### b. Belgium.

##### c. British claim dismissed.

d. La Fontaine 583; de Martens N.R.G. 2-29-244; Parl. Papers (C. 9235), 1899 No. 2; R.G.D.I.P. 6 (1899)-48; State Papers 92-105.

e. R.G.D.I.P. 6 (1899)-46/55; State Papers 92-78/109.

## Nr. 218

1. ECUADOR — ITALY.
2. Arbitrary expulsion.  
 „Se nombrarán arbitros arbitradores, amigables componedores, á los Sres. Jenaro Larrea y Francisco Andrade Marin para que resuelven la reclamacion de los padres salesianos, despues de haber oído á ambas partes. . . .”
3. Commission: J. Larrea; F. A. Marin.
4. I. Protocol, Quito.
  - a. **March 28, 1898.**
  - b. „Los arbitros fallarán conforme á las reglas de equidad y conveniencia publica, sin sujetarse á leyes ni procedimientos judiciales.” (See also sub. 2.)  

Article 2.
  - c. La Fontaine 647; Informe de Relaciones Exteriores (Ecuador), 1898-135 and 1899-48.
 II. Additional Protocol.
  - a. June 21, 1899.
  - b.
  - c.
5.
  - a.
  - b.
  - c.
  - d.
  - e.

## Nr. 219

## 1. CHILE — PERU.

## 2. Form of plebiscite.

„Quedan sometidos al fallo del Gobierno de Su Majestad la Reina Rejente de España, a quien las Altas Partes Contratantes designan con el caracter de Arbitro, los puntos siguientes:

1) Quienes tienen derecho a tomar parte en la votación plebiscitaria destinada a fijar el dominio i soberanía definitivos de los territorios de Tacna y Arica, determinando los requisitos de nacionalidad, sexo, edad, estado civil, residencia o cualesquiera otros que deban reunir los votantes.

2) Si el voto plebiscitario debe ser público o secreto.” Article 1.

## 3. Queen Regent of Spain.

## 4. Convention, Santiago.

a. **April 16, 1898.**

b.

c. La Fontaine 610; Memoria de Relaciones Exteriores (Chile), 1898-41.

## 5. No award.

The Chilean Chamber of Deputies refused to accept the Convention.  
See Article 3 of the Treaty of Lima, October 20, 1883.  
See No. 349.

## Nr. 220

1. COSTA RICA — REPUBLIC OF CENTRAL AMERIKA.
2. Mutual claims.  
 „Recurring then to the civilized and enlightened medium of arbitration, recommended even by military nations for the settlement of international disputes, the High Contracting Parties agree to refer their mutual claims, and the proofs by which they support them, to a Tribunal of Arbitration, composed of three Central Americans . . . .”  
 Article 3.
3. Tribunal of Arbitration:
4. Treaty signed on board of the U.S. man-of-war „*Alert*”, off Cape Blanco, in neutral waters.
  - a. **April 26, 1898.**
  - b. „The claims which either Party may make, whatever their character or extent, will be freely submitted to the Arbitrating Tribunal, that it may consider and pass its verdict upon them according to international law, as it may consider just and equitable.”  
 Article 5.  
 „The Judges of this Tribunal will try the questions submitted to them, and pass their verdict thereon, in the character not only of Arbitrators, but also as peacemakers, allowing that feeling of charity to enter into their counsels which should reign where vexatious incidents have occurred between brothers, and taking into account how greatly a prompt settlement, dictated by friendship, will redound to the benefit of the mutual interests of Central America.”  
 Article 7.
  - c. La Fontaine 611; de Martens N.R.G. 2-32-84; Memoria de Relaciones Exteriores (Costa Rica), 1898-103; State Papers 90-558.
5.
  - a.
  - b.
  - c.
  - d.
  - e.



## Nr. 221

1. PERU — UNITED STATES OF AMERICA.
2. Personal injuries; destruction of railroad.
 

„Whereas the United States of America, on behalf of Victor H. MacCord, a citizen of the United States of America, has claimed indemnity from the Government of Peru, for injuries inflicted upon him, at Arequipa, Peru, in 1885, it is agreed between the two Governments: That the question of the amount of the said indemnity shall be referred to the Right Honorable Sir Samuel Henri Strong, P.C. . . . .”  
Article 1.
3. S. H. Strong, Chief Justice of the Supreme Court of the Dominion of Canada.
4. I. Protocol, Washington.
  - a. **May 17, 1898.**
  - b.
  - c. La Fontaine 612; Malloy 2-1443.
 II. Supplemental Protocol, Washington.
  - a. June 6, 1898.
  - b.
  - c. Malloy 2-1444.
5. Award.
  - a. October 15, 1898.
  - b. U.S.A.
  - c. \$ 40.000 awarded.
  - d.
  - e. La Fontaine 612.

## Nr. 222

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Outstanding questions.

„It is desirable that all controversies between the United States and Great Britain in respect to the Dominion of Canada should be amicably settled . . . .”

Article 1.

„That for the final consideration and adjustment of the questions so presented a Joint Commission, to consist of . . . members, to be appointed by each of the Governments, should be created with plenipotentiary powers, whose conclusions shall be presented in the form of a convention or conventions between the two Governments.”

Article 3.

„In order to attain a complete concord in the relations between the United States and the Dominion of Canada, it is expedient to come to an agreement upon the following subjects:

1) The questions in respect to the fur seals in Bering Sea and the waters of the North Pacific Ocean.

2) Provisions in respect to the fisheries off the Atlantic and Pacific coasts and in the inland waters of their common frontier.

3) Provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts if the commission shall so decide, or otherwise.

4) Provisions for the transit of merchandise in transportation to or from either country across intermediate territory of the other, whether by land or water, including natural and artificial waterways and intermediate transit by sea.

5) Provisions relating to the transit of merchandise from one country to be delivered at points in the other beyond the frontier.

6) The question of the alien-labor laws applicable to the subjects or citizens of the United States and of Canada.

7) Mining rights of the citizens or subjects of each country within the territory of the other.

8) Such readjustment and concessions as may be deemed mutually advantageous, of customs duties applicable in each country to the products of the soil or industry of the other, upon the basis of reciprocal equivalents.

9) A revision of the agreement of 1817 respecting naval vessels on the Lakes.

10) Arrangements for the more complete definition and marking of any part of the frontier line, by land or water, where the same is now so insufficiently defined or marked as to be liable to dispute.

11) Provisions for the conveyance for trial or punishment of persons in the lawful custody of the officers of one country through the territory of the other.

Any other unsettled difference not included in the foregoing specifications may be considered and acted upon by mutual agreement of the commissioners representing the two Governments.”

## 3. Joint Commission: Baron Herschell, Sir Wilfred Laurier, Sir Richard Cartwright, Sir Louis Davies, Hon. John Charlton, Hon. James Winter, on

**Nr. 222** (continued)

the part of Great Britain; Charles W. Fairbanks, George Gray, Nelson Dingly, John W. Foster, John A. Kasson, T. Jefferson Coolidge and Charles J. Faulkner, on the part of the United States.

## 4. Protocols, Washington.

a. **May 25/30, 1898.**

b.

c. Malloy 1-770.

## 5.

Question 3 was settled by agreement.

a. October 20, 1899.

b.

c.

d. Hertslet 21-1115; Malloy 1-777; de Martens N.R.G. 2-29-438; State Papers 91-116; U.S. For. Rel. 1899-330

e. U.S. For. Rel. 1899-320/32.

See Nos. 170 and 195.

**Nr. 223**

1. GREAT BRITAIN — RUSSIA.

2. Seizure of sealers.

Question concerning indemnity claimed by Great Britain for the alleged illegal seizure of Canadian vessels in the sealing grounds of the Behring's Sea, within Russian jurisdiction.

3. A. Rivier, succeeded by H. Matzen, Professor at the University of Copenhagen.

4. I. Agreement. (Question submitted to the arbitration of A. Rivier.)

a. **June** , 1898.

b.

c.

II. Agreement. (Question submitted to H. Matzen, after the death of A. Rivier.)

a. April , 1899.

b.

c.

5. Settlement by Agreement.

a. May 31, 1904.

b. Great Britain.

c. The Russian Government should pay as compensation for two out of the six vessels seized, or stopped, the sum of \$ 44.701.

d.

e. Darby p. 833.

**Nr. 224**

## 1. ARGENTINE REPUBLIC — CHILE.

## 2. Boundary question.

The High Contracting Parties have agreed: „to designate an Argentine and Chilean Delegate, and the present Minister of the United States of America accredited to the Argentine Republic, in order that they, in the capacity of Demarcation Commissioners, shall proceed by a majority to trace in a final manner the divisional line to which Article I of the Agreement of the 17th April 1896 refers, having in view the documents and antecedents of the question.”  
Article 1.

## 3. Commission: J. E. Uriburu; E. MacIver; W. I. Buchanan.

## 4. Two Acts, Santiago.

a. **November 2, 1898.**

## b.

c. La Fontaine 585; Memoria de Relaciones Exteriores (Argentina), 1899-94 and 118; State Papers 97-551.

## 5. Settlement by procès-verbal.

## a. March 24, 1899.

## b.

## c.

d. State Papers 96-379.

e. Moore 5-4854; U.S. For. Rel. 1898-1/4; idem: 1899-1/5.  
See No. 198.

## Nr. 225

## 1. SPAIN — UNITED STATES OF AMERICA.

## 2. Claims arising out of insurrection.

„The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government or of its citizens or subjects, against the other Government that may have arisen since the beginning of the late insurrection in Cuba, and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war. The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.” Article 7.

## 3. Commission:

„Although a creation of the municipal law of the United States, the commission exercised the functions of an international tribunal, in which were to be administered the principles of international law and of equity by which the liability of an independent nation was to be determined”, A.J.I.L. 4 (1910)–807.

## 4. I. Treaty of Peace, Paris.

a. **December 10, 1898.**

## b.

c. Malloy 2–1690; de Martens N.R.G. 2–32–74; R.G.D.I.P. 6 (1899)–598; State Papers 90–382.

## II. Act of Congress.

## a. March 2, 1901.

b. The Commission should „adjudicate said claims according to the merits of the several cases, the principles of equity and of international law.”

## c.

## 5. Awards (542 claims filed).

## a. April 28, 1903–May 2, 1910.

## b. U.S.A.

c. \$ 1.387.845,74 awarded.

## d.

e. A.J.I.L. 4 (1910)–806; R.G.D.I.P. 6 (1899)–572/643.

## Nr. 226

1. GREAT BRITAIN — HONDURAS.
2. Detention of ship.  
Question concerning the arrest of the captain of the English schooner „*Lottie May*”, and the detention of that ship for six days, July 1892, in the port of Roatan, because of his defiant attitude towards the commandant of the place.
3. A. Beaupré, Chargé d’Affaires of the United States at Guatemala.
4. Convention, Guatemala.
  - a. **March 20, 1899.**
  - b.
  - c.
5. Award.
  - a. April 18, 1899.
  - b. Great Britain.
  - c. £ 150 allowed to the captain; £ 100 to the owners of the ship.
  - d. Ed. Tegucigalpa, Honduras 1899.
  - e. La Fontaine 618; U.S. For. Rel. 1899-371.

## Nr. 227

## 1. GERMANY, GREAT BRITAIN, UNITED STATES OF AMERICA.

## 2. Samoan difficulty.

„In view of the troubles which have recently taken place in Samoa, and for the purpose of restoring tranquillity and order therein, the three Powers, parties to the conference of Berlin (June 14, 1889), have appointed a Commission to undertake the provisional Government of the islands. For this purpose they shall exercise supreme authority in the islands. . . . It will fall within the attributions of the Commissioners to consider the provisions which they may think necessary for the future Government of the islands, or for the modification of the Final Act of Berlin, and to report to their Governments the conclusions to which they may come.”

## 3. „Samoan Joint High Commission”: Baron von Sternberg (Germ.); C. N. E. Eliot C.B. (Gr.Br.); Bartlett Tripp (U.S.A.).

## 4. Memorandum.

## a. April 13, 1899.

## b.

c. De Martens N.R.G. 2-30-657; Parl. Papers, October 1899 (C. 9506).

## 5. I. Convention between Germany and Great Britain, London.

## a. November 14, 1899.

d. Hertslet 21-1178; de Martens N.R.G. 2-30-678; R.G.D.I.P. 7 (1900)-292 note 4; State Papers 91-70.

## II. Convention between Germany, Great Britain and the United States of America, Washington.

## a. December 2, 1899.

## b.

## c.

d. Hertslet 21-1182; Malloy 2-1595; de Martens N.R.G. 2-30-683; R.G.D.I.P. 7 (1900)-294; State Papers 91-75.

e. R.G.D.I.P. 7 (1900)-287/96.



## Nr. 228

## 1. HAITI — UNITED STATES OF AMERICA.

## 2. Seizure and sale of goods.

„Whereas the said John D. Metzger and Co., citizens of the United States of America, have claimed, through the Government of the United States, from the Government of Hayti, indemnity on account of the seizure and sale of their goods at Port-au-Prince for the non-payment of certain licence taxes; and on account of the alleged failure to furnish them an adequate supply of water for the operation of their mill at Port-au-Prince; and on account of the alleged liability of Hayti on account of a quantity of lumber alleged to have been sold by them for a Relief Committee on the occasion of devastation by fire at Jacmel, it is agreed between the two Governments that the question of the liability of the Republic of Hayti to pay an indemnity in each of said cases . . . shall be referred to the Honourable William R. Day . . . who is hereby appointed as Arbitrator to hear said causes, and to determine the questions of said liability and the amount of said indemnity, if any is found by the said Arbitrator to be justly due.”

Article I.

## 3. W. R. Day, Judge of the United States Circuit Court.

## 4. I. Agreement, Washington.

a. **October 18, 1899.**

b.

c. Malloy 1-936; de Martens N.R.G. 2-32-402; State Papers 92-461.

## II. Supplemental Protocol, Washington.

a. June 30, 1900.

b.

c. Malloy 1-938.

## 5. Award.

a. September 27, 1900.

b. U.S.A.

c. \$ 23.000 awarded (Malloy 1-939).

d.

e.

## Nr. 229

## 1. GERMANY — GREAT BRITAIN, UNITED STATES OF AMERICA.

## 2. Military operations.

„All claims put forward by American citizens or German or British subjects respectively, whether individuals or companies, for compensation on account of losses which they allege that they have suffered in consequence of unwarranted military action, if this be shown to have occurred, on the part of American, German or British officers between the first of January last and the arrival of the Joint Commission in Samoa, shall be decided by Arbitration in conformity with the principles of international law or considerations of equity.”

Article 1.

„The three Governments shall request His Majesty the King of Sweden and Norway to accept the office of Arbitrator. It shall also be decided by this Arbitration whether, and eventually to what extent, either of the three Governments is bound, alone or jointly with the others, to make good these losses.”

Article 2.

## 3. Oscar II, King of Sweden and Norway.

## 4. Convention, Washington.

a. **November 7, 1899.**

b. (See sub 2, article 1.)

c. Descamps-R. 1902-636 nt.; La Fontaine 613; Hertslet 21-1180; Malloy 2-1589; de Martens N.R.G. 2-32-408; State Papers 91-78.

## 5. Award.

a. October 14, 1902.

b. Germany.

c. Amount, due to Germany, not determined. It has since been fixed at 1.250.000 francs (£ 50.000).

d. Descamps-R. 1902-636; Deutsche Reichs-Anzeiger 1902 No. 272; Hertslet 25-357; Malloy 2-1591; de Martens N.R.G. 2-31-410; State Papers 95-164.

e. U.S. For. Rel. 1900-473, 522, 625 and 896.

## Nr. 230

### 1. ITALY — PERU.

#### 2. Losses in civil war.

„L'Envoyé Extraordinaire et Ministre Plénipotentiaire d'Espagne au Pérou, Don Ramiro Gil de Uribarri, reçoit les plus amples pouvoirs à l'effet de décider ou de transiger comme Arbitre, conformément à l'Article 2 du présent Accord, toutes les réclamations présentées au Ministère des Relations Extérieures du Pérou par la Légation Royale d'Italie . . . qui ont pour cause les dommages et préjudices causés aux sujets italiens résidant au Pérou pendant la guerre civile de 1894/5.” Article 1.

#### 3. Ramiro Gil de Uribarri, Minister of Spain in Peru.

#### 4. Protocol, Lima.

##### a. **November 25, 1899.**

b. „M. le Ministre d'Espagne aura à juger les susdites réclamations et à prononcer sur elles:

a) En se conformant au Traité en vigueur entre le Pérou et l'Italie, aux règles du droit international ainsi qu'aux pratiques et à la jurisprudence établies.” Article 2.

c. Descamps-R. 1901-699 nt.; La Fontaine 614; Memoria de Relaciones Exteriores (Peru), 1900-645.

#### 5. 73 Awards.

a. September 30, 1901.

b. Both.

c. Performed.

d. Descamps-R. 1901-699; Memoria . . . , 1902-175/292.

e. Memoria . . . , 1902-170 and 293.

**Nr. 231**

1. CHINA — GREAT BRITAIN.
2. Sinking of ship.  
Claim for indemnity, against the Chinese Government, by the owners of the steamer „*Kowshing*”, a British transport ship, engaged in carrying Chinese troops during the war with Japan, stopped by a Japanese warship and sunk, July 25, 1894.
3. J. H. Choate, American Ambassador in London.
4. Letter.
  - a. **December 10, 1899.**
  - b.
  - c.
5. Settlement by agreement.
  - a.
  - b. Great Britain.
  - c. China agreed to pay 280.000 taels (£ 33.000) as an indemnity to the owners of the ship.
  - d.
  - e. Darby p. 836; Parl. Papers, China, No. 1, 1900 (C. 93).

## Nr. 232

## 1. GUATEMALA — UNITED STATES OF AMERICA.

## 2. Contractual claims.

„Whereas the United States of America, on behalf of Robert H. May, has claimed indemnity from the Government of Guatemala for a debt alleged to be due him from that Government under certain contracts between him and that Government, in connection with the Guatemala Northern Railroad and for damages alleged to have been caused him by that Government, its civil or military authorities in connection therewith; and the Government of Guatemala denies any liability therefor; and whereas the Government of Guatemala has claimed that said May is indebted to it both on account of said contracts and of damages caused by his alleged unlawful acts or those of his agents or employees acting by his authority; and said May, to secure his faithful performance of said contract, has delivered to said Government a promissory note, signed by certain third parties for \$ 40.120,79; and the Government of the United States denies any liability on May's part to said Government of Guatemala on account of said claims . . . the questions of law and fact brought in issue between the two Governments in respect of their claims shall be referred to the decision of Mr. George Francis Birt Jenner . . .”

Article 1.

## 3. G. F. Birt Jenner, British Minister Resident and Consul General.

## 4. I. Protocol, Washington.

- a. **February 23, 1900.**
- b.
- c. Malloy 1-871; U.S. For. Rel. 1900-656.

## II. Supplemental Protocol, Washington.

- a. **May 10, 1900.**
- b.
- c. La Fontaine 615; Malloy 1-873; U.S. For. Rel. 1900-658.

## 5. Award.

- a. November 16, 1900.
- b. U.S.A.
- c. \$ 143.750,73 awarded.
- d. U.S. For. Rel. 1900-659.
- e. U.S. For. Rel. 1900-648/74.

## Nr. 233

## 1. NICARAGUA — UNITED STATES OF AMERICA.

## 2. Alleged illegal seizures.

„Whereas the said Orr and Laubenheimer, citizens of the United States of America, have claimed through the Government of the United States from the Government of Nicaragua indemnity on account of damages sustained through the alleged seizure and detention by Nicaraguan authorities of said Orr and Laubenheimer's steam launches the „*Buena Ventura*” and the „*Alerta*”; and whereas the said Post-Glover Electric Company, a citizen of the United States of America, has claimed through the Government of the United States from the Government of Nicaragua indemnity on account of the alleged seizure at Bluefields of certain goods and chattels of the Post-Glover Electric Company, it is agreed between the two Governments that the question of the amount of the indemnity in each of said cases shall be referred to General E. P. Alexander, who is hereby appointed as Arbitrator to hear said cases and to determine the respective amounts of said indemnities.”

Article 1.

## 3. General E. P. Alexander.

## 4. Agreement, Washington.

a. **March 22, 1900.**

b.

c. La Fontaine 616; Malloy 2-1290; U.S. For. Rel. 1900-824.

## 5. Award.

a. June 16, 1900.

b. U.S.A.

c. \$ 6963 awarded to Orr and Laubenheimer; \$ 1402,94 awarded to Post-Glover Electric Company.

d. U.S. For. Rel. 1900-826.

e.

**Nr. 234**

## 1. BOLIVIA — CHILE.

## 2. Losses during civil war.

„Las reclamaciones pendientes de los súbditos bolivianos por daños y perjuicios que les hayan irrogado las fuerzas militares o las autoridades de Chile durante la guerra civil de 1891, patrocinadas por la Legación de Bolivia, se someterán á la decisión arbitral del Representante diplomático de Su Majestad Británica residente en Santiago, para que falle sobre su procedencia y legalidad, y fige el monto de las indemnizaciones a que hubbiere lugar.” Article 1.

## 3. . . . , British Minister at Santiago.

## 4. Agreement, Santiago.

a. **May 31, 1900.**

## b.

c. La Fontaine 648; Informe de Relaciones Exteriores (Bolivia), Anexos p. 162.

## 5.

## a.

## b.

## c.

## d.

## e.

## Nr. 235

1. COLOMBIA — ITALY.
- 2.
3. H.M. the King of Spain.
4.
  - a.
  - b.
  - c.
5. Award.
  - a. **June 15, 1900.**
  - b.
  - c.
  - d.
  - e. Descamps-R. 1904-821, nt. 1.



## Nr. 236

## 1. RUSSIA — UNITED STATES OF AMERICA.

## 2. Seizure of ships.

„The Government of the United States of America and the imperial Government of Russia, having agreed to invite Mr. Asser, a member of the Council of State of the Netherlands, to act as arbitrator in connection with the claim of the schooners „*James Hamilton Lewis*”, „*C. H. White*”, „*Kate*” and „*Anna*”, their charterers, owners, officers, and crews, arising out of their detention or seizure by Russian cruisers on the charge of having been illegally engaged in fur-seal fishing, and the claim of the whaling bark „*Cape Horn Pigeon*”, her charterers, owners, officers, and crew, arising out of her detention or seizure by a Russian vessel . . . .”

## 3. T. M. C. Asser, Member of the Council of State of the Netherlands.

## 4. Protocol, St. Petersburg.

a. **August 26, September 8, 1900.**

b. „In his decision . . . the arbitrator, following the general principles of international law and the spirit of international agreements applicable to the subject, shall determine as to each claim brought against the imperial Government of Russia whether such claim is well founded; . . . It is understood and agreed that this stipulation shall have no retroactive force, and that the arbitrator shall apply to the cases now in litigation the principles of international law and of international agreements which were in force and binding upon the parties to this litigation at the moment when the seizures aforementioned took place.”

c. Descamps-R. 1901-624 nt.; La Fontaine 618 (partially); Malloy 2-1532.

## 5. I. Interim award.

## a. October 19, 1901.

d. Descamps-R. 1901-624; Ed. The Hague 1901; La Fontaine 645; Indépendance Belge, November 7, 1901; Journal Clunet 1902-192; R.D.I.L.C. 33 (1901)-655.

## II. Award.

## a. November 29, 1902.

## b. U.S.A.

c. „*Cape Horn Pigeon*”, \$ 38,750 awarded, with interest; „*James Hamilton Lewis*”: \$ 28,588 awarded, with interest; „*C. H. White*”: \$ 32,444 awarded, with interest; „*Kate*” and „*Anna*”: \$ 1488 awarded, with interest.

d. Descamps-R. 1902-298; Ed. The Hague 1902; Indépendance Belge, November 30, 1902; R.D.I.L.C. 35 (1903)-75; R.G.D.I.P. 10 (1903)-Doc. 1; London Times November 30, 1902; U.S. For. Rel. 1902 App.I-469 .  
e. H. H. D. Peirce: Whaling and sealing claims against Russia, Washington G.P.O. 1903; U.S. For. Rel. 1900-798 and 850; idem: 1902-Appendix I (1 vol.).

## Nr. 237

1. GERMANY — GREAT BRITAIN.
2. Seizure of ships.  
Question of indemnity for the seizure and detention of German mail and other steamers by the British in South Africa.
3. Special Joint Commission: H. E. Woermann (Germ.); Dr. A. Sieveking (Germ.); W. Murton (Gr.Br.); J. G. Smith (Gr.Br.); W. F. G. Anderson (Gr.Br.).
4.
  - a.
  - b.
  - c.  
(Statement of Count von Bülow in the Reichstag, January 19, 1900.)
5. Award.
  - a. **September 4, 1900.**
  - b. Germany.
  - c. £ 20.000 allowed for detention of the three Imperial mail steamers: „*Bundesrath*“, „*General*“, and „*Herzog*“, together with a compensation of £ 5000 to those interested in the landing of goods; £ 4437 allowed for stopping the barque „*Hans Wagner*“; £ 126 allowed for the arrest of the barque „*Marie*“.
  - d.
  - e. Darby p. 836/7; Parl. Papers 1900 (C. 33), Africa No. 1.

## Nr. 238

## 1. ITALY — PERU.

## 2. Treaty interpretation.

„Les Hautes Parties Contractantes s'obligent à soumettre au jugement d'un Arbitre la question litigieuse de savoir : si, aux termes du Traité du 23 décembre 1874 conclu entre l'Italie et le Pérou, les Autorités judiciaires respectives des deux pays peuvent refuser l'Exequatur aux sentences prononcées par une Autorité judiciaire compétente suivant les lois de l'Etat où le jugement a été rendu, lorsqu'il se présente que, d'après les lois de l'Etat où l'Exequatur est demandé, les Autorités judiciaires de ce même Etat seraient compétentes pour connaître de la cause.”

Article 1.

## 3. Dr. Winkler, President of the Swiss Federal Tribunal.

## 4. Agreement, Lima.

a. **November 22, 1900.**

## b.

c. Boletín del Ministerio de Relaciones Exteriores (Peru), 2-40; Descamps-R. 1903-342.

## 5. Award.

## a. September 19, 1903.

## b.

## c. Question resolved in the negative sense; accepted.

d. Boletín . . . ., 2-117; Descamps-R. 1903-340.

e. Boletín . . . ., 2-1/140.

## Nr. 239

1. FRANCE — GREAT BRITAIN.
2. Losses by military forces.
 

„The Arbitrator shall give a final decision:

  - 1) In regard to the amount of the indemnity for the British victims in the Waïma affair to be paid by the French Government.
  - 2) In regard to the amount of the indemnity for the loss of the „*Sergent Malamine*” to be paid by the British Government . . . .” Article 1.
3. Baron Lambermont, Belgian Minister of State.
4. Convention, Paris.
  - a. **April 3, 1901.**
  - b.
  - c. Descamps-R. 1901-27; Hertslet 23-465; de Martens N.R.G. 2-30-500; R.G.D.I.P. 8 (1901)-Doc. 8; State Papers 94-37.
5. Awards.
  - a. July 15, 1902.
  - b. Both.
  - c. £ 9000 awarded to Great Britain in the Waïma case; £ 6500 to France in that of the „*Sergent Malamine*”.
  - d. Descamps-R. 1902-239; Hertslet 25-250; R.G.D.I.P. 9 (1902)-Doc. 11; State Papers 95-136.
  - e.

## Nr. 240

1. BRAZIL — GREAT BRITAIN.
2. Boundary question.
 

„His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the President of the United States of Brazil, being desirous to provide for an amicable settlement of the question which has arisen between their respective Governments concerning the boundary between the Colony of British Guiana and the United States of Brazil, have resolved to submit to arbitration the question involved. . . .”
3. Victor-Emmanuel III, King of Italy.
4. Treaty, London.
  - a. **November 6, 1901.**
  - b. „In deciding the question submitted, the Arbitrator shall . . . be governed by such principles of international law as he shall determine to be applicable to the case.” Article 4.
  - c. Descamps-R. 1901-147; Hertslet 23-310; de Martens N.R.G. 2-32-413; State Papers 94-23.
5. Award.
  - a. June 6, 1904.
  - b. Great Britain.
  - c.
  - d. Descamps-R. 1904-169; Hertslet 24-173; de Martens N.R.G. 2-32-485; R.G.D.I.P. 11 (1904)-Doc. 18; State Papers 99-930; London Times June 16, 1904.
  - e. P. Fauchille: *Le conflit de limites entre le Brésil et la Grande Bretagne. . . .*, Paris 1905; de Lapradelle et N. Politis: *L'arbitrage anglo-brésilien de 1904*, Paris 1905 (*idem in: Revue du droit public et de la science politique* 22 (1905)-241); *Mémoires présentés par J. Nabuco*, Paris 1903/4 (16 vol.); *Relatorio do Ministerio das Relações Exteriores (Brazil)*, 1902/3-46; R.G.D.I.P. 12 (1905)-25.

## Nr. 241

## 1. SALVADOR — UNITED STATES OF AMERICA.

## 2. Company claims.

„. . . . submission to arbitration of the claims against the Republic of Salvador of the Salvador Commercial Company and other citizens of the United States, stockholders in the corporation styled „El Triunfo Company Limited” who have not acquired their stock from citizens of Salvador or others not citizens of the United States since the date of the filing of the memorial of the Salvador Commercial Company. . . . That the said questions of law and fact brought in issue between the two Governments shall be referred to the decision of the Honorable Henri Strong, Chief Justice of the Dominion of Canada; the Honorable Don M. Dickinson, of Detroit, Michigan; and the Honorable Dr. David Castro, Chief Justice of the Supreme Court of Salvador. . . .” Article 1.

## 3. Arbitral Tribunal: Dr. D. Castro, succeeded by J. Rosa Pacas (S.); M. Dickinson (U.S.A.); H. Strong (Umpire).

## 4. Protocol, Washington.

a. **December 19, 1901.**

b.

c. Descamps-R. 1901-534; Malloy 2-1568; U.S. For. Rel. 1902-857.

## 5. Award.

a. May 8, 1902.

b. U.S.A.

c. \$ 523,178,64 awarded.

Dr. J. Rosa Pacas, dissenting, denounced Sir H. Strong and Mr. M. Dickinson, „for treating him and his country with the grossest unfairness”. The Government of Salvador, not satisfied with the award, objected to pay the full amount.

d. U.S. For. Rel. 1902-859.

e. U.S. For. Rel. 1902-838/80.

See also the award of May 2, 1902 (text: U.S. For. Rel. 1902-876).

## Nr. 242

1. FRANCE — VENEZUELA.
2. Private claims.
 

„ . . . les gouvernements Français et Vénézuélien désigneront chacun un Arbitre et choisiront pour tiers Arbitre S. Exc. M. F. de Leon y Castillo Marquis del Muni . . . Les deux premiers Arbitres se réuniront à Caracas, . . . à l'effet d'examiner de concert les demandes d'indemnités présentées par des Français pour des dommages subis au Vénézuéla du fait des événements insurrectionnels de 1892. Les demandes d'indemnités qui ne pourraient être réglées à l'amiable entre ces deux Arbitres seront soumises par eux au tiers Arbitre.” Article 1.
3. Mixed Claims Commission: Count E. de Peretti de la Rocca (Fr.); J. de J. Paul (V.); M. F. de Leon y Castillo, Marquis del Muni, after his declination succeeded by F. Plumley (Umpire).
4. Protocol, Paris.
  - a. **February 19, 1902.**
  - b.
  - c. Descamps-R. 1902-569; R.G.D.I.P. 9 (1902)-Doc. p. 12; State Papers 95-429.
5. Awards.
  - a. July 31, 1905.
  - b. Both.
  - c.
  - d. Ralston-Doyle: Venezuelan Arbitrations of 1903, Washington 1904, p. 497/509; idem: Report of the French-Venezuelan Mixed Claims Commission of 1902, Washington 1906.
  - e. See Nos. 260 and 309.

**Nr. 243**

1. GUATEMALA — ITALY.
2. Personal claims.  
Question concerning interests of certain Italian emigrants in South America.
3. E. Loubet, President of the French Republic.
4.
  - a. April 1902.
  - b.
  - c.
5. Award.
  - a.
  - b.
  - c.
  - d. Only one copy of the award in the archives of the Italian Foreign Office.
  - e. Darby p. 903.



**Nr. 244**

1. COLOMBIA — ITALY.
2. Private claims. (V. Spadafora.)

„Les Gouvernements de Colombie et d'Italie, après avoir soumis leurs contestations au sujet des réclamations de plusieurs sujets italiens à la médiation du Gouvernement de Sa Majesté Catholique et avoir accepté la proposition du Médiateur du 15 juin 1900, rendue en vertu du Protocole signé à Paris le 24 mai 1886 et de la Convention Italo-Colombienne du 27 octobre 1892 . . . . sont convenus de . . . . proroger d'un commun accord la réunion de la Commission Mixte prévue au paragraphe 3 du Protocole signé à Paris le 24 mai 1886 . . . .”
3. Mixed Commission: J. M. del Arroyo; G. E. Welby; J. M. Quijano Wallis.
4. Protocol, Bogota.
  - a. **April 21, 1902.**
  - b.
  - c. Descamps-R. 1902-408.
5. Award.
  - a. April 9, 1904.
  - b. Italy.
  - c.
  - d. Descamps-R. 1904-820.
  - e. See No. 144.

## Nr. 245

## 1. MEXICO — UNITED STATES OF AMERICA.

## 2. „The Pious Fund of the Californias.” (Res iudicata.)

„Whereas, under and by virtue of the provisions of a Convention entered into between the High Contracting Parties above named, of date the 4th July, 1868, and subsequent Conventions supplementary thereto, there was submitted to the Mixed Commission provided for by the said Convention, a certain claim advanced by and on behalf of the prelates of the Roman Catholic Church of California against the Republic of Mexico for an annual interest upon a certain fund known as „The Pious Fund of the Californias”, which interest was said to have accrued between the 2nd February, 1848, the date of the signature of the Treaty of Guadalupe Hidalgo, and the 1st February, 1869, the date of the exchange of the ratifications of said Convention above referred to; and whereas said Mixed Commission . . . made an award thereon of \$ 904.700,99, the same as expressed in the findings of said Court, being for twenty-one year’s interest of the annual amount of \$ 43.080,99 upon \$ 718.016,50, said award being in Mexican gold dollars, and the said amount of \$ 904.700,99 having been fully paid . . . and whereas the United States of America on behalf of said Roman Catholic Bishops . . . have since such award claimed from Mexico further instalments of said interest, and have insisted that the said claim was conclusively established, and its amount fixed as against Mexico and in favour of said original claimants and their successors in title and interest under the said first-mentioned Convention of 1868 by force of the said award as RES IUDICATA; and have further contended that apart from such former award their claim against Mexico was just, both of which propositions are controverted and denied by the Republic of Mexico; and the High Contracting Parties . . . have agreed to submit said controversy to the determination of Arbitrators, who shall, unless otherwise herein expressed, be controlled by the provisions of the International Convention for the pacific settlement of international disputes, commonly known as the Hague Convention, and which arbitration shall have power to determine:

1) If said claim, as a consequence of the former decision, is within the governing principle of RES IUDICATA; and

2) If not, whether the same be just.

And to render such judgment or award as may be meet and proper under all the circumstances of the case.”

„The special Tribunal hereby constituted shall consist of four Arbitrators . . . and an Umpire to be selected in accordance with the provisions of the Hague Convention.”

Article 2.

## 3. Permanent Court of Arbitration: Henning Matzen; E. Fry; de Martens; T. M. C. Asser; A. F. de Savornin Lohman.

## 4. Protocol, Washington.

a. **May 22, 1902.**

b. (See sub 2.)

c. Descamps-R. 1902-461; Malloy 1-1194; de Martens N.R.G. 2-32-189; Recueil The Hague 5; State Papers 95-973.

## Nr. 245 (continued)

## 5. Award.

- a. October 14, 1902.
- b. U.S.A.
- c. Claimants entitled to a permanent annual payment of \$ 43,050,99. Arrears amounted to \$ 1,420,682,67 (Mexican currency).
- d. A.J.I.L. 2 (1908)-898; Descamps-R. 1902-470; Grotius 1913-246; Journal Clunet 1903-694; de Martens N.R.G. 2-32-193; Niem. Zeit. 23-2-177; Recueil The Hague p. 107; R.G.D.I.P. 9 (1902)-Doc. 24; Scott 1-3 and 429 (french ed. p. 3); U.S. For. Rel. 1902 App. 2-857; State Papers 95-978; Wilson p. 7.
- e. American Agent's Report, Washington 1902; Annales des Sciences politiques, 1903-38; E. Descamps: Mémoire sur le fonctionnement du premier tribunal d'arbitrage constitué au sein de la Cour permanente de La Haye, Louvain 1903; Diplomatic correspondence relative to the Pious Fund of the Californias, Washington 1902; Les fondations californiennes . . . , plaidoirie de M. Descamps, Brussels 1902; La Justice internationale 1903-18; L. Renault: Premier litige devant la Cour. . . , Paris; U.S. For. Rel. 1902 App. II; Villasenor y Villasenor: Reclamaciones á Mexico por los fondos de Californias, Mexico 1902; Das Werk vom Haag, 2 Serie I, 1 (München-Leipzig 1917)-45.  
See No. 82.

## Nr. 246

## 1. GREAT BRITAIN — RUSSIA.

## 2. Seizure of property.

„Les Gouvernements de Grande Bretagne et de Russie, s'étant entendus pour soumettre à une Commission Mixte la décision de la question de propriété de certains terrains à Tien-tsin, réclamés d'un côté comme faisant partie de la Concession Russe, et de l'autre comme faisant partie de la propriété des Chemins de Fer Impériaux Chinois du Nord . . . .”

„Ils sont autorisés à rectifier dans l'intérêt des deux parties la ligne de démarcation séparant la propriété de l'une de celle de l'autre.” Article 2.

„Ils sont, de plus, autorisés à consentir à d'autres arrangements qui Leur paraîtraient être à l'avantage des deux parties relativement au tracé des routes . . . .” Article 3.

## 3. Mixed Commission: L. C. Hopkins (Gr.Br.); N. Laptew (R.); Detring (Umpire).

## 4. Instructions to the Commissioners.

a. **June 1 and 14, 1902.**

b.

c. State Papers 96-408.

## 5. 2 Awards.

a. April 20 and June 30, 1903.

b. Great Britain.

c.

d. State Papers 96-414.

e. State Papers 96-408/16.

## Nr. 247

### 1. FRANCE, GERMANY, GREAT BRITAIN — JAPAN.

#### 2. Leases held in perpetuity.

„Whereas a dispute has arisen between the Government of Japan on the one side, and the Governments of Great Britain, France and Germany on the other, respecting the true intent and meaning of the following provisions of the Treaties and other engagements respectively existing between them, that is to say: Paragraph 4, Article 18 of the Treaty of Commerce and Navigation of the 4th April, 1896 (State Papers 88–582) between Japan and Germany . . . ; Paragraph 4, Article 21 of the revised Treaty of the 4th August, 1896 (State Papers 88–530) between Japan and France . . . ; Paragraph 4, Article 18 of the revised Treaty of the 16th July, 1894 (State Papers 86–39) between Japan and Great Britain . . . ; Whereas the Powers at variance, co-signatories of the Convention of The Hague for the peaceful adjustment of international differences, have resolved to terminate the controversy by referring the question at issue to impartial arbitration in accordance with the provisions of said Convention . . . .”

„The question at issue upon which the Parties to this Arbitration request the Arbitral Tribunal to pronounce a final decision is as follows: Whether or not the provisions of the Treaties and other engagements above quoted exempt only land held under leases in perpetuity granted by or on behalf of the Japanese Government, or land and buildings of whatever description, constructed or which may hereafter be constructed on such land, from any imports, taxes, charges, contributions, or conditions whatsoever, other than those expressly stipulated in the leases in question.” Article 2.

#### 3. Permanent Court of Arbitration: G. Gram; L. Renault; J. Motono.

#### 4. Protocol, Tokyo.

##### a. August 28, 1902.

b. „The Tribunal . . . shall proceed impartially and carefully to examine and decide the question at issue.” Article 7.

„So far as is not otherwise provided in this Protocol, the provisions of the Convention of The Hague for the peaceful adjustment of international differences, shall apply to this Arbitration.” Article 9.

c. Descamps-R. 1902-418; Hertslet 23-823; de Martens N.R.G. 2-31-395; Recueil The Hague 5; R.G.D.I.P. 12 (1905)-500 nt.; State Papers 95-86.

#### 5. Award.

##### a. May 22, 1905.

b. France, Germany, Great Britain.

c.

d. A.J.I.L. 2 (1908)-915; Descamps-R. 1905-69; Grotius 1913-255; Hertslet 24-708; de Martens N.R.G. 2-35-376; Niem.Zeit. 15-491; Recueil The Hague 43; R.G.D.I.P. 12 (1905)-512; Scott 1-78 and 452 (french ed. p. 80); State Papers 98-140; Wilson p. 46.

e. R.G.D.I.P. 12 (1905)-492; E. Simon: Natur und völkerrechtliche Tragweite des Urteils des Haager Permanenten Schiedsgerichtshofes vom 22 Mai 1904 . . . , Greifswald 1908; U.S. For. Rel. 1902-687/730; Das Werk vom Haag, 2 Serie I, 1-311.

## Nr. 248

## 1. BRAZIL — UNITED STATES OF AMERICA.

## 2. Question of indemnity arising out of detention of ship.

„Whereas the owners of the vessel „*James A. Simpson*”, citizens of the United States of America, have claimed through the Government of the United States of America from the Government of the Republic of the United States of Brazil indemnity on account of the damage inflicted upon the said vessel and her long boat by the firing of the soldiers of the Government of the Republic of the United States of Brazil and for the damage caused by the detention of the said vessel at the port of Rio de Janeiro, Brazil, it is agreed between the two Governments:

That the question of the liability of the Republic of the United States of Brazil to pay an indemnity in said case, and, if so found by the Arbitrator, the further question of the amount of said indemnity to be awarded and the questions of law and fact brought in issue, shall be referred to Mr. A. Grip, Envoy Extraordinary and Minister Plenipotentiary of Sweden and Norway at Washington, who is hereby appointed as Arbitrator to hear said causes and to determine the question of said liability and the amount of indemnity, if any, found by said Arbitrator, to be justly due.” Article 1.

## 3. A. Grip.

## 4. Protocol, Rio de Janeiro.

a. **September 6, 1902.**

## b.

c. Descamps-R. 1902-611; Malloy 1-152; de Martens N.R.G. 2-31-406.

## 5. No award.

This claim was withdrawn from the consideration of the Arbitrator for want of evidence, November 28, 1902.

## Nr. 249

## 1. BOLIVIA — PERU.

## 2. Boundary question.

„The high contracting Parties submit to the judgment and decision of the Government of the Argentine Republic, as arbitrator and judge of rights, the question of limits now pending between both Republics, so as to obtain a definite and unappealable sentence, in virtue of which all the territory which in 1810 belonged to the jurisdiction or district of the Ancient Audience of Charcas, within the limits of the viceroyalty of Buenos Ayres, by acts of the ancient sovereign, may belong to the Republic of Bolivia, and all the territory which at the same date and by acts of equal origin belonged to the viceroyalty of Peru may belong to the Republic of Peru.” Article 1.

## 3. J. Figueroa Alcorta, President of the Argentine Republic.

## 4. Treaty, La Paz.

a. **December 30, 1902.**

b. „Whenever the royal acts and dispositions do not define the dominion of a territory in clear terms, the arbitrator shall decide the question according to equity, keeping as near as possible to the meaning of those documents and to the spirit which inspired them.” See also sub 2. Article 4.

c. A.J.I.L. Off. Doc. 1909-383; Descamps-R. 1902-428; de Martens N.R.G. 3-3-50; Niem. Zeit. 20-208; R.G.D.I.P. 17 (1910)-228; State Papers 100-803.

## 5. Award.

## a. July 9, 1909.

b.

c. See Protocol, La Paz, September 15, 1909, on the recognition of the award (de Martens, N.R.G. 3-3-59; State Papers 105-578).

d. A.J.I.L. 3 (1909)-1029; Boletín del Ministerio de Relaciones Exteriores (Peru) 35-22; Ed. Buenos Ayres 1909; de Martens N.R.G. 3-3-53; Niem. Zeit. 20-210; R.G.D.I.P. 17 (1910)-231; R.D.D.I. 4 (1909)-419; State Papers 105-572.

e. A.J.I.L. 3 (1909)-949; El Arbitraje entre las Repùblicas de Bolivia y el Perú, La Paz 1909; Boletín . . . , 6-110; 7-130 and 171; 11-141; 23-4; 25 wholly; 27-113; 35-21, 113 and 148; 45-47; 50-37; A. van den Burch: Le procès international entre la Bolivie et le Pérou, Brussels 1909; E. Díez de Medina: El laudo Argentino en el litigio Peru-Boliviano, La Paz 1909; Libro azul del Ministerio de relaciones exteriores y culto de la República Argentina, Buenos Ayres 1909; V. M. Martua: Exposición de la República del Perú, Barcelona 1906 (2 vol.); Memoria de Relaciones Exteriores (Peru), 1902-32; Niem. Zeit. 20-205; R.G.D.I.P. 16 (1909)-368; idem: 17 (1910)-105 and 225; R.D.D.I. 4 (1909)-425; M. G. Sanchez Sorondo: El litigio peru-boliviano y el fallo arbitral, Buenos Ayres 1909.

**Nr. 250**

1. AUSTRIA, HUNGARY — TURKEY.
2. Non-execution of contracts.  
Question concerning several monetary claims: the right to certain lands at Salonica, the building of harbours and other matters in the Convention between the Turkish Government and the Railway Company, May 1872, which the Government had failed to execute. The Company claimed damages for losses sustained.
3. Mixed Tribunal.
4. Arbitration Agreement (between the Oriental Railway Company and the Turkish Government).
  - a. **January 9, 1903.**
  - b.
  - c.
5. Award.
  - a. December 1903.
  - b.
  - c.
  - d.
  - e. Darby p. 904/5.



## Nr. 251

## 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

## 2. Boundary question.

The High Contracting Parties „equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 16th (28th) February, 1825 (State Papers 12–38), which clauses relate to the delimitation of the boundary-line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a Tribunal. . . .”

## 3. Arbitral Tribunal: Lord Alverstone (Gr.Br.); Sir Louis Jette (Gr.Br.); Mr. Allen Aylesworth (Gr.Br.); E. Root (U.S.A.); H. Cabot Lodge (U.S.A.) G. Turner (U.S.A.).

## 4. Convention, Washington:

a. **January 24, 1903.**

b. „The Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal, and will decide thereupon according to his true judgment.” Article 1.

c. Descamps-R. 1903-289; Hertslet 23-1242; Malloy 1-787; de Martens N.R.G. 2-31-494; State Papers 96-84.

## 5. Award, the Canadian members protesting.

## a. October 20, 1903.

## b. U.S.A.

## c. Accepted.

d. Descamps-R. 1903-296; Hertslet 25-1183; Malloy 1-792; de Martens N.R.G. 2-32-418; Parl. Papers (C. 1877), January 1904; R.G.D.I.P. 11 (1904)-213; State Papers 98-152; U.S. Treaty Series 1903 No. 4.

e. Proceedings of the Alaskan boundary tribunal. . . ., Washington 1903/4 (21 vol.); R.D.I.L.C. 36 (1904)-38; R.G.D.I.P. 11 (1904)-210; State Papers 98-155/9.

## Nr. 252

## 1. DOMINICAN REPUBLIC — UNITED STATES OF AMERICA.

## 2. Company claims.

„It being hereby agreed that the Dominican Government shall pay to the Government of the United States the sum of \$ 4.500.000, in American gold, on terms to be fixed by the Arbitrators, said payment to be made and accepted as full indemnity for the relinquishment by the Companies above-mentioned of all their rights, properties, and interests, and in full settlement of all accounts, claims, and differences between the Dominican Government and the said Companies; the terms on which the indemnity thus agreed upon shall be paid shall be referred to a Board of three Arbitrators. . . .” Article 1.

## 3. Arbitral Commission: G. Gray; M. de J. Galvan; J. G. Carlisle.

## 4. Convention, San Domingo.

a. **January 31, 1903.**

## b.

- c. Descamps-R. 1903-179; Malloy 1-414; de Martens N.R.G. 2-31-501; R.G.D.I.P. 18 (1911)-568 nt.; State Papers 96-641.

## 5. Award.

## a. July 14, 1904.

## b. U.S.A.

## c.

- d. Descamps-R. 1904-893; de Martens N.R.G. 3-5-818; R.G.D.I.P. 18 (1911)-574 nt.; State Papers 98-667; U.S. For. Rel. 1904-274.

- e. R.G.D.I.P. 18 (1911)-563; U.S. For. Rel. 1904-270/85.

**Nr. 253**

1. TURKEY — THE POWERS.
2. Ottoman Public Debt.  
Question of increasing the rate of interest of the ottoman public debt.
3. Arbitration Commission: . . . ., Lord Alverstone (Umpire).
4. Agreement between the Council of the debt and the Turkish Government.
  - a. **February** , **1903**.
  - b.
  - c.
5. Award.
  - a. July 23, 1903.
  - b.
  - c. Rate of interest increased by  $\frac{1}{4}\%$ .
  - d.
  - e. Darby p. 905.

## Nr. 254

## 1. GREAT BRITAIN — VENEZUELA.

## 2. Private claims, arising out of civil war.

„The British and Venezuelan Governments agree that the other British claims, including claims by British subjects other than those dealt with in Article 6 hereof, and including those preferred by the Railway Companies, shall, unless otherwise satisfied, be referred to a Mixed Commission. . . . The Venezuelan Government admit their liability in cases where the claim is for injury to, or wrongful seizure of, property, and consequently the questions which the Mixed Commission will have to decide in such cases will only be:

- a) Whether the injury took place and whether the seizure was wrongful; and
- b) If so, what amount of compensation is due.

In other cases the claim shall be referred to the Mixed Commission without reservation.” Article 3.

## 3. Mixed Claims Commission: H. Harrison (Gr.Br.); P. V. Azpurúa, succeeded by C. F. Grisanti (V.); F. Plumley (Umpire).

## 4. I. Protocol, Washington.

a. **February 13, 1903.**

## b.

- c. Descamps-R. 1903-547; Hertslet 23-1167; de Martens N.R.G. 3-1-48; Ralston-Doyle: Venezuelan Arbitrations of 1903, p. 292; State Papers 96-99.

## II. Agreement, Washington.

## a. May 7, 1903.

- b. „. . . . the Commissioners and the Umpire, if necessary, shall make solemn oath or declaration carefully to examine and impartially to decide, according to justice and the provisions of the Protocol of the 13th February, 1903, and of the present Agreement, all claims submitted to them. . . . The Commissioners, or, in case of their disagreement, the Umpire, shall decide all claims upon a basis of absolute equity, without regard to objections of a technical nature, or of the provisions of local legislation.”

- c. Descamps-R. 1903-592; Hertslet 23-1173; Ralston-Doyle 294; State Papers 96-103.

## 5. Awards.

## a. June 12, 1903-May 30, 1904.

## b. Both.

## c.

- d. Descamps-R. 1903-795; Ralston-Doyle 298/481.
- e. Revue de Droit international privé et droit pénal international 5 (1909)-41. Procedure: Ralston-D. 296. See No. 83.

## Nr. 255

1. GERMANY, GREAT BRITAIN, ITALY — VENEZUELA.
2. Preferential claims.
 

„Any question as to the distribution of the customs revenues so to be assigned and as to the rights of Great Britain, Germany, and Italy, to a separate settlement of their claims, shall be determined, in default of arrangement, by the Tribunal at The Hague, to which any other Power interested may appeal.”  
Article 5 (C. 13-2-1903).
3. Permanent Court of Arbitration: N. Mourawieff; H. Lammasch; de Martens.
4. I. 3 Protocols, Washington.
  - a. **February 13, 1903.**
  - b.
  - c. See Nos. 254, 256, 257 sub 4. I. c.).
 II. 3 Protocols, Washington.
  - a. May 7, 1903.
  - b.
  - c. Germany-Venezuela: Descamps-R. 1903-582; Malloy 2-1874; de Martens N.R.G. 3-1-54. Great Britain-Venezuela: Descamps-R. 1903-589; Hertslet 23-1171; Malloy 2-1872; de Martens N.R.G. 3-1-55; State Papers 96-101. Italy-Venezuela: Descamps- R. 1903-594; Malloy 2-1876; de Martens N.R.G. 3-1-56.
5. Award.
  - a. February 22, 1904.
  - b. Germany, Great Britain and Italy.
  - c. Venezuela paid (Journal Clunet 1913-735).
  - d. A.J.I.L. 2 (1908)-907; Descamps-R. 1904-120; Grotius 1913-250; Hertslet 24-1074; Journal Clunet, Tables 1874/1904 p. 1139; Journal Officiel 69 (1904)-1553; Malloy 2-1878; de Martens N.R.G. 3-1-57; Niem. Zeit. 14-545; Recueil The Hague p. 123; R.G.D.I.P. 13 (1906)-Doc. 1; Scott 1-56 and 441 (french ed. p. 58); State Papers 98-159; U.S. For. Rel. 1904-506; Wilson p. 34
  - e. The American Law Register, May 1903; A. Gaché: Le conflit vénézuélien et l'arbitrage de La Haye, Paris 1905; J. A. Jacobson: Le premier grand procès international à la Cour de La Haye, Paris 1904; Questions diplomatiques et coloniales 15 (1903)-226; R.G.D.I.P. 11 (1904)-362; idem: 13 (1906)-423; U.S. For. Rel. 1904-505; Das Werk vom Haag 2 Serie I, 1-253; State Papers 95-1054/1135; idem: 96-429/506.

## Nr. 256

## 1. GERMANY — VENEZUELA.

## 2. Private claims, arising out of civil war.

„The German claims not mentioned in the Articles 2 and 6, in particular the claims resulting from the present Venezuelan civil war . . . are to be submitted to a Mixed Commission. Said Commission shall decide both whether the different claims are materially well founded and also upon their amount. The Venezuelan Government admit their liability in cases where the claim is for injury to or wrongful seizure of property and consequently the Commission will not have to decide the question of liability, but only whether the injury to or the seizure of property were wrongful acts and what amount of compensation is due.” Article 3.

## 3. Mixed Claims Commission: H. P. Goetsch (Germ.); N. Zuloaga (V.); H. M. Duffield (Umpire).

## 4. I. Protocol, Washington.

a. **February 13, 1903.**

## b.

c. Descamps-R. 1903-543; de Martens N.R.G. 3-1-46; Ralston-Doyle 511; R.G.D.I.P. 11 (1904)-435; State Papers 96-803.

## II. Agreement, Washington.

a. **May 7, 1903.**

b. „. . . . the commissioners shall make solemn oath or declaration carefully to examine and impartially decide, according to the principles of justice and provisions of the Protocol of the 13th of February, 1903, and of the present agreement, all claims submitted to them; . . . . The decisions of the Commission shall be based upon absolute equity, without regard to objections of a technical nature or of the provisions of local legislation.” Article 2.

c. Descamps-R. 1903-585; Ralston-Doyle 515.

## 5. Awards.

## a.

## b.

## c.

d. Descamps-R. 1903-769; Ralston-Doyle 520/642.

e. Procedure: Ralston-Doyle 518.

## Nr. 257

1. ITALY — VENEZUELA.
2. Private claims, arising out of civil war.
 

„The Italian and Venezuelan Governments agree that all the remaining Italian claims, without exception, other than those dealt with in Article 7 hereof, shall, unless otherwise satisfied, be referred to a Mixed Commission . . . which shall examine the claims and decide upon the amount to be awarded in satisfaction of each claim.” Article 4.  
See further No. 256 sub 2: „The Venezuelan Government . . .” etc.
3. Mixed Claims Commission: R. Agnoli (I.); N. Zuloaga (V.); J. H. Ralston (Umpire).
4. I. Protocol, Washington.
  - a. **February 13, 1903.**
  - b.
  - c. Descamps-R. 1903-550; de Martens N.R.G. 3-1-51; Ralston-Doyle 643; State Papers 96-1172.

II. Agreement, Washington.

  - a. May 7, 1903.
  - b. (See No. 256 sub 4. II., b.)
  - c. Descamps-R. 1903-597; Ralston-Doyle 645.
5. Awards.
  - a.
  - b.
  - c.
  - d. Descamps-R. 1903-808; Ralston-Doyle 648/874.
  - e. Procedure: Ralston-Doyle 647.

## Nr. 258

1. UNITED STATES OF AMERICA — VENEZUELA.
2. Private claims, arising out of civil war.  
 „All claims owned by citizens of the United States of America against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments, . . . shall be examined and decided by a mixed commission . . . .”  
Article 1.
3. Mixed Claims Commission: W. E. Bainbridge (U.S.A.); J. de J. Paul, succeeded by C. F. Grisanti (V.); Ch. A. H. Barge (Umpire).
4. Protocol, Washington.
  - a. **February 17, 1903.**
  - b. „. . . . the commissioners and the umpire shall take solemn oath carefully to examine and impartially decide, according to justice and the provisions of this convention, all claims submitted to them . . . . The commissioners, or in case of their disagreement, the umpire, shall decide all claims upon a basis of absolute equity, without regard to objections of a technical nature, or of the provisions of local legislation.”  
Article 1.
  - c. Descamps-R. 1903-554; Malloy 2-1870; de Martens N.R.G. 3-4-69; Ralston-Doyle 1; State Papers 101-646.
5. Awards.
  - a.
  - b.
  - c.
  - d. Descamps-R. 1903-836/47; Ralston-Doyle 7/259.
  - e. Procedure: Ralston-Doyle 5.  
See No. 292.



## Nr. 259

1. MEXICO — VENEZUELA.
2. Private claims, arising out of civil war.  
„All claims owned by citizens of the United States of Mexico against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments . . . shall be examined and decided by a mixed commission . . . .”  
Article 1.
3. Mixed Claims Commission: F. Duret (M.); J. V. Iribarren (V.); R. G. de Ayala (Umpire).
4. Protocol, Washington.
  - a. **February 26, 1903.**
  - b. (See No. 258 sub 4. b.)
  - c. Descamps-R. 1903-558; Ralston-Doyle 875.
5. Award.
  - a. October 6, 1903.
  - b.
  - c. \$ 510.000 awarded. (Local press attacked the Umpire, who left Caracas.)
  - d. Descamps-R. 1903-848; Ralston-Doyle 879/88.
  - e. Procedure: Ralston-Doyle 879.

## Nr. 260

1. FRANCE — VENEZUELA.
2. Private claims, arising out of civil war.  
 „All French claims against the Republic of Venezuela, which have not been settled by diplomatic agreement or by arbitration between the two Governments, shall be presented . . . . to a mixed commission . . . .” Article 1.
3. Mixed Claims Commission: Peretti de la Rocca (Fr.); J. de J. Paul (V.); J. Ph. F. Filtz (Umpire).
4. Protocol, Washington.
  - a. **February 27, 1903.**
  - b. (See No. 258 sub 4. b.)
  - c. De Clercq 22-271; Descamps-R. 1903-563; Ralston-Doyle 483.
5. Awards.
  - a.
  - b.
  - c.
  - d. Descamps-R. 1903-868; Ralston-Doyle 487/93.
  - e. Journal Clunet 1905-1196.  
See Nos. 242 and 309.

## Nr. 261

1. NETHERLANDS — VENEZUELA.
2. Private claims, arising out of civil war.  
 „All claims owned by the Government or citizens of the Netherlands against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments . . . shall be examined and decided by a Mixed Commission . . . .”  
Article 1.
3. Mixed Claims Commission: N. J. Hellmund, succeeded by J. Möller (N.); J. V. Iribarren (V.); F. Plumley (Umpire).
4. Protocol, Washington.
  - a. **February 28, 1903.**
  - b. „. . . . the commissioners and umpire shall take solemn oath, or solemnly promise to examine . . . .” etc., see No. 258 sub 4. b.)  
Article 1.
  - c. Descamps-R. 1903-566; Ralston-Doyle 889; State Papers 96-818
5. Awards.
  - a.
  - b.
  - c.
  - d. Descamps-R. 1903-874; Ralston-Doyle 896/916.
  - e. Procedure: Ralston-Doyle 893.

## Nr. 262

## 1. BELGIUM — VENEZUELA.

## 2. Private claims, arising out of civil war.

„All Belgian claims against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments . . . shall be examined and decided by a Mixed Commission . . . .”

Article 1.

## 3. Mixed Claims Commission: F. Goffart (B.); P. V. Azpurúa, succeeded by C. F. Grisanti (V.); J. Ph. F. Filtz (Umpire).

## 4. Protocol, Washington.

a. **March 7, 1903.**

b. (See No. 258 sub 4. b.)

c. Descamps-R. 1903-571; Ralston-Doyle 261; State Papers 96-806.

## 5. Awards.

a.

b.

c.

d. Descamps-R. 1903-882; Ralston-Doyle 265/91

e.

**Nr. 263**

1. SWEDEN-NORWAY — VENEZUELA.
2. Private claims, arising out of civil war.  
„All claims owned by citizens of Sweden and Norway against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the Governments . . . shall be examined and decided by a mixed commission . . . .”  
Article 1.
3. Mixed Claims Commission: G. Valentiner (Sw.-N.); F. A. Guzmán Alfaro (V.); R. G. de Ayala (Umpire).
4. Protocol, Washington.
  - a. **March 10, 1903.**
  - b. (See No. 258 sub 4. b.)
  - c. Descamps-R. 1903-574; Ralston-Doyle 945.
5. Awards.
  - a.
  - b.
  - c.
  - d. Descamps-R. 1903-889; Ralston-Doyle 949/54.
  - e.

**Nr. 264**

## 1. SPAIN — VENEZUELA.

## 2. Private claims, arising out of civil war.

„All claims owned by subjects of His Majesty, the King of Spain, against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments.... shall be examined and decided by a Mixed Commission....”

Article 1.

## 3. Mixed Claims Commission: J. Riaño (Sp.); F. A. Guzmán Alfaro (V.); L. Gutierrez-Otero (Umpire).

## 4. Protocol, Washington.

a. **April 2, 1903.**

b. (See No. 258 sub 4. b.)

c. Descamps-R. 1903-578; Ralston-Doyle 917.

## 5. Awards.

a.

b.

c.

d. Descamps-R. 1903-893; Ralston-Doyle 921/44.

e.

**Nr. 265**

## 1. GREAT-BRITAIN — PORTUGAL.

## 2. Boundary question.

„In place of the procedure contemplated in this Article, the two Governments have decided to have recourse to the arbitration of His Majesty the King of Italy . . . . The Arbitrator shall be asked to give a decision which shall be accepted as final by both Parties, on the question: What are, within the meaning of the above-quoted Article of the Treaty of 1891 (June 11, 1891, Article 4, see State Papers 83–27), the limits of the territory of the Barotse Kingdom?“

Article 1.

## 3. Victor-Emmanuel III, King of Italy.

## 4. Declaration, London.

a. **August 12, 1903.**

## b.

c. Descamps-R. 1903–674; Hertslet 24–936; de Martens N.R.G. 3–1–67; State Papers 97–504.

## 5. Award.

## a. May 30, 1905.

## b.

## c.

d. Descamps-R. 1905–953; Hertslet 24–939; de Martens N.R.G. 2–35–542; Parl. Papers 1905, Africa No. 5; State Papers 98–382.

## e.

## Nr. 266

## 1. BOLIVIA — BRAZIL.

## 2. Private claims.

„The transfer of territories resulting from the demarcation described in the preceding article includes all rights appertaining to them and the responsibility consequent on the obligation of maintaining and respecting permanent rights acquired by natives and foreigners in accordance with the principles of civil law.

Claims arising from administrative acts and from events happening in the territories exchanged shall be examined and judged by an Arbitral Tribunal . . . Its duties shall consist in :

1. Accepting or rejecting claims.
2. Deciding the amount of the indemnity.
3. Electing which of the two Governments shall pay it.” Article 2.

## 3. Arbitral Tribunal: U. do Amaral; Cl. Pinilla; Mgr. Alessandro.

## 4. I. Treaty, Petropolis.

a. **November 17, 1903.**

## b.

- c. A.J.I.L. Off. Doc. 1907-416; Descamps-R. 1903-273; de Martens N.R.G. 3-3-62; R.G.D.I.P. 11 (1904)-162; State Papers 96-383.

## II. Protocol, Rio de Janeiro.

## a. February 6, 1907.

## b.

- c. A.J.I.L. Off. Doc. 1907-421; Descamps-R. 1907-783; de Martens N.R.G. 3-3-67.

## 5. Awards.

## a. 1909.

## b.

## c.

- d. Helio Lobo: O Tribunal Arbitral Brasileiro-Boliviano, Rio de Janeiro 1910, awards Nos. 30 and 66, p. 161 and 165; Relaciones Exteriores (Bolivia), 1906-76.
- e. Boletín del Ministerio de Relaciones Exteriores (Peru), 12-12; idem: 15-34; Helio Lobo: O Tribunal. . . ; C. V. Romero: Informe dirigido a su gobierno por el delegado de Bolivia, Buenos Ayres 1906; R G.D.I.P. 11 (1904)-150/91.



**Nr. 267**

## 1. PANAMA — UNITED STATES OF AMERICA.

## 2. DAMAGES.

„All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal, or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States.”

Article 6.

## 3. Joint Commission:

## 4. Convention, Washington.

a. **November 18, 1903.**

## b.

- c. A.J.I.L. Off. Doc. 1909-130; Descamps-R. 1903-470; Malloy 2-1349; de Martens N.R.G. 2-31-599; R.G.D. I.P. 11 (1904)-Doc. 22; State Papers 96-553.

## 5.

- a.  
b.  
c.  
d.  
e.

## Nr. 268

## 1. ECUADOR — PERU.

## 2. Indemnity.

„Les Gouvernements du Pérou et de l'Equateur, . . . dans le but d'obtenir le plus promptement et le plus facilement possible un règlement des difficultés survenues à la suite du lamentable conflit qui s'est produit à Angoteros, le 26 juin de l'année passée, sont convenus, par l'intermédiaire des Soussignés, de soumettre la réclamation présentée par le Gouvernement de l'Equateur, pour être heureusement solutionnée et pour en déterminer les conséquences, à la sentence définitive et non susceptible d'appel d'un Agent Diplomatique d'une nation amie..”

## 3.

## 4. Protocol, Lima.

a. **January 21, 1904.**

## b.

c. Boletin del Ministerio de Relaciones Exteriores (Peru) 1-78; Descamps-R. 1904-880.

## 5.

## a.

## b.

## c.

## d.

## e.

## Nr. 269

1. GREAT BRITAIN — HAITI.
2. Damages.
 

„Seront soumises à une Commission Mixte . . . les réclamations relatives aux dommages et préjudices qu'auraient subis des sujets anglais, tant à Petit-Goâve que dans les autres provinces, par le fait des autorités civiles et militaires d'Haïti pendant la dernière guerre civile.” Article 1.

„Les commissaires nommeront alors un Arbitre qui agira dans tous les cas où ils ne pourront être d'accord.” Article 2.
3. Mixed Commission: C. Lyon Hall (Gr.Br.); A. N. Cook (Gr.Br.); Celigny Ethéart (H.); A. Poujol (H.); R. Gardère (Umpire).
4. Protocol, Port-au-Prince.
  - a. **February 27, 1904.**
  - b. „. . . les quatre Commissaires . . . signeront la déclaration suivante . . . : Nous déclarons solennellement que nous déciderons avec impartialité d'après le droit public, la justice et l'équité, sans crainte, faveur ou préférence en raison de notre nationalité, les réclamations anglaises présentées contre le Gouvernement d'Haïti.” Article 2.
  - c. Descamps-R. 1904-945.
5.
  - a.
  - b.
  - c.
  - d.
  - e. Descamps-R. 1904-947.

## Nr. 270

## 1. FRANCE — GUATEMALA.

## 2. Responsibility for officials.

„Considérant que le Gouvernement Français présente et appuie une réclamation aux termes de laquelle le citoyen français B. Bezault et la Compagnie française de constructions économiques en acier demandent une indemnité basée sur le fait qu'ils allèguent que ledit Bezault a été expulsé des chantiers de l'Exposition de Guatemala par le sieur Heiny . . . avec l'aide d'un certain nombre d'agents de la police guatémaltèque et prétendant que le Gouvernement guatémaltèque a, par l'intervention irrégulière d'une force de police, compromis leurs intérêts et, conséquemment, est responsable . . . Que le Gouvernement de Guatemala, non seulement repousse la réclamation sur tous ces points, mais encore présente une contre-réclamation formelle contre la Compagnie française de constructions en acier et contre M. B. Bezault . . .”

## 3. Permanent Court of Arbitration.

## 4. Convention, Guatemala.

## a. April 25, 1904.

b. „Le tribunal arbitral devra décider selon l'équité et la justice les questions suivantes: . . .”

Article 3.

c. De Clercq 22-552; Descamps-R. 1904-124; State Papers 102-604.

## 5. No award.

**Nr. 271**

## 1. COLOMBIA — PERU.

## 2. Boundary question.

„Les Gouvernements du Pérou et de la Colombie soumettent sans appel à la décision de Sa Majesté le Roi d'Espagne la question de frontières pendant entre eux, laquelle sera résolue en ayant égard, non seulement aux titres et arguments de droit qui ont été ou seront présentés, mais aussi aux convenances des Hautes Parties Contractantes et en les conciliant de manière que la ligne frontière soit établie en droit et en équité.” Article 1.

## 3. King of Spain.

## 4. Treaty, Lima.

a. **May 6, 1904.**

b. (See sub 2.)

c. Boletín del Ministerio de Relaciones Exteriores (Peru) 4-167; Descamps-R. 1904-1031.

## 5.

a.

b.

c.

d.

e.

## Nr. 272

## 1. FRANCE — HAITI.

## 2. Concession-contracts.

„Une Commission Arbitrale, dont le caractère sera essentiellement juridique, est chargée de se prononcer sur les réclamations formulées par M. Louis Aboilard et repoussées par le Gouvernement Haïtien, au sujet du retrait des concessions stipulées dans les actes passés . . . entre M. Louis Aboilard et les Secrétaires d'Etat de la République d'Haïti, dont l'un, en vertu d'une décision prise en Conseil des Secrétaires d'Etat, représentait le Gouvernement Haïtien.”

Article 1.

„La Commission est chargée de se prononcer sur le point de savoir si les contrats intervenus entre M. Louis Aboilard et les Autorités haïtiennes doivent être considérés comme nuls et de nul effet, ou s'ils ont engagé la responsabilité du Gouvernement Haïtien et dans quelle mesure; d'apprécier, s'il y a lieu, le préjudice causé à M. Louis Aboilard par la rupture de ces contrats et notamment par le retrait des concessions qui lui ont été consenties; le cas échéant, de déterminer le montant de l'indemnité qui pourrait être due à M. Aboilard et les termes et mode du paiement.”

Article 2.

## 3. Arbitral Commission: L. Renault (Fr.); Solon Ménos (H.); H. Vignaud (Umpire).

## 4. Protocol, Paris.

a. **June 15, 1904.**

b. (See sub 2, Art. 1.)

c. Descamps-R. 1904-128; de Martens N.R.G. 2-34-306; R.G.D.I.P. 12 (1905)-Doc. 12.

## 5. Award.

a. July 26, 1905.

b. France.

c. 225.000 frs. awarded.

d. De Clercq 23-211; Descamps-R. 1905-99; Journal Officiel 208 (1905)-4755; de Martens N.R.G. 3-8-377; Revue de Droit international privé et de droit pénal international 1905-893; R.G.D.I.P. 12 (1905)-Doc. 13.

e. Un cas d'arbitrage (France et Hayti), Paris 1906.

## Nr. 273

1. BRAZIL — PERU.
2. Private claims.
 

„The complaints of Brazilian and Peruvian citizens for damages or violences which they may have suffered, or claim to have suffered, in the Alto Juruá and in the Alto Purús since 1902, shall be deferred to the judgment of a Tribunal of arbitration . . . .” Article 1.
3. Tribunal of arbitration: Dr. G. de Cunha, succeeded by Dr. V. do Amaral (Br.); Dr. E. Larraburre y Unanue, succeeded by Dr. J. J. Callem, succeeded by Dr. Hernan Velarde (P.); Mgr. J. Tonti, succeeded by Mgr. A. Bavona, nuncio (Umpire).
4. Convention, Rio de Janeiro.
  - a. **July 12, 1904.**
  - b. „. . . . the Tribunal should examine and resolve all claims, with the power to judge them according to law or ex aequo et bono.” Article 3.
  - c. Boletin del Ministerio de Relaciones Exteriores (Peru), 15-61; Descamps-R. 1904-1014; State Papers 97-692.
5. 91 Awards.
  - a. December 26, 1907-June 25, 1910.
  - b.
  - c. Paid (Boletin, . . . . 44-68, 48-154 and 50-66).
  - d. Ed. Imprensa Nacional, Rio de Janeiro, 1916 (4 vol.).
  - e. Boletin . . . ., 9-67; 11-31; 12-88; 15-61 and 222; 19-1316; 22-2457; 23-32; 27-138; 28-172; 32-31; 33-60; 40-79; 41-125; 44-68; A. Maurtua: Arbitraje internacional entre el Perú y el Brazil, Buenos Ayres 1907. Procedure: Boletin . . . ., 11-39.

## Nr. 274

## 1. HOLY SEE — SPAIN.

## 2. Modifications Concordat.

„De igual modo que se hizo para el Concordato de 1851 se creará.... una Junta ó Comisión mixta, la mitad de cuyos miembros será nombrada por Su Santidad, y la otra mitad por el Gobierno de Su Majestad Católica.” Article 1.

„Dicha Junta ó Comisión mixta tendrá las atribuciones siguientes: A. Estudiar y trazar una nueva división y circunscripción de las diócesis de toda la Península é islas adyacentes, completándola con las modificaciones de parroquias y demás á que esto pueda dar lugar.

B. Proponer, si por resultas de sus trabajos la creyese oportuna y útil, la supresión de alguna ó algunas de las expresadas diócesis ó circunscripciones, haciendo esta propuesta á los fines del artículo siguiente.

C. A la vez que lleve á cabo los trabajos antes referidos, deberá examinar atenta y detenidamente la posibilidad y la forma de realizar en los gastos del Culto y del Clero otras economías que, sin perturbar gravemente el estado de la Iglesia en España, alivien la situación del Erario público.

D. Examinar y proponer de igual manera las medidas que juzgue más prácticas y oportunas para mejorar la situación económica de los Párrocos rurales.”  
Article 3.

## 3. Mixed Commission:

## 4. Protocol, Madrid.

a. **July 12, 1904.**

b.

c. De Olivart, *Treatados*, .... 14-319.

## 5.

a.

b.

c.

d.

e.



## Nr. 275

## 1. NETHERLANDS — PORTUGAL.

## 2. Territorial question.

„Toutes questions ou tous différends sur l'interprétation ou l'exécution de la présente Convention, s'ils ne peuvent être réglés à l'amiable, seront soumis à la Cour Permanente d'Arbitrage. . . .” Article 14, Convention 1-10-1904.

„Sa Majesté la Reine des Pays-Bas et le Président de la République portugaise, considérant que l'exécution de la Convention conclue entre les Pays-Bas et le Portugal à La Haye le 1er octobre 1904, concernant la délimitation des possessions néerlandaises et portugaises dans l'île de Timor, a fait naître un différend au sujet de l'arpentage de la partie de la limite visée à l'article III, 10 de cette Convention. . . . conviennent de soumettre le différend susmentionné à un arbitre unique à choisir parmi les membres de la Cour Permanente d'Arbitrage.”

Article 1.

„L'arbitre, statuant sur les données fournies par les parties, décidera en se basant sur les traités et les principes généraux du droit international, comment doit être fixée conformément à l'article III, 10 de la Convention conclue à La Haye le 1er octobre, 1904, concernant la délimitation des possessions néerlandaises et portugaises dans l'île de Timor, la limite à partir de la Noèl Bilomi jusqu'à la source de la Noèl Meto.”

Article 2.

## 3. Permanent Court of Arbitration: C. Lardy.

## 4. I. Convention, The Hague.

a. **October 1, 1904.**

## b. (Article 14.)

c. Descamps-R. 1904-799; de Martens N.R.G. 3-2-168; State Papers 101-497.

## II. Convention, The Hague.

## a. April 3, 1913.

## b. (See sub 2 Article 2.)

c. A.J.I.L. Off. Doc. 1915-107; Jahrbuch des Völkerrechts 2-470; de Martens N.R.G. 3-7-656; Recueil The Hague 41; State Papers 107-1027; Z. f. V. 8 (1914)-88.

## 5. Award.

## a. June 25, 1914.

## b. Netherlands.

c. Accepted. See Protocol August 17, 1916 (Lagemans 19-6) and Protocol November 1, 1916 (Oranjeboek 1916/8-135).

d. A.J.I.L. 9 (1915)-240; Grotius 1915-144; Oranjeboek 1916/8-125; Recueil The Hague p. 3; R.G.D.I.P. 23 (1916)-92; Scott 1-355 and 574 (french ed. p. 378); Wilson p. 380.

e. Oranjeboek September 1911 („Grensaangelegenheden op Timor”); idem: 1916/8; R.D.D.I. 9 (1915)-211; R.G.D.I.P. 23 (1916)-89.

## Nr. 276

## 1. FRANCE — GREAT BRITAIN.

## 2. Misuse of flag.

„. . . . Whereas difficulties as to the scope of that Declaration (March 10, 1862, de Clercq 8-397) have arisen in relation to the issue, by the French Republic, to certain subjects of His Highness the Sultan of Muscat of papers authorizing them to fly the french flag, and also as to the nature of the privileges and immunities claimed by subjects of His Highness who are owners or masters of dhows and in possession of such papers or are members of the crew of such dhows and their families, especially as to the manner in which such privileges and immunities affect the jurisdiction of His Highness the Sultan over his said subjects, the Undersigned . . . hereby agree that these questions shall be determined by reference to arbitration, in accordance with the provisions of Article 1 of the Convention concluded between the two countries on the 14th October last (see Descamps-R. 1903-192) . . . .”

## 3. Permanent Court of Arbitration: H. Lammasch; Melville W. Fuller; A.F. de Savornin Lohman.

## 4. Convention, London.

a. **October 13, 1904.**

## b.

c. Descamps-R. 1904-859; Hertslet 24-774; de Martens N.R.G. 2-35-352; Recueil The Hague p. 5; R.G.D.I.P. 13 (1906)-Doc. 3; State Papers 98-46.

## 5. Award.

## a. August 8, 1905.

## b.

## c.

d. A.J.I.L. 2 (1908)-923; de Clercq 23-218; Descamps-R. 1905-51; Grotius 1913-262; Hertslet 24-776; Journal Clunet 1906-1289; Journal Officiel 325 (1905)-6948; de Martens N.R.G. 2-35-356; Niem. Zeit. 18-481; Recueil The Hague p. 61; R.G.D.I.P. 13 (1906)-Doc. 4; Scott 1-95 and 467 (french ed. p. 99); State Papers 98-113; Wilson p. 68; Parl. Papers 1905 Muscat No. 1.

e. Ch. Brunet: Les boutriers de la mer des Indes. Affaires de Zanzibar et de Mascate, Paris 1910; Firouz Kajara: Le Sultanat d'Oman. Etude d'histoire diplomatique et de droit international. La question de Mascate, Paris 1914; Questions diplomatiques et coloniales 6 (1899)-281 and 367; idem: 34 (1912)-30; R.G.D.I.P. 13 (1906)-145; Das Werk vom Haag, 2 Serie, I, 1-343.

## Nr. 277

### 1. ECUADOR — PERU.

#### 2. Claims.

„ . . . les Gouvernements respectifs seront autorisés à lui (Commissaire royal que le Monarque espagnol doit envoyer conformément au Protocole du 19 février 1904) demander, directement ou par l'intermédiaire de leurs agents, de statuer sur les réclamations que les deux Chancelleries se croiraient en droit de formuler à raison de l'incident de Torres-Causana, déclarant, en outre, que la décision sur les réclamations n'aura aucun effet en ce qui concerne la propriété ni la possession.”

### 3. Don Ramon Menéndez Pidal.

#### 4. Protocol, Quito.

##### a. **October 22, 1904.**

##### b.

c. Boletín del Ministerio de Relaciones Exteriores (Peru), 4-59; Descamps-R. 1904-1025.

#### 5.

##### a.

##### b.

##### c.

##### d.

e. Boletín del Ministerio de Relaciones Exteriores (Peru), 4-1/64; See Protocol and Notes, Quito January 29, 1905, Descamps-R. 1905-190.

## Nr. 278

## 1. COLOMBIA — ECUADOR.

## 2. Boundary question.

„The Governments of Colombia and Ecuador submit to the absolute unappealable decision of His Majesty the Emperor of Germany and King of Prussia the pending question of boundaries between the two Republics.” Article 1.

„Before the arbitral award is given both parties can arrange, by direct negotiation, any or all of the points at issue, and if said negotiations become effective in the form of public treaties, the august arbiter shall be notified and the arbitration shall be considered as concluded or shall be limited to the points not agreed upon.” Article 8.

## 3. The Emperor of Germany and King of Prussia.

## 4. Convention, Bogota.

a. **November 5, 1904.**

b. „Ecuador and Colombia acknowledge that the principal bases for a determination of their rights in this arbitration are as follows:

a) The Colombian law of June 24, 1824, in regard to territorial division;

b) The treaty of peace of September 22, 1829, between the old Republic of Colombia and Peru; and

c) the treaty of July 9, 1856, in so far as it is binding between the Republics of New Granada (now Colombia) and Ecuador; without prejudice to any additional historic-juridical antecedents which the parties in interest may see fit to cite and which are not at variance with the three above-mentioned bases.” Article 6.

c. Descamps-R. 1904-822; U.S. For. Rel. 1905-241.

## 5.

In observance of Article 8 of this Convention, a new Convention was signed at Bogota on June 5, 1907. See No. 285.

See also Boletín del Ministerio de Relaciones Exteriores (Peru), 7-35.

## Nr. 279

1. LIPPE-BIESTERFELD; LIPPE-WEISSENFELD; SCHAUMBURG-LIPPE.
2. Question of inheritance.
3. Arbitral Commission: Dr. Maszmann; Veltmann; Dr. Planck; von Hassell; Meyn; von Bülow; Kolb; Dr. Wanjeck; Predari; Hoffmann; Maenner; Specht; Erler; Suntheim; von Seckendorff.
4. Treaty,
  - a. **November 5/8, 1904.**
  - b.
  - c.
5. Award.
  - a. October 25, 1905.
  - b.
  - c. Accepted by Schaumburg-Lippe (see telegram October 26, 1905, text: Wippermann: Dtsch. Gesch. Kal. 1905, 2-184).
  - d. Ed. von Veith, Leipzig 1906.
  - e.

## Nr. 280

### 1. FRANCE — GREAT BRITAIN.

### 2. Indemnities.

„The Government of His Britannic Majesty and the Government of the French Republic, having entered upon the negociation, contemplated in Article 3 of the Convention of the 8th April 1904, with regard to Newfoundland and Africa, for the purpose of settling the details relative to the constitution of an Arbitral Tribunal, as well as the conditions of the inquiries to be instituted for the purpose of substantiating the claims formulated in accordance with the provisions of the said Article, have agreed on the following points: Within fifteen days at latest after the signature of the present Agreement, each of the two Governments shall acquaint the other with the name of the naval officer selected by them to take part in the Arbitral Tribunal.” Article 1.

### 3. Arbitral Tribunal:

#### 4. I. Convention, London.

##### a. **April 7, 1905.**

##### b.

c. Descamps-R. 1905-62; Hertslet 24-419; de Martens N.R.G. 2-35-363; R.G.D.I.P. 12 (1905)-Doc. p. 22; State Papers 98-49.

#### II. Additional Convention, London.

##### a. May 19, 1905.

##### b.

c. De Clercq 23-120.

### 5.

#### a.

#### b.

#### c.

#### d.

#### e.

## Nr. 281

## 1. COLOMBIA — PERU.

## 2. Boundary question.

„Les Gouvernements du Pérou et de Colombie soumettent à la décision sans appel de Sa Sainteté le Souverain Pontife Romain la question de limites, pendante entre eux, laquelle sera résolue en ayant égard, non seulement aux titres et arguments de droit qui seront présentés, mais aussi aux convenances des Hautes Parties Contractantes, et en conciliant ces convenances de telle manière que la ligne frontière soit fondée en droit et en équité.” Article 1.

„Le présent Compromis d'arbitrage demeure expressément subordonné à l'arbitrage conclu entre le Pérou et l'Équateur le premier août 1887, actuellement en cours devant Sa Majesté le Roi d'Espagne, et ne devra sortir effet que dans le cas seulement où le Royal Arbitre adjugera au Pérou les territoires réclamés par la Colombie comme siens.” Article 2.

## 3. His Holiness Pius X.

## 4. Treaty, Bogota.

a. **September 12, 1905.**

## b. (See sub 2.)

c. Boletín del Ministerio de Relaciones Exteriores (Peru), 9-24; Descamps-R. 1905-853.

## 5. Settlement by agreement.

## a. July 6, 1906.

## b.

## c.

d. Boletín . . . , 11-204; Descamps-R. 1906-812; de Martens N.R.G. 3-6-635; State Papers 99-1019.

e. Boletín . . . , 11-52 and 204; 15-75; 19-1346; 27-172; Memoria de Relaciones Exteriores (Peru), 1903-164.

See also Treaty, Bogota, between Brazil and Colombia, April 24, 1907 (A. J. I. L. Off. Doc. 1909-97; Descamps-R. 1907-590; de Martens N.R.G. 3-1-786; State Papers 100-810).

See No. 149.

## Nr. 282

## 1. NORWAY — SWEDEN.

## 2. Rights of the nomadic Lapps to grazing of reindeer.

„La Suède aura cependant le droit de soumettre à ses frais à un Tribunal Arbitral . . . la question de savoir si et dans quelle mesure il est nécessaire pour les Lapons suédois, indépendamment de conditions météorologiques extraordinaires, de passer en Norvège avant le 15 juin, et, dans ce cas, il sera donné suite à la décision du Tribunal Arbitral . . . .”

Article 2.

„Les différends relatifs à l'interprétation ou à l'application des dispositions dans la matière, en vigueur en tout temps entre les deux Etats, et qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral . . . .”

Article 4.

## 3. Arbitral Tribunal: G. W. W. Gram (N.); J. Afzelius (Sw.); H. Matzen.

## 4. I. Convention, Stockholm.

a. **October 26, 1905.**

## b.

c. A.J.I.L. Off. Doc. 1907-174; Descamps-R. 1905-360; de Martens N.R.G. 2-34-706; R.G.D.I.P. 14 (1907)-Doc. 5; State Papers 98-824.

## II. Convention, Christiania.

a. **March 29, 1909.**

## b.

c. De Martens N.R.G. 3-2-766.

## 5. Award.

a. **December 16, 1909.**

## b.

## c.

d. De Martens N.R.G. 3-4-736; Overenskomster med fremmede Stater, Oslo 1910 No. 1.

## e.



## Nr. 283

## 1. FRANCE — SWITZERLAND.

## 2. Interpretation of treaty.

„Si une contestation venait à surgir entre les Parties contractantes au sujet de l'interprétation de la présente Convention ou de ses annexes, ainsi qu'au sujet de l'application des droits fixés dans les traités à tarifs conclus par les Parties contractantes avec des puissances tierces, et même s'il s'agit de la question préjudicielle de savoir si la contestation se rapporte à l'interprétation de la Convention, cette contestation sera tranchée, sur la demande de l'une ou de l'autre Partie, par voie d'arbitrage, dans les conditions prévues à l'annexe E.”

Article 24, Convention.

„France and Switzerland agreed . . . to submit to the final decision of an arbitral tribunal the difference which has arisen between the two states in regard to the scope and interpretation of a note inserted into the report, signed at Berne, October 20, 1906, as well as the commercial Convention. By this report, 'it has been agreed upon that . . . the General Direction of French Customs would enforce, during the period for which the same convention is to run, the regulations specified in the document annexed under No. 2'. Among these regulations we find the following one: „No. 510. This number included steam turbines”.”

Introduction of the award.

## 3. Arbitral Tribunal: Plichon, succeeded by M. Noël (Fr.); E. Borel (Sw.); Lord Ray.

## 4. I. Convention, Berne.

a. **October 20, 1906.**

b.

c. Descamps-R. 1906-306; de Martens N.R.G. 3-1-509; State Papers 100-935.

## II. Exchange of notes.

a. November 18, 1910 and July 13, 1911.

b.

c.

## 5. Award.

a. August 3, 1912.

b. Partially Switzerland.

c.

d. A.J.I.L. 6(1912)-995; Jahrbuch des Völkerrechts 1-327; de Martens N.R.G. 3-7-193; R.D.D.I. 7 (1913)-518.

e. R.D.D.I. 7 (1913)-520.

## Nr. 284

## 1. BOLIVIA — PARAGUAY.

## 2. Boundary question.

„. . . . en vue de discuter une solution de conciliation et d'amitié en ce qui concerne la question du conflit des limites existant entre les pays respectifs . . . . Les Hautes Parties Contractantes consentent à soumettre la question pendante à la décision de Son Excellence l'Honorable Président de la République Argentine.”  
Article 1.

## 3. President of the Argentine Republic.

## 4. Convention, Buenos Ayres.

a. **January 12, 1907.**

b. „Le Président de la République Argentine décidera le litige eu égard aux droits des Hautes Parties Contractantes en se conformant aux titres et aux preuves soumis à son appréciation.”  
Article 5.

c. Descamps-R. 1907-850.

## 5.

- a.
- b.
- c.
- d.
- e.

## Nr. 285

## 1. COLOMBIA — ECUADOR.

## 2. Boundary question.

„The Governments of both the contracting parties shall appoint and create an Arbitral Tribunal and a Technical Commission to effect the determination and demarcation of the boundary line between the two countries.” Article 1.

## 3. Arbitral Tribunal:

Technical Commission:

## 4. Convention, Bogota.

a. **June 5, 1907.**

b. „The arbiters shall determine the dividing line in accordance with existing treaties and the modifications established by the present Convention; but they may, leaving to one side strict law, adopt an equitable line in accordance with the necessities and convenience of the two countries.”

Article 10.

„The arbiters shall endeavor, by all the means which their prudence and patriotism may suggest, to bring to a final and complete conclusion the important labor of cordiality between sister peoples that is entrusted to them; but in the unlooked-for and improbable case that it shall be impossible for them to agree on one or more points that they think essential, their work shall be considered ended; and the determination of the frontier line between the two Republics shall be carried out in conformity with the treaty of November 5, 1904.”

Article 16.

c. A.J.I.L. Off. Doc. 1908-285; Boletín del Ministerio de Relaciones Exteriores (Peru), 22-2470.

## 5.

- a.
- b.
- c.
- d.

e. See No. 278.

## Nr. 286

## 1. GREAT BRITAIN (PERUVIAN CORPORATION LTD.) — PERU.

## 2. Interpretation and effects of contract.

„Entre el Ministro de Hacienda del Perú, don Augusto B. Leguía, en representación del Supremo Gobierno, y el Representante de la Peruvian Corporation Limited, don Guillermo S. Eyre, procediendo á efectuar lo convenido en la cláusula I del contrato de esta fecha, relativo á un arreglo general entre los mismos interesados, han acordado lo siguiente:

1. La materia de litigio que conforme á dicha cláusula convienen en someter á arbitraje, es la interpretación y efectos de la segunda parte de la cláusula XXI del contrato entre el Supremo Gobierno y los Tenedores de bonos de la deuda externa, aprobado por el Congreso peruano el 25 de Octubre de 1889 y que comenzó á regir el 11 de Enero de 1890, que dice: ‚El Gobierno del Perú debe igualmente á los Tenedores de bonos el sobrante que quede del cincuenta por ciento del guano de las islas de Lobos, que le corresponde según el tratado de Ancón, después que sea cubierto con los productos de dicho cincuenta por ciento lo que el Perú adeuda á Chile, por obligaciones contraídas y adelantos recibidos por la administración Iglesias, y cuya suma, sujeta á liquidación, no excederá de dos millones de soles.‘

2. Ambos interesados eligen y convienen en nombrar como árbitro al presidente de la corte de casación de Francia, para que resuelva el desacuerdo con el carácter de ‚árbitro juris‘, aplicando al efecto los principios de derecho sobre interpretación, en vista del memorial que cada uno de los dos interesados le presentará, explicando y precisando la interpretación que hace de la mencionada segunda parte de la cláusula cuyo texto se ha copiado y de las pruebas que cada una de las partes hubiere presentado, teniendo en cuenta que, en ningún caso, la suma objeto del litigio puede pasar de los dos millones de soles fijados en la referida cláusula.‘

## 3. President of the French Court of Cassation.

## 4. Convention, Lima.

a. **June 20, 1907.**

b. (See sub 2.)

c. Boletín del Ministerio de Relaciones Exteriores (Peru), 19-1477.

## 5. Award.

a. July 24, 1909.

b.

c.

d. Boletín . . . , 50-144.

e. Boletín . . . , 19-1461; idem: 30 wholly.

**Nr. 287**

## 1. GREAT BRITAIN — PERU.

## 2. Concession claim.

„El Presidente de la corte de casación de Roma resolverá como árbitro iuris, en forma inapelable y definitiva, si es ó no fundada la reclamación de la Peruvian Corporation Limited, aduciendo que diversas leyes, medidas y actos del gobierno del Perú, relativos á la concesión sobre el mineral y ferrocarril mencionados, desconocen los derechos á ella correspondientes, derivados del contrato referido de 3de febrero de 1877 y de los posteriores á él.”

Article 1.

## 3. President Court of Cassation, Rome.

## 4. Protocol, Lima.

a. **February 4, 1908.**

b.

c. Boletin del Ministerio de Relaciones Exteriores (Peru), 23-223.

## 5.

a.

b.

c.

d.

e.

## Nr. 288

## 1. NORWAY — SWEDEN.

## 2. Boundary question.

„His Majesty the King of Sweden and His Majesty the King of Norway, having found it desirable that the question of the sea-limit between Sweden and Norway, in so far as it was not determined by the resolution of the 15th March, 1904, should be referred to arbitration. . . .”

„The Court of Arbitration shall have power to determine how far the boundary line shall be considered to be, either wholly or in part, determined by the Boundary Treaty of 1661, together with the charts appertaining to the same, and how such boundary line is to be drawn, and also, in so far as the boundary line can be considered as undetermined by the Treaty and chart in question, shall have power to determine the same, having regard to actual conditions and the principles of international law.”

Article 3.

## 3. Permanent Court of Arbitration: F. V. N. Beichmann (N.); K. Hj. L. Hammarskjöld (Sw.); J. A. Loeff.

## 4. Convention, Stockholm.

a. **March 14, 1908.**

b. (See sub 2, art. 3.)

c. De Martens N.R.G. 3-2-761; State Papers 102-731.

## 5. Award.

a. October 23, 1909.

b.

c.

d. A.J.I.L. 4 (1910)-226; Grotius 1913-275; de Martens N.R.G. 3-3-85; Niem. Zeit. 21-90; Overenskomster med fremmede Stater, Oslo 1909 No. 7; Recueil The Hague p. 1; R.G.D.I.P. 17 (1910)-181; R.D.D.I. 5 (1910)-110; Scott 1-122 and 487 (french ed. p. 126); State Papers 102-940; Wilson p. 110.

e. A.J.I.L. 4 (1910)-186; K. Strupp: Der Streitfall zwischen Schweden und Norwegen, München-Leipzig 1914; Das Werk vom Haag, 2 Serie I, 2-48; R.G.D.I.P. 17(1910)-177/89.

## Nr. 289

1. FRANCE — GERMANY.
2. Violences by subaltern agents.  
 „Un tribunal arbitral . . . est chargé de résoudre les questions de fait et de droit que soulèvent les événements qui se sont produits à Casablanca, le 25 septembre dernier, entre les agents des deux pays.” Article 1.
3. Permanent Court of Arbitration: E. Fry (Fr.); L. Renault (Fr.); G. Fusinato (Germ.); Kriege (Germ.); K. Hj. L. Hammarskjöld.
4. Convention, Berlin.
  - a. **November 24, 1908.**
  - b.
  - c. De Martens N.R.G. 3-2-16; Recueil The Hague 7; R.G.D.I.P. 15 (1908)-Doc. 39; State Papers 102-916; Z. f. V. 3 (1909)-397.
5. Award.
  - a. May 22, 1909.
  - b.
  - c. Declaration of mutual regrets, Berlin May 29, 1909 (State Papers 102-602).
  - d. A.J.I.L. 3 (1909)-755; Grotius 1913-268; Journal Clunet 1909-1249; de Martens N.R.G. 3-2-19; Niem. Zeit. 20-447; Recueil The Hague p. 7; R.G.D.I.P. 16 (1909)-Doc. 36; R.D.D.I. 4 (1909)-251; Scott 1-111 and 479 (french ed. p. 115); State Papers 102-597; Wilson p. 86; Z. f. V. 6 (1913)-29.
  - e. A.J.I.L. 3 (1909)-176, 698 and 946; Ch. de Boeck: La sentence arbitrale de La Haye, Nîmes 1909; Deutsche Juristen Zeitung 13 (1908)-1121; Journal Clunet 1909-1246/59; Questions diplomatiques et coloniales 27 (1909)-753; R.D.D.I. 4 (1909)-257; R.G.D.I.P. 17 (1910)-326; Das Werk vom Haag, 2 Serie 1, 2-2; Z. f. V. 6 (1913)-29.

## Nr. 290

### 1. CANADA — UNITED STATES OF AMERICA.

#### 2. Damages caused by fumes.

„The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.” Article 9.

### 3. International Joint Commission: C. A. Magrath; J. H. Bartlett; W. H. Hearst; P. J. McCumber; G. W. Kyte; A. O. Stanley.

#### 4. I. Treaty, Washington (between Great Britain and U.S.A.).

##### a. **January 11, 1909.**

b.

c. A.J.I.L. Off. Doc. 1910-239; Hertslet 26-1078; Malloy 3-2607; de Martens N.R.G. 3-4-208; State Papers 102-137.

##### II. Reference.

a. August 7, 1928.

b.

c.

#### 5. Report.

a. February 28, 1931.

b.

c.

d. A.J.I.L. 25 (1931)-540.

e. British Yearbook 1932-161.  
See No. 403.



## Nr. 291

1. GREAT BRITAIN — UNITED STATES OF AMERICA.
2. North Atlantic Coast Fisheries.

„And whereas differences have arisen as to the scope and meaning of the said Article (Article 1 of the Convention signed at London on October 20, 1818, State Papers 6-3), and of the liberties therein referred to, and otherwise in respect of the rights and liberties which the inhabitants of the United States have or claim to have in the waters or on the shores therein referred to: It is agreed that the following questions shall be submitted for decision to a Tribunal of Arbitration . . . .” (see the text).

„The Tribunal of Arbitration provided for herein shall be chosen from the general list of members of the Permanent Court of The Hague, in accordance with the provisions of Article 45 of the Convention for the Settlement of International Disputes . . . the 18th October, 1907. The provisions of said Convention, so far as applicable and not inconsistent herewith, and excepting Articles 53 and 54, shall govern the proceedings under the submission herein provided for.”

Article 5.

„Each Party reserves to itself the right to demand a revision of the award . . . . The demand can only be made on the discovery of some new fact or circumstance calculated to exercise a decisive influence upon the award, and which was unknown to the Tribunal and to the Party demanding the revision at the time the discussion was closed, or upon the ground that the said award does not fully and sufficiently, within the meaning of this Agreement, determine any question or questions submitted.”

Article 10.

3. Permanent Court of Arbitration: H. Lammasch; A. F. de Savornin Lohman; G. Gray; Ch. Fitzpatrick; L. M. Drago.
4. Special Agreement, Washington.
  - a. **January 27, 1909.**
  - b. (See sub 2, art. 5.)
    - c. A.J.I.L. Off. Doc. 1909-168; Hertslet 26-1088; Malloy 1-835; de Martens N.R.G. 3-2-742; Recueil The Hague p. 5; R.G.D.I.P. 19 (1912)-446; State Papers 102-145.
5. Award, L. M. Drago dissenting.
  - a. September 7, 1910.
  - b. Great Britain.
  - c.
  - d. A.J.I.L. 4 (1910)-948; Grotius 1913-286; Hertslet 26-1115; Journal Clunet 1911-360; de Martens N.R.G. 3-4-89; Niem. Zeit. 20-452; Recueil The Hague p. 104; R.D.D.I. 6 (1912)-82; R.G.D.I.P. 19 (1912)-446; Scott 1-146 (french ed. p. 153); State Papers 103-86; U.S. For. Rel. 1910-544; Wilson p. 216; Z. f. V. 5 (1911)-96.
  - e. A.J.I.L. 1 (1907)-963; idem: 3 (1909)-461; idem: 4 (1910)-675 and 903; idem: 5 (1911)-1 and 725; idem: 6 (1912)-178; idem: 7(1913)-1 and 140; idem: Off. Doc. 1911-93; Columbia Law Review 1911-1; L. M. Drago: El arbitraje de las pesquerías del Atlántico Norte entre la Gran Bretaña y los Estados Unidos de América, Buenos Ayres 1911; Journal of the Society of Comp. Legislation 11 (1910)-18; R.D.I.L.C. 41 (1909)-415; idem: 43 (1911)-5 and 131; R.G.D.I.P. 17 (1910)-250; idem: 18 (1911)-421; idem: 19 (1912)-5 and 421; R.D.D.I. 6 (1912)-96; U.S. For. Rel. 1909-275/84; idem: 1910-578/91; Verslagen en Mededeelingen Kon. Akademie van Wetenschappen 1911-374; Das Werk vom Haag 2 Serie I, 2-142; Zeitschrift für Völkerrecht und Bundesstaatsrecht 4 (1910)-595.  
See No. 49.

## Nr. 292

1. UNITED STATES OF AMERICA — VENEZUELA.
2. Revision of arbitral awards.
  - Three claims were submitted to the Permanent Court of Arbitration:
    - a. The claim of the United States of America on behalf of the Orinoco Steamship Company.
 

„The Arbitral Tribunal shall decide whether the decision of Umpire Barge, in this case, in view of all the circumstances and under the principles of international law, is not void, and whether it must be considered so conclusive as to preclude a re-examination of the case on its merits.” Article 1.
    - b. The claim of the United States of America on behalf of the Orinoco Corporation and of its predecessors in interest the Manoa Company (Limited), the Orinoco Company, and the Orinoco Company (Limited).
 

„Said Arbitral Tribunal shall examine and decide:
 
      - 1) Whether the decision of the Umpire Barge of the 12th April, 1904, under the principles of international law is not void and whether it preserves a conclusive character, in the case of the predecessors in interest of the claimant company against Venezuela. . . .
      - 4) The Arbitral Tribunal shall examine, consider, and decide whether there has been manifest injustice done the claimant company or its predecessors in interest regarding the Fitzgerald contract through the decision of the Federal Court and of Cassation, rendered the 18th March, 1908, in the suit maintained by the Government of Venezuela, against the predecessors in interest of the claimant company. . . .” Article 2.
    - c. The claim of the United States of America on behalf of the United States and Venezuela Company, also known as the Crichfield claim.
 

„. . . . said Tribunal is empowered to examine, consider, hear, determine and make its award in said case on its merits in justice and equity.” Article 3.
3. Permanent Court of Arbitration: G. de Quesada; A. Beernaert; H. Lammasch.
4. I. Protocol, Caracas.
  - a. **February 13, 1909.**
  - b. „The said Arbitral Tribunal shall, in each case submitted to it, determine, decide, and make its award, in accordance with justice and equity.” Article 5.
  - c. A.J.I.L. Off. Doc. 1909-224; Malloy 2-1881; de Martens N.R.G. 3-4-72; Recueil The Hague 1; State Papers 102-896.

II. Protocol, Caracas.  
(Concerning the settlement of the claim of the U.S. and Ven. Co.)

  - a. August 21, 1909.
  - b.
  - c. Malloy 2-1887; U.S. For. Rel. 1909-624.

III. Protocol, Caracas.  
(Concerning the settlement of the claim of the Orinoco Corporation.)

**Nr. 292** (continued)

- a. September 9, 1909.
- b.
- c. Malloy 2-1889; U.S. For. Rel. 1909-626.

**5. Award.**

- a. October 25; 1910.
- b. U.S.A.
- c.
- d. A.J.I.L. 5 (1911)-230; Grotius 1913-342; de Martens N.R.G. 3-4-79; Niem. Zeit. 23-2-180; Recueil The Hague p. 64; R.D.D.I. 5 (1910)-295; R.G.D.I.P. 18 (1911)-166; Scott 1-228 and 504 (french ed. p. 242); State Papers 103-1043; U.S. For. Rel. 1911-749; Wilson p. 216.
- e. A.J.I.L. 3 (1909)-985; idem: 4 (1910)-676; idem: 5 (1911)-32, 35 and 65; R.G.D.I.P. 18 (1911)-164; U.S. For. Rel. 1908-774/830; idem: 1909-617/29; Das Werk vom Haag, 2 Serie I, 3-3.  
See No. 258.

## Nr. 293

1. FRANCE — MEXICO.
2. Territorial sovereignty.  
 „Le litige qui existe entre les hautes Parties contractantes relativement à la souveraineté de l'île de Clipperton sera réglé par la voie de l'arbitrage.”  
 Article 1.
3. Victor Emmanuel III, King of Italy.
4. Convention, Mexico City.
  - a. **March 2, 1909.**
  - b.
  - c. De Martens N.R.G. 3-5-8; R.G.D.I.P. 17 (1910)-Doc. p. 1; State Papers 102-610.
5. Award.
  - a. January 28, 1931.
  - b. France.
  - c.
  - d. A.J.I.L. 26 (1932)-390; R.D.D.I. 24 (1932)-230; R.G.D.I.P. 39 (1932)-129; R.G.P.C. 1934-2-1; State Papers 134-842; Z.f.a.ö.R.u.V. III (1931)-2-1; La Documentation Internationale 1 (1934)-78.
  - e. A.J.I.L. 27 (1933)-130.

## Nr. 294

### 1. COLOMBIA — PERU.

#### 2. Indemnities.

„The Governments of Colombia and Peru agree to establish by means of this Agreement an International Mixed Commission for the following objects:

1. To fix the amount of the pecuniary indemnity which one of the two countries may have to pay to the other on account of the loss which the authorities or citizens of that country may have occasioned to the persons or property belonging to the other in the region comprised between the Rivers Caquetá and Amazon up to the date of this Agreement.

2. To determine the cases which give rise, in accordance with the laws of the country in question, to judicial investigations aiming at the condemnation and punishment of the persons responsible for punishable acts in the said territory at the said time.”

Article 1.

„... the Mixed International Commission shall equally fix in its arbitral decision the sum to be paid, in accordance with Article 1, paragraph 1, by either of the two Governments to the other by way of indemnity, in favour of the persons who may have suffered material or personal harm by reason of punishable acts, and in favour of the families of the victims of such acts.”

Article 8.

### 3. Mixed International Commission: ....; ....; Baron de Rio Branco, Minister of Foreign Affairs of the United States of Brazil.

#### 4. I. Convention, Lima.

a. **April 21, 1909.**

b.

c. De Martens N.R.G. 3-6-16; State Papers 102-400.

#### II. Convention, Bogota.

a. April 13, 1910.

b.

c. De Martens N.R.G. 3-6-17 and 340; State Papers 103-401.

#### 5.

a.

b.

c.

d.

e. Las cuestiones del Putumayo, Tribunal arbitral peru-colombiano, Memorandum. Buenos Ayres 1910; U.S. For. Rel. 1909-507/8.

**Nr. 295**

1. ITALY — SWITZERLAND.
2. Interpretation of treaties.  
Question concerning the interpretation of the Note and Nos. 117 and 119 of Annex C of the Treaty of Commerce, between Italy and Switzerland, July 13, 1904. See Article 18 of that treaty (text: de Martens N.R.G. 2-33-539 and 2-34-525).
3. Arbitral Tribunal: E. Giampietro (I.); E. Borel (Sw.); W. H. de Beaufort.
4. Exchange of notes.
  - a. **August 30**, September 21, **1909**.
  - b.
  - c.
5. Award.
  - a. April 27, 1911.
  - b. Switzerland.
  - c.
  - d. De Martens N.R.G. 3-7-350; R.D.D.I. 6 (1912)-268.
  - e. R.D.D.I. 6 (1912)-270.

## Nr. 296

## 1. COLOMBIA — ITALY.

## 2. Confiscation of goods. (Cerruti claim.)

The High Contracting Parties „col proposito di provvedere a ciò che convenga allo scopo della liquidazione e restituzione al governo di Colombia, in quanto debba verificarsi, del deposito di ventimila lire sterline dallo stesso consegnato nel Banco Hambro di Londra il 18 agosto 1898, in garanzia del compimento del lodo Cleveland del 2 marzo 1897 (See No. 179), e degli interessi da esso deposito prodotti, e con lo scopo di porre termine alle divergenze sorte circa tre punti riferentisi all' esecuzione del detto lodo, circa i quali si deve venire ad un componimento, affinché il lodo medesimo possa dirsi adempiuto interamente e definitivamente dal governo di Colombia, i quali tre punti sono:

1) Quale è l'ammontare della somma che il governo di Colombia è stato obbligato e deve pagare per ragione del credito del defunto ingegnere Gaspare Mazza contro la ditta „E. Cerruti e Compagnia”;

2) Quali dei ritardi occorsi nel pagamento al signor Ernesto Cerruti dell' indennizzo che gli accordò il lodo Cleveland, parzialmente ammessi dal governo di Colombia, hanno prodotto interessi a carico della Repubblica, e qual'è l'ammontare di tali interessi;

3) Quanto si deve dal governo di Colombia allo stesso signor Cerruti in conformità ed in esecuzione dell' ultima frase dell'articolo 5 del lodo suddetto, che nel testo inglese è redatta in questi termini: „such guarantee and reimbursement shall include all necessary expenses for properly contesting such partnership debts'.”

## 3. Mixed Commission: Santiago Aldunate (C.); P. Grippo (I.); Fr. Hagerup.

## 4. Convention, Bogota.

a. **October 28, 1909.**

b. „La commissione mista . . . avrà piena competenza e libertà per esaminare e decidere, d'accordo col lodo Cleveland, qualsiasi questione concernente i tre punti . . . non solo in base ai principi di diritto ed al valore delle prove, ma operando anche come tribunale di equità . . .” Article 6.

c. De Martens N.R.G. 3-6-378; Trattati e Convenzioni 20-465.

## 5. Award.

a. July 6, 1911.

b. Italy.

c.

d. A.J.I.L. 6 (1912)-1018; Journal Clunet 1913-723; de Martens N.R.G. 3-6-386; R.D.D.I. 6 (1912)-460; Trattati e Convenzioni 21-312.

e. A.J.I.L. 6 (1912)-965; de Martens N.R.G. 3-6-378; R.G.D.I.P. 19 (1912)-268; R.D.D.I. 6 (1912)-466. See Nos 144 and 179.

**Nr. 297**

## 1. CHILE— UNITED STATES OF AMERICA.

## 2. Liquidated firm.

„Whereas the Government of the United States of America and the Government of the Republic of Chile have not been able to agree as to the amount equitably due the claimants in the Alsop claim, therefore, the two Governments have resolved to submit the whole controversy to His Britannic Majesty Edward VII who as an ‚amiable compositeur‘ shall determine what amount, if any, is, under all the facts and circumstances of the case, . . . equitably due said claimants.”

## 3. Georg V, King of Great Britain.

## 4. Protocol, Santiago.

a. **December 1, 1909.**

b. (See sub 2.)

c. A.J.I.L. 5 (1911)-1080; Malloy 3-2508; de Martens N.R.G. 3-6-23; State Papers 104-842.

## 5. Award.

a. July 5, 1911.

b.

c.

d. A.J.I.L. 5 (1911)-1079; de Martens N.R.G. 3-6-25; Parl. Papers (C. 5739) Chile No. 1; B. Toro: Recopilacion de Tratados . . . , Chile 6 (1913)-744; U.S. For. Rel. 1911-38; State Papers 104-842.

e. Case and Counter-case of U.S.A., Washington 1910 (5 vol.); Reclamacion Alsop (exposicion del gobierno de Chile), Santiago 1910; U.S. For. Rel. 1910-138/89.



## Nr. 298

## 1. COSTA RICA — PANAMA.

## 2. Boundary question.

„The Republic of Costa Rica and the Republic of Panama, although they consider that the boundary between their respective territories designated by the arbitral award of His Excellency the President of the French Republic the 11th September, 1900 (See No. 118), is clear and indisputable in the region of the Pacific . . . have not been able to reach an agreement in respect to the interpretation which ought to be given to the arbitral award as to the rest of the boundary line, and for the purpose of settling their said disagreements agree to submit to the decision of the Honourable the Chief Justice of the United States, who will determine, in the capacity of arbitrator, the question: What is the boundary between Costa Rica and Panama under and most in accordance with the correct interpretation and true intention of the award of the President of the French Republic made the 11th September, 1900?“ Article 1.

## 3. E. Douglass White, Chief Justice of the United States.

## 4. Convention, Washington.

a. **March 17, 1910.**

## b.

c. A.J.I.L. Off. Doc. 1912-1; de Martens N.R.G. 3-5-678; State Papers 103-404.

## 5. Award.

## a. September 12, 1914.

## b.

c. Panama refused to accept the award. Costa Rica accepted the good offices of U.S.A., tendered to both parties.

d. A.J.I.L. 8 (1914)-913; Ed. San José 1914; Ed. Washington 1913/4; Memoria de Relaciones Exteriores (Panama), 1916-11; State Papers 108-439; U.S. For. Rel. 1914-1000.

e. A.J.I.L. 15 (1921)-236; Controversia de limites entre Panama y Costa Rica, Panama 1914; Costa Rica-Panama Arbitration, Washington-Rosslyn-San José, 1913/4 (11 vol.); Fortnightly Review 1921-615; Memoria . . . , 1916-11/95; idem: 1918-57/60; J. B. Moore: Memorandum on uti possidetis; S. Moret y Prendergast and V. Santamaria de Peredes: Opinion concerning the questions of boundaries between the Republics of Costa Rica and Panama, Washington 1913; R.D.D.I. 8 (1914)-602; U.S. For.Rel. 1910-772/822; idem: 1911-674/7; idem: 1914-993/1028; idem: 1915-1131/55; idem: 1921-1-175/228.

## Nr. 299

## 1. ITALY — PERU.

## 2. Order-forms.

„The Government of the Peruvian Republic, and the Government of His Majesty the King of Italy, not having succeeded in reaching an agreement in regard to the claim presented by the latter on behalf of Count Napoleon, Carlos and Rafael Canevaro, for the payment of the sum of £ 43.140,— and the legal interest thereon, which they demand from the Government of Peru, have resolved . . . to submit this controversy to the Permanent Court of Arbitration at the Hague, which Court shall decide in accordance with law the following points:

Should the Government of Peru pay in cash, or in accordance with the Law of Internal Revenue of Peru of June 12, 1889, the orders of payment (*libramientos*) actually owned by the brothers Napoleon, Carlos and Rafael Canevaro, and which were executed to the order of the firm of José Canevaro and Sons for the sum of £ 43.140,—, together with the legal interest thereon?

Have the brothers Canevaro any right to demand the total of the amount claimed?

Has Don Rafael Canevaro any right to be considered as an italian claimant?”

## 3. Permanent Court of Arbitration: G. Fusinato (I.); M. A. Calderon (P.); L. Renault.

## 4. Protocol, Lima.

a. **April 25, 1910.**

b. (See sub 2.)

c. A.J.I.L. Off. Doc. 1912-212; de Martens N.R.G. 3-6-52; Recueil The Hague 5; Z.f.V. 6 (1913)-348.

## 5. Award.

a. May 3, 1912.

b. Italy.

c.

d. A.J.I.L. 6 (1912)-746; Boletin del Ministerio de Relaciones Exteriores (Peru), 47-264; Grotius 1913-354; Jahrbuch des Völkerrechts 1-320; Journal Clunet 1912-1317; de Martens N.R.G. 3-6-54; Recueil The Hague p. 14; R.D.D.I. 6 (1912)-475; R.G.D.I.P. 20 (1913)-328; Scott 1-285 and 522 (french ed. p. 305); State Papers 106-1089; Wilson p. 242; Z.f.V. 6 (1913)-350.

e. A.J.I.L. 6 (1912)-709; Boletin . . . , 32-142, 33-188, 35-258, 40-167, 44-289, 47 wholly; Memoria de Relaciones Exteriores (Peru), 1903-375; R.D.D.I. 6 (1912)-480; R.G.D.I.P. 20 (1913)-317; Das Werk vom Haag, 2 Serie I, 3-170; Z.f.V. 7 (1913)-1.

## Nr. 300

## 1. MEXICO — UNITED STATES OF AMERICA.

## 2. Boundary question.

„The United States of America and the United States of Mexico, desiring to terminate, in accordance with the various treaties and conventions now existing between the two countries, and in accordance with the principles of international law, the differences which have arisen between the two Governments as to the international title to the Chamizal tract, upon which the members of the International Boundary Commission have failed to agree, and having determined to refer these differences to the said Commission, established by the Convention of 1889 (Malloy 1–1165; State Papers 81–739), which for this case only shall be enlarged as hereinafter provided . . . .”

„The Commission shall decide solely and exclusively as to whether the international title to the Chamizal tract is in the United States of America or Mexico.”

Article 3.

## 3. International Boundary Commission: F. Beltram y Puga (M.); Anson Mills (U.S.A.); E. Lafleur.

## 4. I. Convention, Washington.

a. **June 24, 1910.**

## b. (See sub 2.)

c. A.J.I.L. Off. Doc. 1911–117; Malloy 3–2729; de Martens N.R.G. 3–4–719; State Papers 103–588.

## II. Supplemental Protocol, Washington.

## a. December 5, 1910.

## b.

c. A.J.I.L. Off. Doc. 1911–120; Malloy 3–2732; de Martens N.R.G. 3–4–724; State Papers 103–591.

## 5. Award, the American Commissioner dissenting.

## a. June 15, 1911.

## b. Mexico partially.

## c.

d. A.J.I.L. 5 (1911)–785; de Martens N.R.G. 3–6–66; R.D.D.I. 8 (1914)–67; U.S. For. Rel. 1911–573.

e. Alegato que el Gobierno de los Estados Unidos Mexicanos presenta al agente del Gobierno de los Estados Unidos de America . . . , Mexico 1911; A.J.I.L. 4 (1910)–925; idem: 5 (1911)–709; Argument submitted by the Government of the United Mexican States . . . , Mexico 1911; Brief presented by the Government of the United States of Mexico . . . , Mexico 1911; Chamizal arbitration . . . , Washington G.P.O. 1911 (7 vol.); Demanda, Réplica, Alegato é Informes presentados por Joaquin D. Casaus . . . , Mexico 1911; Memoria documentada del juicio de arbitraje del Chamizal . . . , Mexico 1911 3 (vol.); R.D.D.I. 8 (1914)–73; U.S. For. Rel. 1910–716/23; idem: 1911–565/605; idem: 1913–957/77.

## Nr. 301

## 1. RUSSIA — TURKEY.

## 2. War indemnities.

„Considérant qu'un désaccord s'est élevé entre le Gouvernement Impérial Russe et le Gouvernement Impérial Ottoman relativement aux conséquences de droit résultant des dates auxquelles le Gouvernement Impérial Ottoman a effectué, sur les montants des indemnités régulièrement présentées en exécution dudit article 5 (du traité de Constantinople, 27 janvier/8 février 1879), les paiements ci-après . . .”

„Les questions en litige et sur lesquelles les Parties demandent au Tribunal arbitral de prononcer une décision définitive sont les suivantes :

1. Oui ou non, le Gouvernement Impérial Ottoman est-il tenu de payer aux indemnitaires russes des dommages-intérêts à raison des dates auxquelles ledit Gouvernement a procédé au paiement des indemnités fixées en exécution de l'article 5 du Traité de 27 janvier/8 février 1879, ainsi que du Protocole de même date ?

2. En cas de décision affirmative sur la première question, quel serait le montant de ces dommages-intérêts ?” Article 3.

## 3. Permanent Court of Arbitration: M. de Taube (R.); A. Mandelstam (R.); Herante Abro Bey (T.); Ahmed Réchid Bey (T.); Lardy.

## 4. Convention, Constantinople.

a. **July 22/August 4, 1910.**

b.

c. A.J.I.L. Off. Doc. 1913-62; de Martens N.R.G. 3-6-648; State Papers 105-999; Z.f.V. 6 (1913)-534.

## 5. Award.

a. November 11, 1912.

b. Turkey.

c.

d. A.J.I.L. 7 (1913)-178; Grotius 1913-362; Jahrbuch des Völkerrechts 2-430; Journal Clunet 1913-322; de Martens N.R.G. 3-6-653; Recueil The Hague p. 63; R.D.D.I. 7 (1913)-38; R.G.D.I.P. 20 (1913)-Doc. 19; Scott 1-298 and 532 (french ed. p. 318); State Papers 105-1003; Wilson, p. 272; Z.f.V. 6 (1913)-539.

e. A.J.I.L. 7 (1913)-146; Jahrbuch des Völkerrechts 2-2-119 and 134; Journal Clunet 1913-318; R.D.I.L.C. 45 (1913)-351; R.D.D.I. 7 (1913)-54; Vrede door Recht 1913-33; Das Werk vom Haag, 2 Serie I, 3-251; Z.f.V. 6 (1913)-533.

## Nr. 302

## 1. GREAT BRITAIN — HONDURAS.

## 2. Indemnity.

„Whereas on the 16th June, 1910, an affray took place in the village of La Masica, in the Department of Atlántida, Republic of Honduras, between a squad of soldiers of the Government of Honduras . . . and a party of three British West Indian subjects . . . which affray resulted in the death of Alexander Thurston, the wounding of Wilfred Robinson, and the beating of Joseph Holland;

And whereas a Court of Enquiry, opened at La Ceiba on the 29th August, 1910, made investigations into the circumstances attending the above-mentioned incident and pronounced a decision thereupon;”

„The question whether, under the principles established by international law, and taking into consideration the Agreement of the 13th August, 1910, above referred to, any responsibility attaches to the Government of Honduras in respect of the affray and the injuries inflicted on the above-mentioned British subjects in the circumstances as disclosed before the said Court of Enquiry at La Ceiba, shall be submitted to the decision of His Majesty the King of Spain.”

Arrangement April 4, 1914. Article 1.

## 3. Alphonso XIII, King of Spain.

## 4. I. Convention, Tegucigalpa.

a. **August 13, 1910.**

b. (See sub 2.)

c. Hertslet 27-874; de Martens N.R.G. 3-15-59; State Papers 107-408.

## II. Arrangement, Tegucigalpa.

a. April 4, 1914.

b.

c. Hertslet 27-872; de Martens N.R.G. 3-15-55; State Papers 107-405.

## 5. Award.

(„In conformity with the solution proposed by the Special Commissioner entrusted with the examination of this matter and in agreement with my Council of Ministers . . . .”)

a. December 7, 1916.

b. Great Britain.

c. £ 1450.— awarded.

d. State Papers 121-784.

e. Memoria de Relaciones Exteriores (Honduras), 1912 passim; idem: 1914/5-25/8 and Ann. p. 5/74.

### Nr. 303

#### 1. GREAT BRITAIN — UNITED STATES OF AMERICA.

#### 2. Pecuniary claims.

„Whereas the United States and Great Britain are signatories of the Convention of the 18th October, 1907, for the pacific settlement of international disputes, and are desirous that certain pecuniary claims outstanding between them should be referred to arbitration, as recommended by article 38 of that Convention, now, therefore, it is agreed that such claims as are contained in the schedules drawn up as hereinafter provided shall be referred to arbitration under chapter IV of the said Convention . . . .”

Schedule of claims:

Class I. Claims based on alleged denial in whole or in part of real property rights.

Class II. Claims based on the acts of the authorities of either Government in regard to the vessels of the nationals of the other Government, or for the alleged wrongful collection or receipt of customs duties or other charges by the authorities of either Government.

Class III. Claims based on damages to the property of either Government or its nationals, or on personal wrongs of such nationals, alleged to be due to the operations of the military or naval forces of the other Government or to the acts or negligence of the civil authorities of the other Government.

Class IV. Claims based on contracts between the authorities of either Government and the nationals of the other Government.

#### 3. Mixed Claims Commission: Ch. Fitzpatrick, succeeded by E. A. Mitchell-Innes, and again succeeded by Ch. Fitzpatrick (Gr.Br.); Chandler P. Anderson, succeeded by R. E. Olds, succeeded by Roscoe Pound (U.S.A.); H. Fromageot, succeeded by A. Nerincx (President).

#### 4. Special Agreement, Washington.

##### a. **August 18, 1910.**

b. „Each member of the tribunal . . . shall make and subscribe a solemn declaration in writing that he will carefully examine and impartially decide, in accordance with treaty rights, and with the principles of international law and of equity, all claims presented for decision . . . .” Article 7.

c. A.J.I.L. Off. Doc. 1911-257; Hertslet 26-1106; Malloy 3-2619; de Martens N.R.G. 3-6-361; Report of F. K. Nielsen: American and British Claims Arbitration, G.P.O. 1926 p. 3; State Papers 103-322.

#### 5. Awards.

a. June 18, 1913-January 22, 1926.

b. Both.

c.

d. A.J.I.L. 7 (1913)-875/90; idem: 8 (1914)-650/65; idem: 15 (1921)-292/304; idem: 16 (1922)-106/16 and 301/33; idem: 18 (1924)-814/44; idem: 19 (1925)-193/219 and 790/803; idem: 20 (1926)-377/99 and 574/94; British Yearbook 1924-210; idem: 1926-206; Jahrbuch des Völkerrechts 2-450/62; Report of F. K. Nielsen, G.P.O. 1926.

e. A.J.I.L. 5 (1911)-1033; idem: 7 (1913)-575 and 687; idem: 15 (1921)-266; idem: 19 (1925)-363; idem: 20 (1926)-69; idem: 21 (1927)-472.

## Nr. 304

## 1. FRANCE — GREAT BRITAIN.

## 2. Arrest and restoration („Savarkar”).

„The Government of His Britannic Majesty and the Government of the French Republic having agreed . . . to submit to arbitration, on the one hand, the questions of fact and law raised by the arrest and restoration to the mail steamer „*Morea*”, at Marseilles, on the 8th July, 1910, of the Indian Vinayak Damodar Savarkar, who had escaped from that vessel, on board of which he was in custody; and on the other hand, the demand of the Government of the Republic with a view to the restitution to them of Savarkar . . . .”

„An Arbitral Tribunal . . . shall undertake to decide the following question: Should Vinayak Damodar Savarkar, in conformity with the rules of international law, be restored or not be restored by His Britannic Majesty’s Government to the Government of the French Republic?” Article 1.

## 3. Permanent Court of Arbitration: A. Beernaert; de Desart; L. Renault; G. Gram; A. F. de Savornin Lohman.

## 4. Agreement, London.

a. **October 25, 1910.**

## b. (See sub 2.)

c. A.J.I.L. Off. Doc. 1911-37; Hertslet 26-158; de Martens N.R.G. 3-4-129; Recueil The Hague 7; R.G.D.I.P. 18 (1911)-314; State Papers 103-295.

## 5. Award.

## a. February 24, 1911.

## b. Great Britain.

## c. Accepted by France.

d. A.J.I.L. 5 (1911)-520; Grotius 1913-350; Hertslet 26-160; Journal Clunet 1911-736; de Martens N.R.G. 3-4-744; Niem. Zeit. 23-2-184; Recueil The Hague p. 54; R.D.D.I. 6 (1912)-256; R.G.D.I.P. 18 (1911)-319; Scott 1-276 and 516 (french ed. p. 295); State Papers 104-47; Wilson p. 233.

e. A.J.I.L. 5 (1911)-208; Journal Clunet 1911-735; R.D.I.L.C. 43 (1911)-370; R.D.D.I. 6(1912)-259; R.G.D.I.P. 18 (1911)-303/52; K. Strupp: Zwei praktische Fälle aus dem Völkerrecht, Breslau 1911, p. 12/26; Das Werk vom Haag, 2 Serie I, 3-67; Z.f.V. 5 (1911)-202.

## Nr. 305

## 1. NICARAGUA — UNITED STATES OF AMERICA.

## 2. War claims.

„The President of the Republic, having agreed with the Government of the United States of America as to the manner of jointly giving a just and equitable solution with regard to the validity or invalidity of all pending claims against the Government of Nicaragua . . . decrees: The establishment in this capital of a tribunal or mixed commission which shall examine and finally adjudge all unliquidated pending claims against the Government of Nicaragua, including those originating in the abolition or discontinuance of monopolies, concessions, leases, or any other forms of contracts made by former Governments of the Republic.”

Article 1.

„The present decree is also applicable to cases already begun by the Government before the courts of the country.”

Article 7.

„The mixed commission shall also have jurisdiction over such claims as the Government of Nicaragua may have to make for the reasons expressed in article 1 or because of infractions committed by concessionaires or parties to contracts.”

Article 12.

## 3. Mixed Commission: Dr. C. Cuadra Pasos (N.); Th. P. Moffat, succeeded by A. R. Thompson (U.S.A.); O. Schönrich (Umpire).

## 4. Act of the Nicaraguan Constitutional Assembly, approving the presidential decree of March 29, 1911.

a. April 4, 1911.

b.

c. U.S. For. Rel. 1911-631.

## 5. 57911 Awards.

a. 1912-January 31, 1915.

b. 3 Awards in favour of Nicaragua, the others in favour of U.S.A.

c. Performed.

d. Spanish texts, not published, only in the Department of State of U.S.A. and Nicaragua.

e. A.J.I.L. 9 (1915)-858; O. Schönrich: Nicaraguan Mixed Claims Commission, Report to the Secretary of State of the U.S., 1915; U.S. For. Rel. 1911-625/47; idem: 1913-1040.



## Nr. 306

## 1. FRANCE — ITALY.

2. Illegal capture of postal ship („*Carthago*”).

„Le Gouvernement de la République Française et le Gouvernement Royal Italien, s'étant mis d'accord le 26 janvier 1912 par application de la Convention d'arbitrage du 25 décembre 1903, renouvelée le 24 décembre 1908 pour confier à un Tribunal d'arbitrage l'examen de la capture et de la saisie momentanée du vapeur postal français „*Carthage*” par les autorités navales italiennes, ainsi que la mission de se prononcer sur les conséquences qui en dérivent . . .”

„Un Tribunal arbitral, composé comme il est dit ci-après, est chargé de résoudre les questions suivantes:

1. Les autorités navales italiennes étaient-elles en droit de procéder comme elles ont fait à la capture et à la saisie momentanée du vapeur postal français „*Carthage*” ?

2. Quelles conséquences pécuniaires ou autres doivent résulter de la solution donnée à la question précédente?”

Article 1.

## 3. Permanent Court of Arbitration: G. Fusinato; K. H. L. Hammarskjöld; Dr. Kriege; L. Renault; M. de Taube.

## 4. I. Convention, Paris.

a. December 25, 1903.

b.

c. Descamps-R. 1903-355; de Martens N.R.G. 2-31-610; R.G.D.I.P. 11 (1904)-94; State Papers 96-620.

## II. Convention, Paris.

a. **March 6, 1912.**

b.

c. De Martens N.R.G. 3-8-168; Jahrbuch des Völkerrechts 1-318.

## 5. Award.

a. May 6, 1913.

b. France.

c. 160.000 francs allowed.

d. A.J.I.L. 7 (1913)-623; Grotius 1914-196; Journal Clunet 1913-1025; de Martens N.R.G. 3-8-174; Recueil The Hague p. 1; R.D.D.I. 7 (1913)-190; R.G.D.I.P. 20 (1913)-Doc. 33; Scott 1-330 and 556 (french ed. p. 351); Wilson p. 356; Z.f.V. 7 (1913)-66.

e. De Birague d'Apremont: Les incidents franco-italiens en droit international, Recueil Général de jurisprudence, de doctrine et de législation coloniales et maritimes, Paris 1912; Jahrbuch des Völkerrechts 1-539 and 544; Journal Clunet 1912-449; Questions diplomatiques et coloniales 33 (1912)-129 and 174; R.D.I.L.C. 46 (1914)-101; R.D.D.I. 7 (1913)-200; 398 and 502; Revue politique et parlementaire 71 (1912)-473; Das Werk vom Haag, 2 Serie I, 3-345.

## Nr. 307

## 1. FRANCE — ITALY.

2. Illegal capture of postal ship and arrest of passengers („*Manouba*”).

„Le Gouvernement de la République Française et le Gouvernement Royal Italien, s'étant mis d'accord le 26 janvier 1912 par application de la Convention d'Arbitrage franco-italienne du 25 décembre 1903, renouvelée le 24 décembre 1908 pour confier à un Tribunal d'arbitrage l'examen de la capture et de la saisie momentanée du vapeur postal français „*Manouba*” par les autorités navales italiennes notamment dans les circonstances spéciales où cette opération a été accomplie et de l'arrestation de vingt-neuf passagers ottomans qui s'y trouvaient embarqués, ainsi que la mission de se prononcer sur les conséquences qui en dérivent . . . .”

„Un Tribunal arbitral, composé comme il est dit ci-après, est chargé de résoudre les questions suivantes :

1. Les autorités navales italiennes, d'une façon générale et d'après les circonstances spéciales où l'opération a été accomplie, étaient-elles en droit de procéder comme elles ont fait à la capture et à la saisie momentanée du vapeur postal français „*Manouba*”, ainsi qu'à l'arrestation des vingt-neuf passagers ottomans qui s'y trouvaient embarqués?

2. Quelles conséquences pécuniaires ou autres doivent résulter de la solution donnée à la question précédente?”

Article 1.

## 3. Permanent Court of Arbitration: G. Fusinato; K. H. L. Hammarskjöld; Dr. Kriege; L. Renault; M. de Taube.

## 4. I. Convention, Paris.

a. December 25, 1903.

b.

c. Descamps-R. 1903-355; de Martens N.R.G. 2-31-610; R.G.D.I.P. 11 (1904)-94; State Papers 96-620.

## II. Convention, Paris.

a. **March 6, 1912.**

b.

c. De Martens N.R.G. 3-8-170; Jahrbuch des Völkerrechts 1-319.

## 5. Award.

a. May 6, 1913.

b. France.

c. 4000 francs allowed.

d. A.J.I.L. 7 (1913)-629; Grotius 1914-202; Journal Clunet 1913-1032; de Martens N.R.G. 3-8-179; Recueil The Hague p. 9; R.D.D.I. 7 (1913)-195; R.G.D.I.P. 20 (1913)-Doc. 36; Scott 1-342 and 565 (french ed. p. 365); Wilson p. 332; Z.f.V. 7 (1913)-71.

e. See No. 306 sub 5. e.

### Nr. 308

1. FRANCE — ITALY.
2. Capture of ship.  
 „Le Tribunal arbitral chargé de statuer sur les affaires du „*Carthage*” et du „*Manouba*” (see Nos. 306 and 307) est aussi chargé de statuer sur les incidents concernant la saisie du vapeur français „*Tavignano*” et les coups de canon tirés sur les mahonnes tunisiennes, afin de se prononcer sur les questions de droit, d’établir les responsabilités et de déterminer les réparations morales et matérielles qu’elles comporteraient.”  
Article 1.
3. Permanent Court of Arbitration: K. Hj. J. Hammarskjöld; G. Fusinato; J. Kriege; L. Renault; M. de Taube.
4. Convention, Paris.
  - a. **November 8, 1912.**
  - b.
  - c. De Martens N.R.G. 3-8-172; R.D.D.I. 9 (1915)-441.
5. Settlement by agreement, The Hague.
  - a. May 3, 1913.
  - b.
  - c.
  - d. Scott 1-421 and 623 (french ed. p. 445); Wilson p. 372.
  - e. Analyses des sentences rendues par les Tribunaux d’Arbitrage, constitués conformément aux stipulations des Conventions de La Haye de 1899 et 1907 . . . ., La Haye 1934, Bureau International de la Cour permanente d’Arbitrage, p. 65.  
 See No. 306 sub 5. e.

## Nr. 309

## 1. FRANCE — VENEZUELA.

## 2. French claims.

„. . . . the French Government shall submit to the Venezuelan Government a list of French claims against Venezuela arising from acts committed after June 30, 1903. Such claims as may not be settled by direct negotiation between the Venezuelan Government, on the one hand, and the French Government or the interested parties, on the other, . . . shall be carried before the competent court of Venezuela, upon the suit of the claimants. . . . With a view to avoiding all further disputes, the high contracting Parties agree that the French Government shall have the right. . . . to submit to the arbitral commission provided for in Articles 3 and 4 claims that have been passed upon by a Venezuelan court, against whose decision the French Government may consider that it has grounds for raising objections either in law or in equity.” Article 2.

„In case where, in default of a direct understanding, no final judgment or decision has been rendered within fifteen months from the institution of legal action, and if this delay is not imputable to the claimant alone, the arbitral commission shall be competent to take cognizance of such claims as may not have been passed upon within the said period.” Article 3.

## 3. Arbitral Commission:

## 4. Protocol, Caracas.

a. **February 11, 1913.**

## b.

c. A.J.I.L. Off. Doc. 1913-218; de Martens N.R.G. 3-8-162; R.G.D.I.P. 20 (1913)-507; State Papers 107-830; Z.f.V. 8 (1914)-456.

## 5. Settlement by Protocol, Caracas.

## a. January 14, 1915.

## b. France.

## c. Venezuela should pay 3.000.000 gold bolivares (Article 1).

## d. Journal Officiel 94 (1915)-1902; State Papers 109-952.

e. El Protocolo Venezolano-Francés de 1913, Caracas 1915; R.G.D.I.P. 20 (1913)-506.  
See Nos. 242 and 260.

**Nr. 310**

1. GREECE — NETHERLANDS.
2. Capture of property; droit de gage.

„Le Gouvernement de Sa Majesté le Roi des Hellènes et le Gouvernement de Sa Majesté la Reine des Pays-Bas conviennent de soumettre à un jurisconsulte d'une compétence reconnue en matière du droit et des usages régissant les relations juridiques des étrangers dans le Levant la question de savoir si le protégé néerlandais Edmond Narik avait ou n'avait pas un droit de gage sur les marchandises se trouvant le 27 mars, 1907, dans le magasin 'La Samaritaine', à Smyrne." (et saisies et vendues par l'autorité hellène à Smyrne). Article 1.
3. Leon Ostrorog.
4. Convention, Athens.
  - a. **February 26/March 11, 1913.**
  - b.
  - c. Jahrbuch des Völkerrechts 2-467; de Martens N.R.G. 3-9-53; State Papers 107-890; Z.f.V. 8 (1914)-453.
5. Award („Avis arbitral”).
  - a. March 5, 1918.
  - b. Greece.
  - c.
  - d. Ed. Landsdrukkerij. The Hague 1920, p. 405 (Peace Palace Library).
  - e. Jahrbuch des Völkerrechts 2-2-29; Mémoires présentés par le Gouvernement des Pays Bas. . . ., The Hague 1914/5 (2 vol.).

## Nr. 311

1. COLOMBIA — ECUADOR.
2. Colombian claims.
 

„The High Contracting Parties „deseando poner término amistoso a las reclamaciones pecuniarias propuestas por ciudadanos colombianos contra el gobierno del Ecuador, y en virtud de la facultad conferida por el inciso primero del artículo segundo del Tratado sobre reclamaciones por daños y perjuicios pecuniarios, celebrado en la ciudad de Méjico 30 enero 1902, han acordado someter la decisión de las expresadas reclamaciones a un Tribunal de Arbitros que se formará y actuará conforme a la Convención presente.”
3. Arbitral Tribunal: Dr. A. Olano (C.); Dr. P. A. Váscanez (E.); Dr. Velloso Rebello (Umpire).
4. I. Treaty, Mexico.
  - a. January 30, 1902.
  - b. (See article 2.)
  - c.
4. II. Convention, Quito.
  - a. **May 20, 1913** <sup>1)</sup>.
  - b. „Los Arbitros fallarán, no sólo por lo alegado y probado, sino también teniendo en cuenta la equidad, verdad sabida y buena fe guardada.”  
Article 15.
  - c. Anales diplomaticos y consulares de Colombia, 6 (1920)–549.
5. Awards.
  - a. April 17, 1918.
  - b.
  - c.
  - d. Published in „Diario Oficial”, Quito.
  - e. Informe del Ministro de Relaciones Exteriores (Colombia), 1916–34/7; idem: 1917–50/4; idem: 1918–46; Informe del Ministro de Relaciones Exteriores (Ecuador), 1917–183/5; idem: 1918–145/56.

<sup>1)</sup> Convention April 3, 1913, between Netherlands and Portugal, see No. 275.

**Nr. 312**

## 1. FRANCE, GREAT BRITAIN, SPAIN — PORTUGAL.

## 2. Religious property claims.

„Un tribunal arbitral, composé comme il est dit ci-après, est chargé de statuer sur les réclamations relatives aux biens des nationaux britanniques, espagnols et français saisis („arrolados”) par le Gouvernement de la République portugaise à la suite de la proclamation de la République et énumérés dans les listes annexées au présent compromis.” Article 1.

## 3. Permanent Court of Arbitration: E. Root; A. F. de Savornin Lohman; C. Lardy.

## 4. Convention, Lisbon.

a. **July 31, 1913.**

b. „Le tribunal examinera et réglera lesdites réclamations en statuant, d’après le droit conventionnel éventuellement applicable, et à défaut d’après les dispositions et les principes généraux du droit et de l’équité.” Article 3.

c. A.J.I.L. Off. Doc. 1914-165; de Martens N.R.G. 3-20-362; Recueil The Hague 5; R.G.D.I.P. 29 (1922)-284; State Papers 107-392.

## 5. Award.

a. September 2 and 4, 1920.

b.

c.

d. A.J.I.L. 15 (1921)-99; Grotius 1919/20-291; Recueil The Hague p. 12; R.G.D.I.P. 29 (1922)-289; R.D.D.I 14 (1921/2)-177; Scott 2-2 and 153.

e. A.J.I.L. 8 (1914)-338; idem: 15 (1921)-73; Niem. Zeit. 30 (1925)-365; R.G.D.I.P. 29 (1922)-283.

## Nr. 313

## 1. FRANCE — HAITI.

## 2. Private claims; damages.

„Les Gouvernements de France et d'Haïti . . . sont convenus de régler par l'arbitrage les réclamations introduites à cette date, contre la République d'Haïti, pour dommages directs qui ont pu avoir été causés à des ressortissants français.”

„Les réclamations introduites à cette date par La légation de France, au nom de sujets ottomans, seront également déférées à l'examen du susdit tribunal arbitral.”

(Le Tribunal) „ . . . écartera les réclamations qui concerneraient des pertes ou dommages indirectes.”

Article 1.

Article 3.

## 3. Arbitral Tribunal:

## 4. Protocol, Port-au-Prince.

a. **September 10, 1913.**

b. „Le tribunal jugera conformément au droit et à l'équité.” Article 3.

c. A.J.I.L. Off. Doc. 1914-144; de Martens N.R.G. 3-8-345; State Papers 107-792; Z.f.V. 8 (1914)-185.

## 5.

- a.
- b.
- c.
- d.
- e.



## Nr. 314

## 1. ITALY — URUGUAY.

## 2. Embargo.

„Su Majestad Alberto, Rey de los Belgas, decidirá, en calidad de arbitro, si después del protocolo Romeu-Cobianchi, firmado en Montevideo el 9 de junio de 1904, puede haber lugar á la intervención ó al apoyo del Gobierno Italiano en favor de las reclamaciones del capitán ó de los armadores de la nave „*Maria Madre*”, como consecuencia del embargo de esa nave y del desalojo de su tripulación por autoridades uruguayas.”

Article 1.

## 3. Albert, King of Belgium.

## 4. Convention, Montevideo.

a. **November 29, 1913.**

## b.

c. Boletín del Ministerio de Relaciones Exteriores (Uruguay), 1914-26.

## 5.

## a.

## b.

## c.

## d.

e. Boletín . . . ., 1914-16/27.

## Nr. 315

## 1. FRANCE — TURKEY.

## 2. Personal claims.

„En vue de résoudre en droit et en équité et de régler définitivement les réclamations des Français et protégés français qui, concernant des faits antérieurs au 11 Témous (24 juillet 1908) ont été formulées auprès de la Sublime Porte avant la date du présent compromis général d'arbitrage par l'ambassade de France à Constantinople et n'ont pas encore reçu de solution, et aussi celles qui, concernant des faits postérieurs au 24 juillet 1908, sont relatives au service du Sultan Abd-UI-Hamid et au règlement de sa liste civile et au licenciement d'emplois du chemin de fer du Hedjaz et du lycée impérial de Galata-Seraï, ou encore aux événements qui se sont produits à Constantinople le 13 avril 1909. . . . il est institué une commission mixte franco-ottomane qui sera saisie par les soins de l'ambassade de France des réclamations ci-dessus visées.” Article 1.

„Faute de décision prise par la commission. . . . les commissaires rédigeront pour chacune des réclamations sur lesquelles l'accord ne sera pas fait, un exposé des questions de fait ou de droit restant à résoudre. L'ensemble de ces exposés sera réuni en un compromis. . . . et transmis aussitôt à la Cour permanente d'arbitrage. . . .” Article 4.

„. . . . les Gouvernements français et ottoman constitueront un tribunal arbitral. . . . Il statuera sur les questions de droit et de fait qui font l'objet du compromis, le principe étant que sa mission s'étendra et se bornera aux points sur lesquels une majorité n'aura pu se former dans la commission.” Article 5.

## 3. Mixed Commission:

## 4. I. Convention, Constantinople.

a. **December 18, 1913.**

b. (See sub 2.)

c. De Martens N.R.G. 3-8-720; Z.f.V. 8(1914)-449.

## II. Prolongation, Constantinople.

a. September 10, 1914.

b.

c. Journal Officiel 266 (1914)-8065.

## 5.

a.

b.

c.

d.

e.

## Nr. 316

## 1. MOROCCO — NETHERLANDS.

## 2. Controversies concerning mines in Morocco.

„Toute personne ou Société qui croirait avoir des droits, titres ou réclamations à présenter pour des actes ou faits, remontant à une date antérieure à la publication du dahir chérifien sur les mines, doit . . . présenter sa requête à une commission arbitrale composée comme il suit: Un surarbitre (norvégien) . . . , un membre nommé par le maghzen, un membre nommé par chacune des puissances dont les requérants éventuels sont les ressortissants . . .” Article 1.

„La commission arbitrale décidera souverainement si les droits de recherche ou d’exploitation réclamés à raison d’actes ou de faits remontant à une date antérieure à la publication du dahir chérifien sur les mines, reposent sur une base juridiquement valable et, en cas de décision négative, si et jusqu’à quel point une indemnité peut être mise à la charge du maghzen en raison de frais occasionnés par l’acquisition des prétendus droits.

La commission décidera également si et jusqu’à quel point pour des raisons d’équité, il y a d’accorder des permis de recherche ou des permis d’exploitation aux personnes ou sociétés qui se prévaudraient de faits et circonstances antérieurs à la publication du dahir chérifien sur les mines, par exemple de la possession de gîtes ou gisements, de travaux ou installations d’utilité minière, exécutés dans le périmètre sollicité, de la propriété de tout ou partie des terrains du même périmètre acquis pour obtenir des droits miniers. En cas de concurrence pour un même périmètre entre des requêtes admises, en vertu de l’un ou de l’autre des deux alinéas qui précèdent, au profit de ressortissants de différentes puissances, la commission se prononcera comme amiable compositeur sur l’attribution dudit périmètre, avec la faculté d’allouer au requérant évincé, à la charge de l’attributaire, telle indemnité qu’elle jugera équitable, à raison d’acquisitions faites au propriétaire du sol pour obtenir des droits miniers ou en compensation des dépenses engagées par ledit requérant pour des recherches ou travaux d’utilité minière.” Article 2.

## 3. Arbitral Commission: de Fontarce (M.); Limburg (N.); Gram.

## 4. Décret chérifien, Rabat.

a. **January 19, 1914.**

b.

c. Journal Officiel, 90 (1914)-3047.

## 5. Interlocutory award.

a. December 20, 1919.

b.

c.

d. Bulletin I.I.I. 2 (1920)-394.

e.

Some other awards have been rendered also in this matter.

## Nr. 317

## 1. FRANCE — PERU.

## 2. French claims.

„Les Gouvernements français et péruvien ont résolu de soumettre à un tribunal arbitral, siégeant à La Haye, les réclamations des créanciers français, qui étaient représentés en 1910 par la Banque de Paris et des Pays Bas, afin que ce tribunal décide si lesdites créances sont fondées et, dans l'affirmative, quel en est le montant.” Article 1.

„Les Gouvernements péruvien et français décident également de soumettre au même tribunal arbitral les autres réclamations françaises visées par la loi péruvienne d'autorisation du 31 décembre 1912....” Article 4.

## 3. Permanent Court of Arbitration: L. Larrut (F.); F. Elguera (P.); F. Ostertag.

## 4. I. Protocol, Lima.

a. May 7, 1910.

b.

c. Boletín del Ministerio de Relaciones Exteriores (Peru), 57 (1917)–485.

## II. Convention, Lima.

a. **February 2, 1914.**

b.

c. A.J.I.L. Off. Doc. 1914–240; de Martens N.R.G. 3–20–365; Recueil The Hague p. 5; R.G.D.I.P. 29 (1922)–256; State Papers 107–819; Z.f.V. 8 (1914)–451.

## 5. Award.

a. October 11, 1921.

b. France.

c. Performed (Memoria de Relaciones Exteriores (Peru), 1923–83).

d. A.J.I.L. 16 (1922)–480; Boletín...., 70–133; Grotius 1921/2–249; Memoria...., 1922–88; Recueil The Hague p. 13; R.D.D.I. 15 (1923)–134; R.D.D.I. (Cuba) 2–332; R.G.D.I.P. 29 (1922)–275; Scott 2–32 and 202.

e. A.J.I.L. 16 (1922)–431; Boletín...., 53–179, 57–53 and 485, 58–567, 63–159, 65–283, 67–100, 68–88 and 381; Memoria...., 1914–41, 1915–53, 1916–57, 1917–82; Niem. Zeit. 30 (1923)–363; R.G.D.I.P. 29 (1922)–256

## Nr. 318

### 1. HAITI — UNITED STATES OF AMERICA.

#### 2. Pecuniary claims.

„The Haitian Government agrees to execute with the United States a Protocol for the settlement, by arbitration or otherwise, of all pending pecuniary claims of foreign corporations, companies, citizens, or subjects against Haiti.”

Article 12 Treaty.

„Since the settlement by arbitration or otherwise of all pending pecuniary claims of foreign corporations, companies, citizens or subjects against Haiti, makes it necessary to assemble, analyse and adjust such claims, the Government of Haiti agrees to constitute forthwith a Claims Commission. . .”

Article 2 Protocol.

„The Claims Commission shall have jurisdiction to examine and pass upon all pecuniary claims against Haiti. It is understood, however, that the Commission shall not have jurisdiction to consider or pass upon: . . . (see text). Article 3.

#### 3. Claims Commission:

#### 4. I. Treaty, Port-au-Prince.

##### a. **September 16, 1915.**

b.

c. A.J.I.L. Off. Doc. 1916-234; Malloy 3-2673; de Martens N.R.G. 3-9-354; State Papers 109-958.

##### II. Protocol, Port-au-Prince.

a. October 3, 1919.

b.

c. A.J.I.L. Off. Doc. 1921-169; Malloy 3-2678; de Martens N.R.G. 3-10-905; State Papers 112-1131.

##### III. Exchange of Notes, Port-au-Prince.

a. June 1/3, 1922.

b.

c. Malloy 3-2682.

##### IV. Decree, Port-au-Prince.

a. June 26, 1922.

b.

c. Malloy 3-2683.

#### 5.

a.

b.

c.

d.

e. U.S. For. Rel. 1919-2-340/52; idem: 1920-2-827/53; idem: 1921-1-224/32; idem: 1921-2-224/32; idem: 1922-2-535/53; idem: 1923-2-397/411.

## Nr. 319

### 1. PANAMA — UNITED STATES OF AMERICA.

#### 2. Damages.

„Whereas the Government of the United States claims indemnities for the death and injury of American citizens in a riot which occurred in Cocoa Grove, Panama City, July 4, 1912; and whereas the Government of Panama has agreed, in principle, to the payment of such indemnities irrespective of the circumstances affecting the riot; and whereas the two Governments have been unable to agree upon the amounts of such indemnities, and have concluded to submit to arbitration the determination of the amounts to be paid by the Republic of Panama . . . .”

### 3. W. L. F. C. van Rappard, Envoy Extraordinary and Minister Plenipotentiary accredited by the Government of the Netherlands to the Governments of the United States and Panama.

#### 4. Protocol, Panama.

##### a. **November 27, 1915.**

b.

c. A.J.I.L. Off. Doc. 1916-261; Malloy 3-2778; de Martens N.R.G. 3-9-664; State Papers 109-1004.

#### 5. Award.

a. October 20, 1916.

b. U.S.A.

c. \$ 12,500 awarded.

d. Gaceta Oficial de Panama, December 11, 1916; Memoria de Relaciones Exteriores (Panama), 1919-96; U.S. For. Rel. 1916-918.

e. Memoria . . . , 1916-XXVIII and 224/49; idem: 1919-XXV and 95/103; U.S. For. Rel. 1915-1162/86; idem: 1916-918/23.

## Nr. 320

### 1. COLOMBIA — VENEZUELA.

#### 2. Boundary question.

„Taking into account that in order to give practical effect to the Arbitral Sentence delivered by the Crown of Spain on the 16th March, 1891 (see No. 121), the High Contracting Parties concluded on the 30th December, 1898, a Treaty regulating the method of delimiting and demarcating a part of the boundary, the work on which was suspended after 1901.. The High Contracting Parties have agreed to submit to the decision of a legal Arbitrator the following question:

Can the execution of the Award be carried out partially, as Colombia maintains, or must it be carried out integrally, as Venezuela maintains, in order that the territories may be occupied which were recognized as belonging to each of the two Nations, and which were not occupied by them before the award of 1891?''

Article 1.

„The High Contracting Parties agree to entrust to the Arbitrator the completion of the demarcation and of the frontier fixed by the Award, which shall be carried out by him by means of experts....''

Article 3.

#### 3. Swiss Federal Council, Calonder President.

#### 4. Convention, Bogota.

##### a. November 3, 1916.

b.

c. De Martens N.R.G. 3-20-371; State Papers 110-829.

#### 5. I. Preparatory award.

##### a. June 24, 1918.

d. Ed. P. Attinger, Neuchâtel 1918; Informe del Ministro de Relaciones Exteriores (Colombia), 1919-61.

#### II. Award.

##### a. March 24, 1922.

b. Colombia.

c.

d. Ed. P. Attinger, Neuchâtel 1922; Informe...., 1922-57 (only conclusions); R.D.D.I. 16 (1924)-356 (only conclusions).

e. A.J.I.L. 16 (1922)-428; Cartes, plans et documents géographiques communiqués par les Gouvernements de la Colombie et du Vénézuéla, Neuchâtel 1919 (2 vol.); Documents communiqués par le Gouvernement Colombien, Neuchâtel 1919 (2 vol.); Documents communiqués par les Etats-Unis de Vénézuéla, Neuchâtel 1919; Documents techniques concernant l'exécution de la sentence arbitrale du Conseil fédéral suisse du 24 mars 1922, Neuchâtel 1924; Exécution de la sentence arbitrale...., Neuchâtel 1924; Informe...., 1917-156, 1919-60, 1922-55, 1923-43, 1924-61, 1925-78; Premier Mémoire de la Colombie, Neuchâtel 1918; Premier Mémoire de Vénézuéla, Neuchâtel 1918; Mémoire responsif de la République de Colombie...., Neuchâtel 1919; Réponse des Etats-Unis de Vénézuéla...., Neuchâtel 1919; Réplique de la République de Colombie...., Neuchâtel 1920; Réplique des Etats-Unis de Vénézuéla...., Neuchâtel 1920; Renseignements complémentaires présentés par la République de Colombie...., Neuchâtel 1921; Renseignements complémentaires présentés par les Etats-Unis du Vénézuéla...., Neuchâtel 1921; R.D.I.L.C. 49 (1922)-463; R.G.D.I.P. 28 (1921)-107.

See No. 121.

## Nr. 321

1. GERMANY — NETHERLANDS.
2. War-ships in neutral waters.  
Question concerning the entrance of german war-ships in dutch territorial waters and their internment by the dutch Government, in conformity with article 4 of the dutch neutrality Declaration.
3. Arbitral Commission: C. Bloch; H. Surie; Vanselow; A. Celery; O. Lybeck; J. François; R. Graf Waldbott; von Bassenheim.
4. Notes exchanged.
  - a. **May 10 and 19, 1917.**
  - b.
  - c.
5. Award.
  - a. July 20, 1917.
  - b. U.B. 6: in favour of the Netherlands; U.B. 30: in favour of Germany.
  - c.
  - d. C. Bosmans et Visser: Répertoire des traités du 20e siècle (Pays-Bas) p. 145; Orange Book 1916/8, p. 64.
  - e. Journal Clunet 1918-429.



## Nr. 322

### 1. FRANCE — GERMANY.

#### 2. Cessions.

„. . . . Germany shall cede to France tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by way of restitution or reparation, or shares in German Rhine navigation companies. . . . The same procedure shall be followed in the matter of the cession by Germany to France of:

1. the installations, berthing and anchorage accomodation, platforms, docks, warehouses, plant etc., which German subjects or German companies owned on August 1, 1914, in the port of Rotterdam, and

2. the shares or interests which Germany or German nationals possessed in such installations at the same date.

The amount and specifications of such cessions shall be determined within one year of the coming into force of the present Treaty by an arbitrator or arbitrators appointed by the United States of America, due regard being had to the legitimate needs of the parties concerned.” Article 357.

#### 3. Walker D. Hines.

#### 4. Treaty of peace, Versailles.

a. **June 28, 1919.**

b.

c. A.J.I.L. Off. Doc. 1919-128; Hertslet 29-603; Malloy 3-3329; de Martens N.R.G. 3-11-323; R.G.D.I.P. 26 (1919)-Doc. 5; State Papers 112-1.

#### 5. Award.

a. January 8, 1921.

b.

c.

d. A.J.I.L. 17 (1923)-786.

e.

## Nr. 323

## 1. CZECHOSLOVAKIA — GERMANY.

## 2. Cessions.

„Germany shall cede to the Allied and Associated Powers concerned, . . . a proportion of the tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 after the deduction of those surrendered by way of restitution or reparation. Germany shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of those river systems. The number of the tugs and boats, and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.”

Article 339.

## 3. Walker D. Hines.

## 4. Treaty of Peace, Versailles.

a. **June 28, 1919.**

b.

c. See No. 322.

## 5. Award.

a. June 14, 1921.

b.

c.

d. A.J.I.L. 18 (1924)—186.

e.

### Nr. 324

1. ALLIED POWERS — CENTRAL POWERS (GERMANY, AUSTRIA, HUNGARY).
2. Questions arising as to Danube shipping.
 

„Austria shall cede to the Allied and Associated Powers concerned . . . a proportion of the tugs and vessels remaining registered in the ports of the river system referred to in Article 291 after the deduction of those surrendered by way of restitution or reparation. Austria shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilization of that river system. The number of the tugs and boats, and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war . . . . Wherever the cessions made under the present Article involve a change of ownership, the arbitrator or arbitrators shall determine the rights of the former owners as they stood on October 15, 1918, and the amount of the compensation to be paid to them, and shall also direct the manner in which such payment is to be effected in each case. If the arbitrator or arbitrators find that the whole or part of this sum will revert directly or indirectly to States from whom reparation is due, they shall decide the sum to be placed under this head to the credit of the said States. As regards the Danube, the arbitrator or arbitrators referred to in this Article will also decide all questions as to the permanent allocation and the conditions thereof of the vessels whose ownership or nationality is in dispute between States . . . .”

Article 300, Treaty Saint Germain.
3. Walker D. Hines.
4. Treaty of Peace Versailles, **June 28, 1919**, article 339; (Treaty Saint Germain article 300; Treaty Trianon article 284; Treaty Neuilly article 228.)
5. Award.
  - a. August 2, 1921.
  - b.
  - c.
  - d. Edition Paris, 1921.
  - e. Bulletin I.I.I. 7-139.

## Nr. 325

## 1. GERMANY — PORTUGAL.

## 2. Germany's responsibility.

„All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section 6. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests, the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.”

Paragraph 4.

## 3. Arbitral Tribunal: A. de Meuron; R. Fazy; R. Guex.

## 4. Treaty of Peace, Versailles.

a. **June 28, 1919.**

b. Paragraph 4, annex to Articles 297/8.

c. See No. 322.

## 5. I. Award.

a. July 31, 1928.

b. Portugal.

c.

d. Ed. Lausanne 1928; M.A.T. 8-409; R.D.I. 1929-1-255; Z.f.a.δ.R.u.V. 1929-2-56.

## II. Award.

a. June 30, 1930.

b.

c. 48.226.468,30 Goldmark awarded, but not paid. See No. 391.

d. Ed. Lausanne 1930; Z.f.a.δ.R.u.V. 1933-2-5.

e. British Yearbook 1932-156; Plaidoiries du délégué du Gouvernement de la République Portugaise, Lisbon 1928; Z.f.a.δ.R.u.V. 1929-2-80; idem: 1933-2-52.

**Nr. 326**

1. GERMANY — RUMANIA.
2. Requisition; damages.  
See No. 325 sub 2.
3. R. Fazy.
4. Treaty of Peace, Versailles.
  - a. **June 28, 1919.**
  - b. (Paragraph 4, annex to Articles 297/8.)
  - c. See No. 322.
5. I. Award.
  - a. September 27, 1928.
  - b. Rumania.
  - c.
  - d. R.D.I. 1929-1-552; Z.f.a.δ.R.u.V. 1929-2-87.
  - e.  
  - II. Award.
    - a. November 28, 1934.
    - b.
    - c.
    - d.
    - e. Z.f.a.δ.R.u.V. 1935-446.

**Nr. 327**

## 1. DANZIG — POLAND.

## 2. Questions between Poland and the Free City of Danzig.

„Any differences arising between Poland and the Free City of Danzig in regard to the present Treaty or to any other subsequent agreements, arrangements or conventions, or to any matter affecting the relations between Poland and the Free City, shall be submitted by one or the other party to the decision of the High Commissioner, who shall, if he deems it necessary, refer the matter to the Council of the League of Nations.” Article 39 Treaty 1920.

## 3. The High Commissioner of Danzig.

## 4. I. Treaty of Peace, Versailles.

- a. **June 28, 1919.**
- b. Article 103.
- c. See No. 322.

## II. Treaty, Paris.

- a. November 9, 1920.
- b.
- c. De Martens N.R.G. 3-14-45.

## 5. Decisions.

- a. From 1921.
- b.
- c.
- d. A.J.I.L. 27 (1933)-555; „Decisions of the High Commissioner, League of Nations, Free City of Danzig”, Danzig, from 1922; Z.f.a.δ.R.u.V. 1933-2-61.
- e. N. de Weck: La condition juridique du Conseil du port et des voies d'eau de Danzig, 1933; Z.f.a.δ.R.u.V. 1934-339 and 947; idem: 1935-149; idem: 1936-62.

## Nr. 328

## 1. AUSTRIA, HUNGARY — SOPRON KÖSZEG LOCAL RAILWAY COMPANY.

## 2. Expropriation of railroads.

„With the object of ensuring regular utilization of the railroads of the former Austro-Hungarian Monarchy owned by private companies which, as a result of the stipulations of the present Treaty, will be situated in the territory of several States, the administrative and technical reorganization of the said lines shall be regulated in each instance by an agreement between the owning company and the States territorially concerned. Any differences on which agreement is not reached, including questions relating to the interpretation of contracts concerning the expropriation of the lines, shall be submitted to arbitrators designated by the Council of the League of Nations.”

## 3. Arbitral Tribunal: J. G. Guerrero; J. Kalff; R. Mayer.

## 4. I. Treaty of Peace, Saint-Germain-en-Laye.

a. **September 10, 1919.**

## b. (Article 320.)

- c. A.J.I.L. Off. Doc. 1920-1; Hertslet 29-289; Malloy 3-3149; de Martens N.R.G. 3-11-691; R.D.D.I. 13 (1919)-98; State Papers 112-317.

## II. Treaty of Peace, Trianon.

## a. June 4, 1920.

## b. (Article 304.)

- c. A.J.I.L. Off. Doc. 1921-1; Hertslet 29-835; de Malloy 3-3539; Martens N.R.G. 3-12-423; State Papers 113-486.

## III. Resolutions of the Council of the League of Nations.

## a. September 8 and 26, 1928.

## b.

- c. L.N.O.J. October 1928 p. 1486 and 1679.

## 5. Award.

## a. June 18, 1929.

## b. Both partially.

## c.

- d. A.J.I.L. 24 (1930)-164; L.N.O.J. 1929-1359; R.G.D.I.P. 37 (1930)-324; Z.f.a.ö.R.u.V. 1931-2-3.  
e. Z.f.ö.R. 9 (1930)-161.

## Nr. 329

1. AUSTRIA — YUGOSLAVIA.
2. Expropriation of railroads.  
See No. 328 sub 2.
3. Arbitral Tribunal: J. G. Guerrero; R. Mayer; A. Politis.
4. I. Treaty of Peace, St. Germain-en-Laye.
  - a. **September 10, 1919.**
  - b. (Article 320.)
  - c. See No. 328.
 II. Resolutions of the Council of the League of Nations.
  - a. May 26 and 30, 1933.
  - b.
  - c. L.N.O.J. 1933-828 and 844.
5. I. Award.
  - a. October 7, 1933.
  - b.
  - c.
  - d. L.N. Doc. C. 587, 1933, VIII; R.G.D.I.P. 41 (1934)-355; R.G.P.C. 1934-2-32; Z.f.a.δ.R.u.V. 1934-668; La Documentation Internationale 1 (1934)-115.
  - e.
 II. Award.
  - a. April 4, 1934.
  - b.
  - c.
  - d. L.N.O.J. 1934-1005; R.G.D.I.P. 41 (1934)-711; R.G.P.C. 1934-2-33; Z.f.a.δ.R.u.V. 1935-201; La Documentation Internationale 1 (1934)-116.
  - e. Z.f.a.δ.R.u.V. 1935-204.
 III. Award.
  - a. May 12, 1934.
  - b.
  - c.
  - d. L.N.O.J. 1934-1007; R.G.D.I.P. 41 (1934)-714; R. G.P.C. 1934-2-35; La Documentation Internationale 1 (1934)-129.
  - e. R.G.P.C. 1934-2-32; Z.f.a.δ.R.u.V. 1935-207.
 IV. Award (see Resolution of the Council of the League of Nations, September 29, 1937, L.N.O.S. 1937-933).
  - a. June 29, 1938.
  - b.
  - c.
  - d. La Documentation Internationale 5 (1938)-131.
  - e.



## Nr. 330

## 1. BULGARIA — GREECE.

## 2. Question concerning certain forests in Central Rhodopia.

„Transfers of territory under the present Treaty shall not prejudice the private rights referred to in the treaties of Constantinople, 1913, of Athens, 1913, and of Stamboul, 1914. Transfers of territory by or to Bulgaria under the present Treaty shall similarly and to the same extent ensure the protection of these private rights. In case of disagreement as to the application of this Article, the difference shall be submitted to an arbitrator appointed by the Council of the League of Nations.”

Article 181.

## 3. O. Unden.

## 4. I. Treaty of Peace, Neuilly.

a. **November 27, 1919.**

## b.

c. A.J.I.L. Off. Doc. 1920-185; Hertslet 29-473; de Martens N.R.G. 3-12-323; State Papers 112-781.

## II. Resolution of the Council of the League of Nations.

## a. October 2, 1930.

## b.

c. L.N.O.J. 1930-1526.

## 5. I. Award.

## a. November 4, 1931.

## b. Greece.

## c.

d. A.J.I.L. 28 (1934)-760; Ed. Uppsala 1932/3.

## II. Award.

## a. March 29, 1933.

## b. Greece.

## c. Performed (Z.f.a.ö.R.u.V. 1935-200).

## d. A.J.I.L. 28 (1934)-773; Ed. Uppsala 1933.

## e. F. Glöse: Der griechisch-bulgarische Streit vor dem Völkerbundsgerichtshof, München 1928; Z.f.a.ö.R.u.V. 1934-652; idem: 1935-200.

### Nr. 331

1. ESTONIA — LATVIA.

2. Boundary question.

„Both Governments agree to entrust the final determination of the frontier between their territories and the settlement of any questions arising directly out of that determination to a joint Commission . . . .” Article 1.

„This Commission shall also be the Commission to determine any questions arising out of the application of paragraph 7 of the agreement made between the two Governments on July 21st, 1919.” Article 2.

3. Mixed Commission:

4. Convention, Walk.

a. **March 22, 1920.**

b. „In arriving at their decision the Commission will take into account ethnographical and historical principles and the state-political interests of each party (military, strategical, economical and communicational) and the interests of the local population.” Article 4.

c. L.N.T.S. 2-188; de Martens N.R.G. 3-14-93; State Papers 113-975.

5.

- a.
- b.
- c.
- d.
- e.

**Nr. 332**

1. HUNGARY — YUGOSLAVIA.
2. Expropriation of railroads.  
See No. 328 sub 2.
3. Arbitral Tribunal: J. G. Guerrero; R. Mayer; A. Politis.
4. I. Treaty of Peace, Trianon.
  - a. **June 4, 1920.**
  - b. (Article 304.)
  - c. See No. 328.II. Resolution of the Council of the League of Nations.
  - a. January 17, 1934.
  - b.
  - c. L.N.O.J. 1934-123.
5. Award.
  - a. October 5, 1934.
  - b. Hungary.
  - c.
  - d. A.J.I.L. 29 (1935)-523; L.N.O.J. 1934-1679; R.G.P.C. 1935-2-4; La Documentation Internationale 2 (1935)-197 and 228.
  - e.

## Nr. 333

1. REPARATION COMMISSION — UNITED STATES OF AMERICA.
2. Claim of the Standard Oil Company to beneficial ownership in certain tankers belonging to a German Company at Hamburg and flying the german flag, which were turned over to the Reparation Commission by the German Government under the provisions of the Treaty of Versailles.  
„If the United States has not on July 1, 1920, ratified the Peace Treaty and an American representative is not qualified and acting on the Commission, then the Standard Oil Company's claim shall, at the request of the United States or other interested Governments, be adjudicated by an independent tribunal to be agreed upon between the United States and the several Governments concerned so that all parties interested may be properly heard.” Paragraph 1.
3. Arbitral Tribunal: J. Lyon; Col. H. A. Bayne; E. Sjöberg.
4. Agreement,
  - a. **June 7, 1920.**
  - b.
  - c.
5. Award, Col. H. A. Bayne dissenting.
  - a. August 5, 1926.
  - b. Claim disallowed.
  - c.
  - d. A.J.I.L. 22 (1928)-404; British Yearbook 1927-156.
  - e.

**Nr. 334**

## 1. ARMENIA — TURKEY.

## 2. Boundary question.

„Turkey and Armenia as well as the other High Contracting Parties agree to submit to the arbitration of the President of the United States of America the question of the frontier to be fixed between Turkey and Armenia in the Vilayets of Erzerum, Trebizond, Van, and Bitlis, and to accept his decision thereupon, as well as any stipulations he may prescribe as to access for Armenia to the sea, and as to the demilitarization of any portion of Turkish territory adjacent to the said frontier.” Article 89.

## 3. Woodrow Wilson, President of the United States of America.

## 4. Treaty of Peace, Sèvres.

a. **August 10, 1920.**

b.

c. A.J.I.L. Off. Doc. 1921-179; Hertslet 29-1037; de Martens N.R.G. 3-12-664; State Papers 113-652.

## 5. Award.

a. November 22, 1920.

b.

c.

d. Bulletin I.I.I. 31-329.

e.

## Nr. 335

## 1. GREAT BRITAIN — SOCIÉTÉ DU CHEMIN DE FER OTTOMAN DE JAFFA À JERUSALEM ET PROLONGEMENTS (FRANCE).

## 2. Concessions.

„Nevertheless, any such Power, if it considers that the maintenance of any of these concessions (in territories detached from Turkey, granted before October 29, 1914, by the Turkish Government or by any Turkish local authority) would be contrary to the public interest, shall be entitled, within a period of six months from the date on which the territory is placed under its authority or tutelage, to buy out such concession or to propose modifications therein; in that event it shall be bound to pay to the concessionaire equitable compensation in accordance with the following provisions. If the parties cannot agree on the amount of such compensation, it will be determined by Arbitral Tribunals . . . . The Tribunal shall take into account, from both the legal and equitable standpoints, all relevant matters, on the basis of the maintenance of the contract adapted . . . .”

Article 311, Treaty Sèvres.

„. . . . To determine the equitable compensation which should be paid by the British Government to the ‚Société du Chemin de Fer Ottoman de Jaffa à Jérusalem et Prolongements’, under the terms of Article 311 of the Treaty of Peace with Turkey, signed at Sèvres on the 10th August, 1920, the British Government having, on the 22nd September 1920, given notice of their intention to buy out the concession belonging to the above Company.”

Award.

## 3. Arbitral Tribunal: H. O. Mance (Gr.Br.); F. Meyer (Fr.); F. W. N. Beichmann.

## 4. I. Treaty of Peace, Sèvres.

- a. **August 10, 1920.**
- b. (Article 311.)
- c. See No. 344.

## II. Agreement,

- a.
- b.
- c.

## 5. Award.

- a. October 4, 1922. (Preliminary decision: May 29, 1922.)
- b. Société.
- c. £ 565.000 awarded.
- d. Printed texts, Peace Palace Library.
- e.

## Nr. 336

## 1. LATVIA — LITHUANIA.

## 2. Boundary question.

„The two Governments concerned have agreed to entrust the final decision respecting the disputed portions of the frontier-line between their respective territories, as well as the settlement of all questions arising from this decision, to a Mixed Commission . . . .”  
Article 1.

## 3. Mixed Commission :

## 4. Convention, Riga.

a. **September 28, 1920.**

b. „In determining questions the Commission shall take into consideration ethnological and historical principles, the political and State interests of each country (such as military, strategic, economic and transit interests), as well as the interests of the local population.”

c. L.N.T.S. 2-234; de Martens N.R.G. 3-14-96; State Papers 113-1093.

## 5.

- a.
- b.
- c.
- d.
- e.

## Nr. 337

## 1. ITALY — VENEZUELA.

## 2. Denial of Justice.

„Le due parti contraenti convengono che un Tribunale arbitrale di diritto decida se nel giudizio contro la ditta Martini e Ca. dinanzi alla Corte Federale e di Cassazione e che fu chiuso con la sentenza del detto Tribunale del 4 dicembre 1905 sia da riscontrarsi denegazione di giustizia o ingiustizia patente, o violazione del Trattato italo-venezuelano del 19 giugno 1861.” Article 1.

„Se l'arbitro trova che vi è stato o denegazione di giustizia o ingiustizia patente o violazione del Trattato italo-venezuelano del 19 giugno 1861, esso deciderà circa la riparazione pecuniaria che in diritto si possa ricognoscere. Il Tribunale di arbitrato deciderà ugualmente dei reclami che il Governo venezuelano abbia contra la ditta Martini e Ca.” Article 2.

## 3. Arbitral Tribunal: C. Tumedei (I.); F. A. Guzman Alfaro (V.); Ö. Uнден.

## 4. Convention, Rome.

a. **December 21, 1920.**

b. (See sub 2.)

c. Trattati e Convenzioni 26-1078.

## 5. Award.

a. May 3, 1930.

b. Venezuela.

c.

d. A.J.I.L. 25 (1931)-554; Boletín del Ministerio de Relaciones Exteriores (Venezuela) 1930-275; Ed. Uppsala; Revue de droit public 1930-542.

e.



## Nr. 338

### 1. PERU — UNITED STATES OF AMERICA.

#### 2. Payment of rewards.

„The Government of the United States of America and the Government of the Republic of Peru, not having been able to reach an agreement concerning the claim against Peru of the heirs and assigns of the American citizen, John Celestin Landreau, arising out of a decree of October 24, 1865, of the Government of Peru, providing for the payment of rewards to John Theophile Landreau, brother of John Celestin Landreau, for the discovery of guano deposits, and out of contracts between John Theophile Landreau and John Celestin Landreau entered into on or about April 6th, 1859, and October 29th, 1875, which claim is supported by the Government of the United States, have resolved to submit the question for decision to an International Arbitral Commission . . . .”

„The questions to be determined by the Arbitral Commission are: First. Whether the release granted the Peruvian Government in 1892 by John Theophile Landreau eliminated any claim which John Celestin Landreau, the American citizen, may have had against the Peruvian Government, and if all claims were not thereby extinguished then; second: what sum, if any, is equitably due the heirs or assigns of John Celestin Landreau.” Article 1.

#### 3. Arbitral Commission: A. Prevost (P.); Barton Smith (U.S.A.); Viscount Finlay.

#### 4. Protocol, Lima.

##### a. **May 21, 1921.**

b.

c. A.J.I.L. Off. Doc. 1922-19; L.N.T.S. 6-172; Malloy 3-2797; de Martens N.R.G. 3-14-97; State Papers 114-909.

#### 5. Award.

##### a. **October 26, 1922.**

b. U.S.A.

c.

d. A.J.I.L. 17 (1923)-157; Boletin del Ministerio de Relaciones Exteriores (Peru), 70-130; Ed. Washington-London 1922 (4 vol.); Memoria de Relaciones Exteriores (Peru), 1923-68.

e. Boletin . . . ., 32-94, 65-239; Memoria . . . ., 1921-24, 1922-83; U.S. For. Rel. 1921-2-671/84.

## Nr. 339

## 1. NORWAY — UNITED STATES OF AMERICA.

## 2. Requisitioned shipping.

„The United States of America and His Majesty the King of Norway, desiring to settle amicably certain claims of Norwegian subjects against the United States arising, according to contentions of the Government of Norway, out of certain requisitions by the United States Shipping Board Emergency Fleet Corporation . . . .”

„The tribunal shall also examine any claim of Page Brothers, American citizens, against any Norwegian subject in whose behalf a claim is presented under the present Agreement, arising out of a transaction on which such claim is based, and shall determine what portion of any sum that may be awarded to such claimant shall be paid to such American citizens in accordance with the principles of law and equity.”

Article 1.

## 3. Arbitral Tribunal: B. Vogt (N.); Chandler P. Anderson (U.S.A.); J. Vallotton.

## 4. Agreement, Washington.

a. **June 30, 1921.**

b. „The tribunal shall examine and decide the aforesaid claims in accordance with the principles of law and equity and determine what sum, if any, shall be paid in settlement of each claim.”

Article 1.

c. A.J.I.L. Off. Doc. 1922-16; L.N.T.S. 14-20; Malloy 3-2749; de Martens N.R.G. 3-12-72; Recueil The Hague 5; State Papers 114-895.

## 5. Award.

a. October 13, 1922.

b. Norway.

c. U.S.A. paid \$ 12,239,852, 47 (U.S. For. Rel. 1923-2-626).

d. A.J.I.L. 17 (1923)-362; American Maritime Cases 1-585; Grotius 1923-376; Niem. Zeit. 33-62; Recueil The Hague p. 111; R.D.D.I. 15 (1923)-516; Scott 2-40.

e. Advocate of peace 1922-329; A.J.I.L. 16 (1922)-81; idem 17 (1923)-287; British Yearbook 1923/4-159; U.S. For. Rel. 1921-2-571/99; idem: 1923-2-617/29.

## Nr. 340

## 1. GREAT BRITAIN — PERU.

## 2. Mineral property.

„Whereas differences have arisen between the Government of His Britannic Majesty and the Government of the Republic of Peru concerning certain Supreme Resolutions or Decrees of the latter Government in relation to the mineral property of ‚La Brea y Pariñas‘, situated in the Province of Paita, Republic of Peru, and owned by the heirs of the late William Keswick, a British subject, and leased to the London and Pacific Petroleum Company (Limited), a company incorporated under the laws of Great Britain . . . . It is agreed that the following controversy shall be submitted for definite decision to a Tribunal of Arbitration to be constituted as hereinafter provided.

The Government of the Republic of Peru contends that the Supreme Resolutions or Decrees of the 31th March 1911, 15th March and 22nd May, 1915, relating to the mineral property of ‚La Brea y Pariñas‘, are valid and legal and should be enforced, and that the said mineral property is subject to the general body of mining laws which may be in force in Peru now or in the future. The Government of His Britannic Majesty, on the other hand, contends that the said mineral property has a legal status distinct from that of mineral property acquired and held in the usual manner under the Mining Ordinances or the Mining Code of Peru; that the said mineral property is not subject to the general body of mining laws or to legislation inconsistent with such distinct status, and that the Supreme Resolutions or Decrees above mentioned are invalid and cannot legally be enforced.”

Article 1.

„In case the Tribunal should, before rendering its award, suggest terms of settlement which the two Governments may accept as satisfactory, or in case the two Governments should themselves agree upon terms of settlement, the Tribunal shall, in either case, incorporate such settlement in an Award, which shall be treated as the Award of the Tribunal.”

Article 10.

## 3. Arbitral Tribunal: R. Laird Borden (Gr.Br.); J. Varela y Orbegoso (P.); F. Ostertag (Umpire).

## 4. Agreement, Lima.

## a. August 27, 1921.

b. „Each Arbitrator shall then make and sign a solemn declaration that he will carefully examine and impartially decide the questions presented to the Tribunal for decision . . . .”

Article 4.

c. A.J.I.L. Off. Doc. 1922-137; Hertslet 30-940; de Martens N.R.G. 3-14-430; State Papers 114-356.

## 5. Settlement by Agreement, Lima.

a. March 2, 1922. (Award containing the agreement: April 24, 1922.)

b.

c.

d. Boletín del Ministerio de Relaciones Exteriores (Peru), 68-94; Memoria de Relaciones Exteriores (Peru) 1922-94; State Papers 116-506.

e. Boletín . . . . 63-182, 65-304, 68-414.

## Nr. 341

## 1. AUSTRIA — HUNGARY.

## 2. Damages arising out of delay of cession.

„La Hongrie reconnaît en principe les dommages de toute sorte causés à l'Autriche par le retard du transfert de la Hongrie occidentale. Les détails de ces dommages, ainsi que les autres questions d'ordre financier relatives à la Hongrie occidentale et restées en suspens jusqu'à présent, devront être fixés d'un commun accord dans un délai de quinze jours après le transfert des territoires en question.

Si, dans un nouveau délai de quinze jours, cet accord ne sera pas intervenu, il y aura lieu de soumettre ces questions à un tribunal d'arbitrage à instituer selon les dispositions prévues à l'Article 239 du Traité de Trianon et à l'Article correspondant du Traité de Saint-Germain.”

## 3. Arbitral Tribunal: Dr. R. Reisch (A.); Dr. A. Popovics (H.); Dr. A. Zimmerman.

## 4. Protocol, Venice.

a. **October 13, 1921.**

b.

c. L.N.T.S. 9-204; de Martens N.R.G. 3-19-763; State Papers 114-624.

## 5. Award („Vergleich”).

a. February 26, 1923.

b.

c.

d. Bundesgesetzblatt für die Republik Oesterreich: March 17, 1923 No. 133.

e.

## Nr. 342

## 1. COSTA RICA — GREAT BRITAIN.

## 2. Claims against Costa Rica.

„Whereas there has arisen between their respective Governments a difference as to the application of Law No. 41 of the 21st August, 1920, to two cases in which British Corporations are interested, to wit: to the concession granted by the Aguilar-Amory Contract of the 25th June, 1918, of which the ‚Central Costa Rica Petroleum Company’ is owner, and the delivery to the Royal Bank of Canada of 998.000 colones in notes of 1000 colones each in payment of a cheque drawn by the Tinoco Administration against the International Bank of Costa Rica, which cheque was deposited in the Government’s account with the said Royal Bank. . . .”

„A single Arbitrator, appointed by mutual agreement, taking into consideration existing Agreements, the principles of Public and International Law, and in view of the allegations, documents and evidence which each of the two Governments may present to him, shall decide:

1. Whether the demand of His Britannic Majesty’s Government is well founded.

2. Or whether, on the contrary, the Government of Costa Rica is justified in not recognizing the said claims by maintaining the Declaration of Nullity contained in Law 41.

The Arbitrator shall have the necessary jurisdiction to establish procedure and to dictate without any restriction whatsoever other resolutions which may arise as a consequence of the question formulated, and which, in conformity with his judgment, may be necessary or expedient to fulfil in a just and honourable manner the purposes of this Convention; and he shall determine what one party may owe the other for the expenses of the claim. . . .” Article 1.

## 3. W. H. Taft, Chief Justice of the United States of America.

## 4. Convention, San José de Costa Rica.

a. **January 12, 1922.**

b. (See sub 2.)

c. L.N.T.S. 17-152; de Martens N.R.G. 3-14-664; State Papers 116-438.

## 5. Award.

a. October 18, 1923.

b. Partly in favour of both.

c.

d. A.J.I.L. 18 (1924)-147; Ed. London 1923.

e. American Bar Association Journal 10 (1924)-486; British Yearbook 1925-199; Revista Parlamentaria de Cuba 1924-207; Revue contemporaine 1924-17; U.S. For. Rel. 1920-1-836/46; idem: 1921-1-646/69.

## Nr. 343

## 1. FRANCE — POLAND.

## 2. Rights of the Electric Company of Warsaw to levy taxes.

„Any disputes with regard to the interpretation of the present Convention shall be submitted to an arbitrator appointed by agreement between the High Contracting Parties.” Article 16.

Convention between France and Poland concerning private property, rights and interests.

## 3. C. D. Asser.

## 4. Convention, Paris.

a. **February 6, 1922.**

b.

c. L.N.T.S. 43-400.

## 5. I. Interlocutory award.

a. November 30, 1929.

d. R.D.I. 1930-2-614; R.G.D.I.P. 37 (1930)-545.

## II. Interlocutory award.

a. November 24, 1932.

d. R.D.I. 1933-1-398.

## III. Award.

a. March 23, 1936.

b. France (Electric Company).

c.

d. R.D.I. 1936-1-292.

e.

## Nr. 344

### 1. AUSTRIA — ITALY.

### 2. Payment of debts.

„L'Autriche et l'Italie n'ayant pu s'accorder sur leurs prétentions respectives et sur l'interprétation des Traités, en ce qui concerne le paiement des dettes et l'encaissement des créances privées . . . .”

„Les créances contestées, ainsi que les divergences de vue qui pourraient surgir sur des questions de principe entre les deux Offices de vérification et de compensation, relativement à l'interprétation du présent accord, seront soumises à la décision définitive d'un Tribunal arbitral, à l'exclusion des tribunaux de droit commun. Ce Tribunal sera composé d'un arbitre italien, d'un arbitre autrichien et d'un président à désigner selon la résidence ou le siège du débiteur . . . . Le Tribunal arbitral décidera également des divergences de vue qui pourraient surgir sur la question de savoir si une dette ou créance est soumise ou non aux dispositions du présent accord.”

Article 5.

### 3. Arbitral Tribunal:

### 4. Agreement, Rome.

#### a. **April 6, 1922.**

b.

c. De Martens N.R.G. 3-29-724; Trattati e Convenzioni, 28-238.

### 5.

a.

b.

c.

d.

e. Rules of procedure: de Martens N.R.G. 3-29-734.

## Nr. 345

## 1. GERMANY — POLAND.

## 2. Consequences of change of sovereignty.

„L'Allemagne d'une part, et la Pologne d'autre part, afin d'établir en Haute Silésie un régime conventionnel en conformité avec les dispositions contenues dans l'Article II de la décision de la Conférence des Ambassadeurs en date du 20 octobre 1921 et destinées à garantir dans l'intérêt commun la continuité de la vie économique en Haute Silésie ainsi que la protection des minorités . . .”

„Pour résoudre les différends relatifs à l'interprétation ou à l'exécution des dispositions de la présente partie (Nationalité et Domicile), on créera auprès du Tribunal arbitral une Commission de conciliation en matière de nationalité.”

Article 55.

„Si la Commission de conciliation en matière de nationalité déclare aux intéressés qu'elle ne peut aplanir les difficultés, elle soumettra, à la demande d'un des intéressés, l'affaire au Tribunal arbitral.”

Article 58.

„Si, au cas prévu à l'Article 49, paragraphe 1, alinéa 3, les deux Gouvernements ne sont pas d'accord en ce qui concerne le droit d'option d'une personne, le Tribunal arbitral décidera sur la demande de l'un des deux Gouvernements.”

Article 60.

„Si, au cas prévu à l'article 53, l'intéressé fait opposition à l'annulation de son Acte d'option trente jours au plus après que l'annulation lui a été notifiée, le Tribunal arbitral sera compétent pour décider.”

Article 61.

„Les demandes en dommages-intérêts basées sur la violation de droits reconnus et protégés par des dispositions de la présente partie, ne rentrent pas dans la compétence du Tribunal arbitral.”

Article 62.

„Lorsque la nationalité a été constatée par une décision, définitive et produisant ses effets erga omnes, d'un tribunal administratif, le Tribunal arbitral n'est pas compétent pour statuer sur la nationalité, même en cas d'évocation.”

Article 63.

„Le Tribunal arbitral a son siège à Beuthen et se compose d'un Arbitre polonais et d'un arbitre allemand, ainsi que d'un Président d'une autre nationalité.”

Article 563, 1, 1.

„Le Gouvernement Allemand et le Gouvernement Polonais s'adresseront en commun au Conseil de la Société des Nations pour le prier de nommer les Présidents de la Commission mixte et du Tribunal arbitral.”

Article 564.

„On entend par affaire haute silésienne une affaire portée en première instance devant un tribunal quelconque, y compris les tribunaux administratifs, situé dans le territoire plébiscité, ou devant les autorités administratives dudit territoire qui ne reçoivent pas d'ordres par la voie hiérarchique. On entend également par affaire haute silésienne une affaire portée en première instance devant un tribunal quelconque, y compris les tribunaux administratifs, situé en dehors du territoire plébiscité, ou devant des autorités administratives qui ne reçoivent pas d'ordres par la voie hiérarchique, pourvu qu'elle provienne d'une partie du territoire plébiscité qui relève en première instance de la juridiction desdits tribunaux ou autorités.”

Article 588, 1, 2.

„La compétence du Tribunal arbitral n'affecte celle des tribunaux et autorités administratives des Parties Contractantes que dans les limites des dispositions de la présente Convention. Les parties en cause ne peuvent pas, par un



### Nr. 345 (continued)

accord, étendre la compétence du Tribunal arbitral au delà des limites prévues dans la présente Convention. Les parties en cause dans une affaire peuvent se mettre d'accord pour substituer, en ce qui concerne cette affaire, la compétence d'un tribunal ou d'une autorité d'un des deux pays à celle du Tribunal arbitral." Article 590.

„La Commission mixte et le Tribunal arbitral examinent d'office leur compétence." Article 604.

„La Commission mixte et le Tribunal arbitral ne sont pas compétents pour statuer sur les questions relatives à l'application de l'Article 25, paragraphe 3, même en cas d'évocation." Article IX Protocol.

3. Arbitral Tribunal: R. Schneider (G.); J. Kaluznacki, succeeded by B. Stelmachowski (P.); G. Kaeckenbeeck (President).

4. Convention, Geneva.

a. **May 15, 1922.**

b.

c. L.N.T.S. 9-466; de Martens N.R.G. 3-16-645; State Papers 118-365.

5. Awards.

a. 1922 to 1937.

b.

c.

d. „Schiedsgericht für Oberschlesien. Amtliche Sammlung von Entscheidungen", Berlin 1930/7 (7 vol.).  
 e. F. W. Heyl: Die Tätigkeit des Internationalen Gerichtshofs 1922-1928, Ochsensfurt 1930; G. Kaeckenbeeck: The character and work of the arbitral tribunal of Upper Silesia, London 1935; idem: „L'expérience du Tribunal de Haute-Silésie", in a collection of studies: La crise mondiale, Zürich-Paris 1938; J. P. Warderholt: Das Minderheitenrecht in Oberschlesien, Berlin 1930; Z.f.a.ö.R.u.V. 1935-653; idem: 1936-402; idem: 1937-211.

## Nr. 346

## 1. GERMANY — POLAND.

## 2. Consequences of change of sovereignty.

„En ce qui concerne l'application et l'interprétation des dispositions de la présente partie (protection des minorités) par les autorités administratives qui reçoivent des ordres par la voie hiérarchique, les personnes appartenant à une minorité pourront, conformément aux dispositions qui suivent, soumettre pour examen une pétition à l'Office des minorités de leur Etat. Celui-ci transmettra, conformément aux stipulations spéciales contenues dans les Articles suivants, ces pétitions au Président de la Commission mixte pour avis. Dans le cas où les pétitionnaires ne seraient pas satisfaits de la solution donnée à l'affaire par l'autorité administrative, ils pourront faire appel au Conseil de la Société des Nations.”  
Article 149.

„Après avoir examiné l'affaire et donné aux Membres de la Commission mixte l'occasion d'exprimer leur opinion, le Président transmettra à l'Office des minorités son avis sur la manière dont l'affaire peut être réglée conformément aux dispositions de la présente partie, les dispositions de l'alinéa 2 de l'Article 158 étant applicables *MUTATIS MUTANDIS*.”  
Article 153, 2.

„La Commission mixte a son siège à Katowice et se compose de deux Membres allemands, de deux Membres polonais, ainsi que d'un Président d'une autre nationalité.”  
Article 562, 1.

„Outre les dispositions du présent chapitre, la compétence de la Commission mixte est également déterminée expressément dans les autres titres pour les matières dont ils traitent.”  
Article 583.

See further No. 345 sub 2.

## 3. Mixed Commission: F. L. Calonder (President); . . . .

## 4. Convention, Geneva.

## a. May 15, 1922.

## b.

c. L.N.T.S. 9-466; de Martens N.R.G. 3-16-645; State Papers 118-365.

## 5. „Stellungnahmen”.

## a. June 15, 1922-July 15, 1937.

## b.

## c.

d. Amtliche Sammlung des Präsidenten der Gemischten Kommission für Oberschlesien, Berlin 1937 (2 vol.).  
e. D. Schindler: Die Schiedsgerichtsbarkeit seit 1914, Stuttgart 1938, p. 35/9; J. P. Warderholt: Das Minderheitenrecht in Oberschlesien, Berlin 1930; Z.f.a.ö.R.u.V. 1933-2-543.

## Nr. 347

## 1. FRANCE — SPAIN.

## 2. Taxes on war-profits.

„Attendu que le gouvernement français et le gouvernement espagnol se sont mis d'accord pour soumettre à la décision de l'arbitre soussigné, jugeant souverainement et sans appel, la question litigieuse qui les divise; attendu que cette question est la suivante: Les ressortissants espagnols, établis en France, sont-ils soumis à la loi du 1er juillet 1916 sur les bénéfices exceptionnels de guerre, ou doivent-ils au contraire être exemptés de cet impôt en vertu de la convention franco-espagnole du 7 janvier 1862 (text: de Clercq 8-374; State Papers 52-139. See articles 2 and 4.)?''

Award.

## 3. G. Ador.

## 4.

- a.
- b.
- c.

## 5. Award.

- a. **June 15, 1922.**
- b. Spain.
- c.
- d. Journal Clunet 1923-217; R.D.D.I. 15 (1923)-322.
- e.

## Nr. 348

## 1. GERMANY — POLAND.

## 2. Amnesty.

„Gemäsz Artikel 88 Absatz 3 des Versailler Vertrags vom 28 Juni 1919 wird für alle im oberschlesischen Abstimmungsgebiete während der Dauer der Besetzung durch die interalliierten Mächte begangenen Straftaten Straffreiheit gewährt, soweit sie ausschliesslich oder überwiegend aus politischen Beweggründen begangen sind.“

Article I, 1, 1.

„Falls die Behörden des einen vertragschliessenden Teiles die Gewährung der Straffreiheit nach Paragraph 1 dieses Artikels durch eine nicht mehr abzuändernde Entscheidung abgelehnt haben, bleibt es dem andern vertragschliessenden Teile überlassen, auf schiedsgerichtliche Entscheidung anzutragen. Zu diesem Zwecke wird ein ständiger Schiedsgerichtshof eingerichtet.“

Article I, 2, 1.

## 3. Arbitral Tribunal:

## 4. Convention, Oppeln.

a. **June 21, 1922.**

b.

c. De Martens N.R.G. 3-20-568.

## 5.

a.

b.

c.

d.

e. Procedure: de Martens N.R.G. 3-20-572.

## Nr. 349

## 1. CHILE — PERU.

## 2. Unfulfilled provisions of the Treaty of Peace of October 20, 1883.

„It is hereby recorded that the only difficulties arising out of the Treaty of Peace (October 20, 1883, State Papers 74-349) concerning which the two countries have not been able to reach an agreement are the questions arising out of the unfulfilled provisions of Article 3 of said Treaty.” Article 1.

„The following question, presented by Peru at a session of the conference held on the 27th May last, shall be included in the arbitration: In order to determine the manner in which the stipulation of Article 3 of the Treaty of Ancon shall be fulfilled, it is agreed that there shall be submitted to arbitration the question whether, in the present circumstances, a plebiscite shall or shall not be held.”  
Supplementary Act.

## 3. Calvin Coolidge, President of the United States of America.

## 4. Agreement and Supplementary Act, Washington.

## a. July 20, 1922.

## b.

c. A.J.I.L.L. Off. Doc. 1923-11; L.N.T.S. 21-142; de Martens N.R.G. 3-20-30; State Papers 116-673.

## 5. Award.

## a. March 4, 1925.

## b. Peru.

c. In conformity with the award, a plebiscitary commission assembled in Arica, August 1925, but the attitude of the Chilean administration made the holding of a fair plebiscite an impossibility. Difficulties arose until finally, with the assistance of the United States, a definite agreement was concluded between the two countries on June 3, 1929. Article 2 holds that the territory of Tacna and Arica is divided into two parts, Peru taking Tacna, and Chile taking Arica. Chile paid to Peru the sum of six million dollars in respect of the acquisition of Arica, Peru paid nothing to Chile in respect of the retention of Tacna (text agreement: State Papers 130-463).

d. A.J.I.L.L. 19 (1925)-393; Ed. Washington 1925; Memoria de Relaciones Exteriores (Chile), 1923/6-210; R.D.D.I. (Cuba), 8-78; State Papers 122-219; Tacna-Arica, fallo arbitral, Santiago 1925.

e. A.J.I.L.L. 15 (1921)-70; idem: 17 (1923)-82; idem: 19 (1925)-633; idem: 20 (1926)-605; idem: 23 (1929)-605; A.J.I.L.L. Off. Doc. 1927-11/5 and 38/53; idem: 1929-183/7; Advocate of Peace 1925-174 and 196; idem: 1926-69, 144, 205, 222 and 348; idem: 1927-75; Anuario de la Sociedad Cubana de derecho internacional 1925-174; Arbitraje Chileno-Peruano, Washington 1923/4 (2 vol.); Arbitraje sobre Tacna y Arica, Santiago 1924 (3 vol.); idem: Santiago 1924/5 (9 vol.); Arbitration between Peru and Chile, Washington 1923/5 (4 vol.); Boletín del Ministerio De Relaciones Exteriores (Peru), 68-37 and 334, 70-65 and 118; British Yearbook 1930-187; Bulletin of the Pan American Union 1929-539; J. S. Canero: El arbitraje sobre la controversia del Pacifico Sur, Lima 1925; W. J. Dennis: Documentary history of the Tacna-Arica dispute, Iowa City 1927; idem: Tacna Arica, New Haven-London 1931; Deutsche Rundschau, July 1929-38; Europäische Gespräche 1925-265; idem: 1926-259; idem: 1928-538; Foreign Affairs (U.S.A.) 1-1-29; idem: 2-10; idem: 7-656; Inter America 1925-562; Journal of the British Institute of international Affairs 1926-245; L'Europe Nouvelle 1927-877; Memoria de Relaciones Exteriores (Peru), 1917-63, 1922-37, 1923-23, 1924-X, 1925-3, 1926-VII, 1927-XXVIII, 1928-CXLIX 1929-LIX, 1929 An. I-30 and An. II passim; Memoria de Rela-

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ciones Exteriores (Chile), 1919/22-487, 1923/6-43, 1927-9, 1928-9, 1929-9; Minnesota Law Review vol. 10, December 1925 p. 28; Revista Argentina de derecho internacional 1921-341, 391 and 396; Revista Mexicana de derecho internacional 1922-86; R.D.I.L.C. 52 (1925)-295; Revue des Deux Mondes 1923-88; R.G.D.I.P. 32 (1925)-443; Transactions of the Grotius Society 15(1929)-93; U.S. For. Rel. 1913-1164; idem: 1919-1-123; idem: 1920-1-324; idem: 1921-1-237; idem: 1922-1-447; idem: 1923-1-364; M. V. Villaran: El arbitraje de Washington en la cuestion peruano-chilena, New York 1925; C. Wiese: Apuntaciones sobre el plebiscito pactado en el articulo 3 del tratado de Ancon, Lausanne 1898.  
See No. 219.

## Nr. 350

### 1. GERMANY — UNITED STATES OF AMERICA.

#### 2. Claims.

„The United States of America and Germany, being desirous of determining the amount to be paid by Germany in satisfaction of Germany's financial obligations under the treaty concluded by the two Governments on August 25, 1921, which secures to the United States and its nationals rights specified under a resolution of the Congress of the United States of July 2, 1921, including rights under the treaty of Versailles, have resolved to submit the questions for decision to a mixed commission: . . . .”

„The Commission shall pass upon the following categories of claims which are more particularly defined in the treaty of August 25, 1921, and in the treaty of Versailles:

1) Claims of American citizens, arising since July 31, 1914, in respect of, damage to, or seizure of, their property, rights, and interests, including any company or association in which they are interested, within German territory as it existed on August 1, 1914.

2) Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to persons or to property, rights, and interests, including any company or association in which American nationals are interested, since July 31, 1914, as a consequence of the war.

3) Debts owing to American citizens by the German Government or by German nationals.” Article I.

### 3. Mixed Claims Commission: W. Kiesselbach (G.); Chandler P. Anderson (U.S.A.); E. B. Parker, succeeded by R. W. Boyden, and he succeeded by Owen J. Roberts (Umpire).

#### 4. Agreement, Berlin.

##### a. August 10, 1922.

##### b. In Administrative Decision No. II, the Commission said:

„In its adjudications the Commission will be controlled by the terms of the Treaty of Berlin. Where no applicable provision is found in that instrument, in determining the measure of damages the Commission may apply:

a) International conventions, whether general or particular, establishing rules expressly recognized by the United States and Germany.

b) International custom, as evidence of a general practice accepted as law.

c) Rules of law common to the United States and Germany established by either statutes or judicial decisions.

d) The general principles of law recognized by civilized nations.

e) Judicial decisions and the teachings of the most highly qualified publicists of all nations, as subsidiary means for the determinations of rules of law; but

f) The Commission will not be bound by any particular code or rules of law but shall be guided by justice, equity, and good faith.” G.P.O. 1928-7/8.

##### c. A.J.I.L. Off. Doc. 1922-171; Malloy 3-2601; de Martens N.R.G. 3-11-924; State Papers 116-1028.

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## 5. Awards.

- a. November 1, 1923–December 15, 1933(?).
- b. Both.
- c.
- d. A.J.I.L. 18 (1924)–175/36 and 361/73 and 580/634; idem: 19 (1925)–593/633 and 803/23; idem: 20 (1926)–171/206 and 595/605 and 782/94; idem: 22 (1928)–683/93; idem: 25 (1931)–147/68; idem: 27 (1933)–339/69; Consolidated Edition of Decisions and Opinions, Mixed Claims Commission, United States and Germany, Washington 1928 (p. 1/848); idem: Washington 1933 (p. 849/1036); J. C. Witenberg: *Commission mixte de réclamations germano-américaine*, Paris 1926/7 (2 vol.).
- e. A.J.I.L. 16 (1922)–604; idem: 19 (1925)–133 and 363; idem: 20 (1926)–69; idem: 21 (1927)–472; idem: 23 (1929)–159; A.J.I.L. Off. Doc. 1923–133; idem: 1929–58; British Yearbook 1924–222; 1925–204; 1928–164; 1931–171; 1933–181; Columbia Law Review 23 (1923)–511; *Friedensrecht*, February 1925 p. 10; *Journal of comparative legislation and international law* 1926–111; *Juristische Wochenschrift* 1924–602; idem: 1925–1211; W. Kiesselbach: *Problems of the German–American Claims Commission*, Washington 1930; R. C. Morris: *First and second Reports before Mixed Claims Commission U.S.A. and Germany...*, Washington 1923; *Niem. Zeit.* 34 (1925)–199; *U.S. For. Rel.* 1922–2–240/66; *Z.f.a.ö.R.u.V.* 1933–1–568.



## Nr. 351

### 1. GERMANY — REPARATION COMMISSION.

#### 2. Interpretation of Article 260 of the Treaty of Versailles.

13 Questions were submitted to arbitration :

„1) Does Article 260 of the Treaty of Versailles apply to territory ceded under other treaties ?

*bis*) Les dispositions de l'Article 260 du Traité de Versailles sont-elles applicables aux territoires de Haute Silésie qui ont été transférés à la Pologne ?

2) What is the meaning of the expression ‚public utility undertaking‘ as employed in Article 260 ?

3) Does the word ‚concession‘ as used in Article 260 include mines such as coal mines, iron mines or other minerals and petroleum deposits? Does the reply to this question depend upon the law of the country where the mines or deposits are situated? Does the word ‚concession‘ also include the right granted by a State to a private person or a company to exercise a monopoly of production or sale of some product, as in the case of the Turkish tobacco monopoly (Régie des tabacs ottomans) ?

4) Is there a ‚concession‘ within the meaning of Article 260 even if any undertaking has already been founded to work the concession, or does the existence of such an undertaking mean that the concession is absorbed by the undertaking with which it is indissolubly bound up, so that there can be no question of any cession under Article 260 unless the undertaking is one of public utility ?

If the reply to the first part of this question is in the affirmative, what must be ceded if the undertaking also includes developments which are independent of the concession ?

5) Does Article 260 equally apply to concessions, which by the terms of the grant or by the law of the State granting the concession, are not transferable, such as the concession of local railways, granted by the Prussian Government? If yes, how will the transfer of a non-transferable concession be effected if the German Government has no influence on the law of the State concerned ?

6) Does the expressions ‚concession‘ and ‚public utility undertaking‘ as used in Article 260 include movable and immovable property employed in working of the concession or undertaking ?

7) Does Article 260 apply only to public utility undertakings, the head offices of which are in the territories referred to in that Article, or do they apply also to those which have their head offices not in these territories but in some other country, Germany, for instance, although their works are in those territories ?

8) What is to happen if an undertaking in addition to works in territories mentioned in Article 260 has other works in other countries ?

9) Does Article 260 apply to the rights and interests owned by Germans in the Swiss Oriental Railway Company or any similar company, the chief, if not the only object of which is to act as a holding company for shares of railways situated in Turkey or in general for securities referred to in Article 260 ?

10) When a German Company possesses a concession or public utility undertaking, is the transfer required by Article 260 a transfer of the concession or public utility undertaking itself or the shares of the company ?

11) In a case where under Article 260 it is not the concession or undertaking

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itself which has to be transferred but the shares of the Company or partnership which carries on the works or holds the concession, have bonds and debentures also to be transferred as well as debts which are secured on or involve rights over the concession or undertaking?

12) As on what date are the concessions or public utility undertakings affected by Article 260 to be determined? The date of the signing of the Treaty of Versailles (June 28, 1919) or of its ratification by Germany (July 16, 1919) or that of its coming into force (January 10, 1920), or some other and what date?

13) Les Etats d'Esthonie, Finlande, Lettonie et Lithuanie doivent-ils être considérés comme ayant été compris dans la 'Russie', au sens et en vue de l'application de l'Article 260 du Traité de Versailles?"

3. F. W. N. Beichmann.

4. I. Protocol.

- a. **December 30, 1922.**
- b.
- c.

II. Supplementary Protocol.

- a. November 23, 1923.
- b.
- c.

5. Award.

- a. September 3, 1924.
- b.
- c. Accepted.
- d. Printed by the Commission des Réparations, Annexe 2415a. (Peace Palace Library.)
- e.

## Nr. 352

## 1. GREAT BRITAIN — SPAIN.

## 2. British claims in the spanish zone of Morocco.

„His Britannic Majesty's Government and the Government of His Catholic Majesty, being desirous to arrive at a settlement of all claims of British subjects or British-protected persons against the Spanish authorities for damage to life or property in the Spanish zone of Morocco handed in up to the present date and not yet settled, have agreed to submit such claims to Mr \_\_\_\_\_ for examination and report, with the following conditions:

1. All claims on the annexed schedule, except those for damage to persons or property resulting from military operations, risings of the Cabiles or acts of bandits, shall be submitted for examination and report to Mr \_\_\_\_\_ who shall determine the amount, if any, payable by the Spanish Government to His Britannic Majesty's Government in respect of each claim. Mr \_\_\_\_\_

's report shall be accepted as an arbitral award by both Parties to this agreement.

2. The Spanish Government shall furnish His Britannic Majesty's Government, within one fortnight of the date of this agreement, with a list of those claims on the annexed schedule which they consider result from military operations, risings of the Cabiles or acts of bandits. These claims shall also be submitted to Mr \_\_\_\_\_ for examination and report, but it shall be understood that it will be open to His Catholic Majesty's Government to argue that such claims are not of their nature arbitrable, and to require a decision on this point before each actual claim itself is examined and any award delivered with respect to the indemnity, if any, to be paid on account of such claim. It should also be understood that if Mr \_\_\_\_\_ reports that these claims are not arbitrable, His Britannic Majesty's Government will not further press for their submission to arbitration."

(„Pour exprimer la distinction d'une manière condensée, l'on pourrait, si l'on compare le rapport sur les réclamations tombant sous le coup de la clause No. 1 à une sentence arbitrale, assimiler en quelque sorte à un avis consultatif de la Cour Permanente de Justice internationale ou encore aux conclusions d'une commission de conciliation, le rapport sur les réclamations visées à la clause No. 2.")  
Speech 1st session.

## 3. M. Huber.

## 4. Agreement, Madrid.

## a. May 29, 1923.

b. („Si ce travail ne doit pas se faire dans le cadre tracé par une procédure plus ou moins rigide, il n'en est pas moins certain qu'il s'inspirera entièrement des principes juridiques qui garantissent la plus entière impartialité et objectivité et qui sont à la base de toute procédure judiciaire et arbitrale.")  
Speech 1st session.

c. Réclamations britanniques dans la zone espagnole du Maroc, Rapports, The Hague, May 1925, p. 8.

## Nr. 352 (continued)

## 5. Reports, The Hague.

- a. I. Rapport sur les contestations au sujet de la classification de certaines réclamations, August 27, 1924.
  - II. Rapport sur la notion de l'arbitrabilité aux termes de la clause 2 de l'accord du 29 mai 1923, August 27, 1924.
  - III. Rapport sur les responsabilités de l'Etat dans les situations visées par les réclamations britanniques, October 23, 1924.
  - IV. Rapport sur la question des intérêts, December 29, 1924.
  - V. Rapports sur les réclamations individuelles, December 29, 1924.
  - VI. Rapport sur les indemnités visées dans la deuxième clause de l'accord du 29 mai, 1923, May 1, 1925.
- b.
  - c.
  - d. Ed. The Hague, May 1925.
  - e.

## Nr. 353

1. TURKEY, GREECE, BULGARIA, FRENCH MANDATE STATES, IRAK, PALESTINA, TRANSJORDANA — COUNCIL TURKISH PUBLIC DEBT.
2. Turkish Public Debt.
 

„The Council of the Ottoman Public Debt shall . . . determine, on the basis laid down by Articles 50 and 51, the amounts of the annuities for the loans referred to in Part A of the table annexed to the present section which are payable by each of the states concerned, and shall notify to them this amount. . . . The Council of the Debt shall exercise the functions referred to in Article 134 of the Treaty of Peace with Bulgaria of the 27th November, 1919. Any disputes which may arise between the parties concerned as to the application of the principles laid down in the present article shall be referred . . . to an arbitrator whom the Council of the League of Nations will be asked to appoint.”  
Article 47.
3. E. Borel.
4. Treaty of Peace, Lausanne (between the British Empire, France, Italy, Japan, Greece, Rumania and Turkey).
  - a. July 24, 1923.
  - b.
  - c. A.J.I.L. Off. Doc. 1924-1; L.N.T.S. 28-12; de Martens N.R.G. 3-13-342; State Papers 117-543.
5. Award.
  - a. April 18, 1925.
  - b.
  - c.
  - d. Ed. Geneva, 1925; R.D.I. (Sottile) 1925-154 (only some points).
  - e. A.J.I.L. 20 (1926)-135; R.D.I. (Sottile) 1926-98.

## Nr. 354

### 1. MEXICO — UNITED STATES OF AMERICA.

#### 2. Mutual claims.

„All claims (except those arising from acts incident to the recent revolutions) against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America by citizens of Mexico, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country by reason of losses or damages suffered by any corporation, company, association, or partnership in which such citizens have or have had a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership of his proportion of the loss or damage suffered is presented by the claimant to the commission hereinafter referred to; and all claims for losses or damages originating from acts of officials or others acting for either Government and resulting in injustice, and which claims may have been presented to either Government for its interposition with the other since the signing of the Claims Convention concluded between the two countries the 4th July 1868, and which have remained unsettled, as well as any other such claims which may be filed by either Government within the time hereinafter specified, shall be submitted to a Commission, consisting of three members, for decision in accordance with the principles of international law, justice and equity.” Article 1.

### 3. General Claims Commission : G. F. MacGregor (M.) ; F. K. Nielsen (U.S.A.) ; C. van Vollenhoven, succeeded by K. Sindballe, and he succeeded by H. F. Alfaro (Presiding Commissioner).

#### 4. I. Convention, Washington.

##### a. **September 8, 1923.**

b. „. . . . each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for decision. . . .” Article 2.

„The High Contracting Parties, being desirous of effecting an equitable settlement of the claims of their respective citizens, thereby affording them just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.” Article 5.

c. A.J.I.L. Off. Doc. 1924-147; de Martens N.R.G. 3-17-292; State Papers 118-1103.

**Nr. 354** (continued)

## II. Supplementary Conventions, Mexico City.

1. August 16, 1927: A.J.I.L. Off. Doc. 1928-11; de Martens N.R.G. 3-20-74; State Papers 127-865
2. September 2, 1929: de Martens N.R.G. 3-21-359; State Papers 131-574.
3. June 18, 1932: A.J.I.L. Off. Doc. 1936-105; L.N.T.S. 158-67; de Martens N.R.G. 3-30-744.
4. April 24, 1934: A. H. Feller, p. 340; de Martens N.R.G. 3-29-713.

## 5. Awards.

- a. February 4, 1926-1934.
- b. Both.
- c.
- d. A.J.I.L. 20 (1926)-794/810; idem: 21 (1927)-160/78 and 349/80 and 555/99 and 771/811; idem: 22 (1928)-174/94 and 432/57 and 660/93; idem: 23 (1929)-434/76 and 860/86; idem: 24 (1930)-624/31; idem: 25 (1931)-367/97 and 544/53; idem: 26 (1932)-419/26 and 630/42; Opinions of Commissioners, ed. Washington G.P.O. 1927, 1929 and 1931.
- e. A.J.I.L. 18 (1924)-315 and 795; idem: 20 (1926)-356 and 536; idem: 21 (1927)-516; idem: 25 (1931)-735; British Yearbook 1927-179, 1928-156, 1930-220, 1931-166, 1935-176; Bulletin I.I.I. 16-237, 17-253; J. G. de Beus: The jurisprudence of the General Claims Commission United States and Mexico, The Hague 1938; A. H. Feller: The Mexican Claims Commissions 1923-1934, New York 1935; Journal of comparative legislation and international law, February 1937 p. 98; Memoria de Relaciones Exteriores (Mexico), 1925/6-22, 1926/7-183, 1927/8-479, 1928/9-2-1095, 1929/30-1-614, 1930/1-1-585, 1931/2-266, 1932/3-165, 1933/4-289; F. K. Nielsen: International law applied to reclamations, mainly in cases between the United States and Mexico, Washington 1933; U.S. For. Rel. 1919-2-632, 1920-3-236, 1921-2-504; 1922-2-668; 1923-2-555. See No. 82.

## Nr. 355

## 1. MEXICO — UNITED STATES OF AMERICA.

## 2. Claims arising from revolutionary acts.

„All claims against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties during the revolutions and disturbed conditions which existed in Mexico, covering the period from the 20th November, 1910 to the 31st May, 1920, inclusive, including losses or damages suffered by citizens of the United States by reason of losses or damages suffered by any corporation, company, association or partnership in which citizens of the United States have or have had a substantial and bona fide interest, provided an allotment to the American claimant by the corporation, company, association, or partnership of his proportion of the loss or damage is presented by the claimant to the Commission hereinafter referred to, and which claims have been presented to the United States for its interposition with Mexico, as well as any other such claims which may be presented within the time hereinafter specified, shall be submitted to a Commission consisting of three members.” Article 1.

„The claims which the Commission shall examine and decide are those which arose during the revolutions and disturbed conditions which existed in Mexico covering the period from the 20th November, 1910, to the 31st May, 1920, inclusive, and were due to any act by the following forces:

- 1) By forces of a Government *DE IURE* or *DE FACTO*.
- 2) By revolutionary forces as a result of the triumph of whose cause Governments *DE FACTO* or *DE IURE* have been established, or by revolutionary forces opposed to them.
- 3) By forces arising from the disjunction of the forces mentioned in the next preceding paragraph up to the time when the Government *DE IURE* established itself as a result of a particular revolution.
- 4) By federal forces that were disbanded; and
- 5) By mutinies or mobs, or insurrectionary forces other than those referred to under subdivisions 2), 3) and 4) above, or by bandits, provided in any case it be established that the appropriate authorities omitted to take reasonable measures to suppress insurrectionists, mobs or bandits, or treated them with lenity or were in fault in other particulars.” Article 3.

## 3. Special Claims Commission: F. Gonzales Roa (M.); E. B. Perry, succeeded by F. K. Nielsen (U.S.A.); R. Octavio, succeeded by K. Sindballe, and he succeeded by H. F. Alfaro (Presiding Commissioner).

## 4. I. Convention, Mexico City.

a. **September 10, 1923.**

- b. „. . . . each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of justice and equity, all claims pre-



### Nr. 355 (continued)

mented for decision . . . . The Mexican Government desires that the claims shall be so decided because Mexico wishes that her responsibility shall not be fixed according to the generally accepted rules and principles of international law, but *ex gratia* feels morally bound to make full indemnification and agrees, therefore, that it will be sufficient that it be established that the alleged loss or damage in any case was sustained and was due to any of the causes enumerated in Article III hereof." Article 2.

„Since the Mexican Government desires to arrive at an equitable settlement of the claims of the citizens of the United States and to grant them a just and adequate compensation for their losses or damages, the Mexican Government agrees that the Commission shall not disallow or reject any claim by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim." Article 6.

- c. A.J.I.L. Off. Doc. 1924-143; de Martens N.R.G. 3-17-301; State Papers 118-1108.

#### II. Supplementary Convention, Washington.

a. August 17, 1929.

b.

- c. De Martens N.R.G. 3-21-761; State Papers 131-573.

#### 5. Awards.

a. April 26, 1926-1934.

b. Both.

c. The claims were settled en bloc by the Convention of Mexico City, April 24, 1934 (text: A.J.I.L. Off. Doc. 1936-106; de Martens N.R.G. 3-30-747).

d. A.J.I.L. 26 (1932)-172/96; Opinions of Commissioners, Ed. Washington G.P.O. 1931.

e. A.J.I.L. 18 (1924)-796; idem: 19 (1925)-364; British Yearbook 1927-180; A. H. Feller: The Mexican Claims Commissions 1923-1934, New York 1935; Memoria de Relaciones Exteriores (Mexico), 1925/6-38, 1926/7-203, 1927/8-525, 1928/9-2-1115, 1929/30-1-824, 1930/1-1-616, 1931/2-268, 1932/3-166, 1933/4-290.

## Nr. 356

## 1. TURKEY — UNITED STATES OF AMERICA.

## 2. Claims.

The agreement by an exchange of notes provided the establishment of a Claims Committee upon which each Government was to be represented by two representatives for the examination „of the reciprocal claims of the nationals of the United States and of Turkey.”

## 3. Claims Committee: A. Sevki (T.); Mehmet Esat (T.); F. K. Nielsen (U.S.A.); J. W. Connelly Jr. (U.S.A.).

## 4. I. Exchange of notes.

a. **December 24, 1923.**

b.

c. H.R. Doc. No. 283, 73d Cong., 2d Session, p. 5.

## II. Exchange of notes.

## a. February 17, 1927.

b.

c. H.R. Doc. No. 283, 73d Cong., 2d Session, p. 3.

## 5. Settlement by agreement, Ankara.

## a. October 25, 1934.

b. U.S.A.

c. Turkey should pay \$ 1.300.000 (agreement October 13, 1934).

d. De Martens N.R.G. 3-30-753; F. K. Nielsen: American-Turkish Claims Settlement, Opinions and Report, Washington G.P.O. 1937 (p. 47).

e. A.J.I.L. 28 (1934)-346; British Yearbook 1935-175; Rapport général sur les travaux de la Commission d'Evaluation des dommages subis en Turquie, Paris 1930.

## Nr. 357

## 1. CANADA — UNITED STATES OF AMERICA.

## 2. Hot pursuit.

Question concerning the sinking of the Canadian schooner „*I'm alone*” on the high seas. The „*I'm alone*” was registered in Nova Scotia, engaged in an attempt to smuggle intoxicating liquors into the United States, and was sunk by the gun-fire of a coast guard vessel on March 22, 1929, in the gulf of Mexico about 200 miles off the Louisiana Coast.

„Any claim by a British vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by article 2 of this treaty or on the ground that it has not been given the benefit of article 3 shall be referred for the joint consideration of two persons . . . .” Article 4.

## 3. Joint Commission: L. P. Duff (C.); W. van Devanter (U.S.A.).

## 4. I. Convention, Washington (between Great Britain and U.S.A.).

a. **January 23, 1924.**

## b.

c. A.J.I.L. Off. Doc. 1924-127; de Martens N.R.G. 3-13-283; State Papers 119-467.

## II. Question submitted.

## a. August 1929.

## b.

## c.

## 5. I. Joint interim Report.

## a. June 30, 1933.

d. A.J.I.L. 29 (1935)-326; Ed. Washington, G.P.O. 1935.

## II. Final Report.

## a. January 5, 1935.

## b. Canada.

## c. \$ 50.666,50 allowed.

(Mission and use of the vessel unlawful and its sinking by the United States officers also unlawful.)

d. A.J.I.L. 29 (1935)-329; Ed. Washington 1935; La Documentation Internationale 2 (1935)-185.

e. Advocate of Peace, 1929-336; A.J.I.L. 29 (1935)-296; British Yearbook 1924-187; idem: 1935-173; idem: 1936-82; Ch. J. Chacko: The international joint commission between U.S.A. and Canada, New York-London 1932; Claim of British ship „*I'm alone*”, Ottawa 1935; Ed. Washington G.P.O. 1935 (7 vol.); Z.f.a.ö.R. u.V. 1935-658.

## Nr. 358

## 1. GERMANY — POLAND.

## 2. Interpretation of treaty.

„The Council requests the Rapporteur to invite the Polish Government and the German Government:

1) To continue their negotiations on the subject of the interpretation and application of Article 4 of the Minorities Treaty (June 28, 1919, between the United States of America, Great Britain, France, Italy, Japan and: Poland, see Hertslet 29-1000; de Martens N.R.G. 3-13-504; State Papers 112-232), as well as on the subject of the questions of uninterrupted and double domicile, arising out of Article 3 of the said Treaty;

2) To include in the programme of these negotiations every other question raised by either party relating to the interpretation and application of Articles 3 and 5 of the Minorities Treaty;

3) To request a third person, who, if no agreement to the contrary has been reached by the two Governments before April 1st, 1924, should be the President of the Arbitral Tribunal of Upper Silesia, to be good enough to undertake to preside over the negotiations mentioned in paragraphs 1) and 2) above, in the capacity of mediator; it being understood that, if the negotiations have not resulted in a complete agreement in the form of a signed Convention before June 1st, 1924, this third person shall have full power to arbitrate on all the questions still in dispute.”

Resolution Council L.o.N.

„L'arbitrage ne portera d'abord que sur les questions de principe essentielles . . . La sentence fournira les éléments d'une convention à rédiger par les deux délégations, sous la présidence de l'arbitre.”

Protocol May 20, 1924.

## 3. G. Kaeckenbeek.

## 4. I. Resolution of the Council of the League of Nations.

a. **March 14, 1924.**

b.

c. L.N.O.J. 1924-543.

## II. Protocol, Berlin.

## a. April 15, 1924.

b.

c. „Actes et Documents de la Conférence germano-polonaise tenue à Vienne du 30 avril au 30 août 1924”, Vienna 1924, p. 13.

## III. Protocol, Vienna.

## a. May 20, 1924.

b.

c. Actes et Documents, p. 25.

**Nr. 358** (continued)

## 5. Award.

- a. July 10, 1924.
- b.
- c. (See Convention Vienna, August 30, 1924: de Martens N.R.G. 3-22-174; State Papers 123-885.)
- d. Actes et Documents, p. 366.
- e. A.J.I.L. 20 (1926)-130.  
See Permanent Court of International Justice, Advisory Opinion September 15, 1923.

## Nr. 359

## 1. GERMANY — LITHUANIA.

## 2. Nationality.

„Entstehen Meinungsverschiedenheiten über Fragen des Erwerbes oder Verlustes der Staatsangehörigkeit aus Anlass des Überganges der Staatshoheit über das Memelgebiet oder über die Rechtsstellung der Optionsberechtigten, so kann unbeschadet des Artikel 17 der Memelkonvention jeder Teil verlangen, dass der Streitfall von einer gemischten Kommission geregelt wird, die sich aus je zwei Angehörigen der vertragschliessenden Teile zusammensetzt und je nach Bedarf an einem zu vereinbarenden Orte zusammentritt.

Können sich die Mitglieder nicht einigen, so entscheidet ein neutraler Schiedsrichter, um dessen Ernennung die Schweizerische Regierung gebeten werden soll.”  
Article 8.

## 3. Dr. Viktor Merz.

## 4. I. Convention, Paris (between Great Britain, France, Italy, Japan and Lithuania).

- a. **May 8, 1924.**
- b. (See articles 8/10.)
- c. De Martens N.R.G. 3-15-106.

## II. Convention, Berlin.

- a. February 10, 1925.
- b. (See sub 2.)
- c. De Martens N.R.G. 3-15-136.

## 5. Award.

- a. August 10, 1937.
- b. Germany.
- c. Accepted by both and performed.
- d. Z.f.a.ö.R.u.V. 1937-881.
- e. Bulletin I.I.I. 37 (1937)-251.

## Nr. 360

### 1. AUSTRIA — CZECHOSLOVAKIA.

#### 2. Debts.

„Alle in österreichisch-ungarischen Kronen entstandenen, auf einem privaten Rechtstitel beruhenden Geldverbindlichkeiten, die vor dem 26. Februar 1919 entstanden sind oder sich auf Verträge oder Rechtshandlungen aus der Zeit vor diesem Tage gründen, zwischen

*a)* der Republik Österreich und der Cechoslovakischen Republik,

*b)* einem dieser Staaten und physischen oder juristischen Personen, die am 26. Februar 1919 ihren ordentlichen Wohnsitz (Sitz) im Gebiete des anderen Staates hatten,

*c)* physischen oder juristischen Personen, von denen am 26. Februar 1919 die eine ihren ordentlichen Wohnsitz (Sitz) im Gebiete des einen, die andere im Gebiete des anderen Staates hatte,

werden, insoweit nicht in diesem oder in einem sonstigen, auf Grund des Staatsvertrages von Saint-Germain abgeschlossenen Übereinkommen etwas anderes bestimmt ist, in der im Abschnitt V festgesetzten Weise beglichen.“

Article 1.

„Ein zwischenstaatliches Schiedsgericht entscheidet unter Ausschluss der ordentlichen Gerichte und sonstiger innerstaatlicher Gerichte und Behörden endgültig über:

*a)* Meinungsverschiedenheiten zwischen den Parteien, sofern sie nicht durch eine im Einvernehmen der beiden Abrechnungsstellen gefällte Entscheidung erledigt werden (Art. 28, 3).

*b)* Meinungsverschiedenheiten zwischen den Abrechnungsstellen über die Frage, inwieweit eine Verbindlichkeit zurecht besteht oder unter die Bestimmungen des gegenwärtigen Übereinkommens fällt;

*c)* Beschwerden der Parteien gegen eine im Einvernehmen der beiden Abrechnungsstellen gefällte Entscheidung der zuständigen Abrechnungsstelle. In diesem Falle hat jede der beiden Abrechnungsstellen das Recht als Partei aufzutreten;

*d)* Beschwerden gegen Entscheidungen laut Artikel 28, 5;

*e)* Meinungsverschiedenheiten zwischen den Abrechnungsstellen über die Auslegung dieses Übereinkommens.“

Article 36.

„Das Schiedsgericht entscheidet in Senaten, vom welchen jeder aus einem Vorsitzenden, einem österreichischen und einem cechoslovakischen Schiedsrichter besteht. Es wird je ein Senat in Wien und in Prag errichtet.“

Article 37.

„Meinungsverschiedenheiten zwischen den Abrechnungsstellen von grundsätzlicher Bedeutung können von einer der beiden Abrechnungsstellen dem Schiedsspruche der beiden Vorsitzenden unterworfen werden.“

Article 39.

### 3. Arbitral Tribunal, Vienna: Arbitral Tribunal, Prague:

**Nr. 360** (continued)

4. Convention, Prague.

- a. **June 18, 1924.**
- b.
- c. De Martens N.R.G. 3-22-268.

5.

- a.
- b.
- c.
- d.
- e. Rules of Procedure, June 20, 1927: de Martens N.R.G. 3-26-650.



## Nr. 361

### 1. GERMAN GOVERNMENT — REPARATION COMMISSION.

#### 2. Reparation-obligations under the Treaty of Versailles.

„Any dispute which may arise between the Reparation Commission and the German Government with regard to the interpretation either of the present Agreement and its Schedules or of the Expert's plan or of the German legislation enacted in execution of that plan, shall be submitted to arbitration in accordance with the methods to be fixed and subject to the conditions to be determined by the London Conference for questions of the interpretation of the expert's plan.”

Article 3*b*.

#### 3. Arbitral Tribunal: W. P. Cooke, succeeded by Th. Nelson Perkins; M. Wallenberg; A. G. Kröller; Ch. Rist; A. Mendelssohn-Bartholdy.

#### 4. I. Agreement, London.

##### a. August 9, 1924.

b.

c. A.J.I.L. Off. Doc. 1925-24; de Martens N.R.G. 3-13-816; State Papers 120-549.

#### II. Agreement, London.

##### a. August 30, 1924.

b.

c. A.J.I.L. Off. Doc. 1925-36; de Martens N.R.G. 3-13-833; State Papers 119-483.

#### 5. I. Award.

##### a. March 24, 1926.

d. A.J.I.L. 20 (1926)-566; Bulletin I.I.I. 14-333; Ed. The Hague 1926; Niem. Zeit. 37-306; R.G.D.I.P. 35 (1928)-504; Dr. M. Schoch: Die Entscheidungen des Internationalen Schiedsgerichts zum Auslegung des Dawes-Plans, Erste Session, Berlin 1927 p. 184.

#### II. Award.

##### a. January 29, 1927.

d. A.J.I.L. 21 (1927)-344; Ed. The Hague 1927; M.A.T. 7-314; Niem. Zeit. 37-315; R.G.D.I.P. 35 (1928)-509.

#### III. Award.

##### a. May 29, 1928.

b.

c.

d. A.J.I.L. 22 (1928)-913; Ed. The Hague 1928; Niem. Zeit. 40-226.

e. A.J.I.L. 22 (1928)-797; British Yearbook 1927-186; Deutsche Juristen Zeitung 1926-551; idem: 1927-1446; Economisch-statistische Berichten 1926-304; idem: 1927-100; idem: 1928-480; Europäische Gespräche 1927-230; Die Friedenswarte 1926-150; R.G.D.I.P. 35 (1928)-501; H. Stöhr: Der dritte Spruch des Haager Schiedsgerichts zur Auslegung des Dawes Plans, Landsberg 1930.

## Nr. 362

1. GERMAN GOVERNMENT — TRUSTEE FOR THE GERMAN INDUSTRIAL DEBENTURES.
2. Extent of the Public Law Mortgage.
 

The questions of dispute were as follows:

„Whether the mortgage of public law on immovable property and equivalent rights of a concern, subjected to the industrial charges according to the mentioned law, encumbers only the immovable property and equivalent rights belonging to the business capital (Betriebsvermögen) on September 1, 1924, or whether the mortgage extends also:

  - a) to the immovable property and equivalent rights which, since September 1, 1924, have been added to the business capital (Betriebsvermögen) of a concern subjected to the industrial charges, or might be added in future,
  - b) to the immovable property and equivalent rights belonging to the business capital of a concern exempted at the time of the first reparation, or to a newly created concern as soon as these enterprises become in time subjected to the industrial charges.”
3. M. Wallenberg.
4. Industrial Charges Law.
  - a. **August 30, 1924.**
  - b. (Paragraph 69.)
  - c.
5. Award.
  - a. December 28, 1925.
  - b. Trustee.
  - c. Accepted. See Reichsgesetzblatt 1926, 2-148.
  - d. A.J.I.L. 20 (1926)-370.
  - e.

## Nr. 363

### 1. FRANCE — MEXICO.

#### 2. Claims arising from revolutionary acts.

„La Commission connaîtra de toutes les réclamations contre le Mexique à raison des pertes ou dommages subis par des Français ou des protégés français, ou par des sociétés, compagnies, associations ou personnes morales françaises ou sous la protection française; ou des pertes ou dommages causés aux intérêts de Français ou de protégés français dans des sociétés, compagnies, associations, ou autres groupements d'intérêts, pourvu que l'intérêt du lésé, dès avant l'époque du dommage ou de la perte, soit supérieur à 50% du capital total de la société ou association dont il fait partie, et qu'en outre, le dit lésé présente à la Commission une cession, consenti à son profit, de la proportion qui lui revient dans les droits à indemnité dont peut se prévaloir ladite société ou association. Les pertes ou dommages dont il est question dans le présent article sont ceux qui ont été causés pendant la période comprise entre le 20 novembre 1910 et le 31 mai 1920 inclus, par quelque'une des forces ci-après énumérés . . .” (see No. 355 sub 2, article 3.).

„. . . . La Commission connaîtra aussi des réclamations relatives aux pertes ou dommages dûs aux actes des autorités civiles, à condition que ces actes aient leur cause dans des événements ou des troubles révolutionnaires survenus dans la période prévue ci-dessus et qu'ils aient été exécutés par quelque'une des forces définies aux alinéas 1, 2 et 3 du présent article.” Article 3.

#### 3. Mixed Claims Commission: E. Lagarde, succeeded by V. Ayguesparsse (Fr.); F. Gonzales Roa (M.); R. Octavio, succeeded by J. H. W. Verzijl (President).

#### 4. I. Convention, Mexico City.

##### a. **September 25, 1924.**

b. (See articles 2 and 6, analogous to No. 355 sub 4. I. b., articles 2 and 6.)

c. A. H. Feller p. 412; L.N.T.S. 79-418; R.G.P.C. 1936-2-14; State Papers 122-590.

#### II. Supplementary Conventions, Mexico City.

March 12, 1927: A. H. Feller p. 420; L.N.T.S. 79-424; State Papers 127-488.  
August 2, 1930: A. H. Feller p. 423; State Papers 132-766.

#### 5. Awards.

a. October 19, 1928-1931.

b. Both.

c.

d. Awards Nos. 1, 30A, 32 and 33: J. H. W. Verzijl: La réparation des dommages causés aux étrangers par des mouvements révolutionnaires, jurisprudence de la Commission franco-mexicaine des réclamations 1924-1932, Paris 1933; Awards Nos. 31, 34/51, 2A, 2B, 3B, 4A, 4B, 52A and annexes to award 32: Peace Palace Library; R.G.P.C. 1936-2-31; R.G.D.I.P. 39 (1932)-230/60, 391/436, 540/64 and 649/704.

e. Memoria de Relaciones Exteriores (Mexico), 1925/6-47, 1926/7-206, 1927/8-527; 1928/9-1-655, 1931/2-284, 1931/2-App. 691; R.G.P.C. 1936-2-1; Unpublished documents concerning the works of this Commission: Peace Palace Library.

**Nr. 364**

1. GERMANY — NETHERLANDS.
2. Salvage.
3. Erik Sjöberg.
4. Exchange of Notes.
  - a.
  - b.
  - c.
5. Award.
  - a. **November 4, 1924.**
  - b. Netherlands.
  - c.
  - d. Hanseatisches Rechtszeitschrift 1925-276 (partially); Niem. Zeit. 34-457 (partially).
  - e.

## Nr. 365

### 1. AUSTRIA, HUNGARY — UNITED STATES OF AMERICA.

#### 2. Claims arising out of war.

„The three Governments shall agree upon the selection of a Commissioner, who shall pass upon all claims for losses, damages or injuries suffered by the United States or its nationals embraced within the terms of the Treaty of the 24th August, 1921, between the United States and Austria and/or the Treaty of the 29th August, 1921, between the United States and Hungary, and/or the Treaties of St. Germain-en-Laye and/or Trianon, and shall determine the amounts to be paid to the United States by Austria and by Hungary in satisfaction of all such claims (excluding those falling within the paragraphs 5, 6, and 7 of Annex I to Section I of Part 8 of both the Treaty of St. Germain-en-Laye and the Treaty of Trianon) and including the following categories:

1) Claims of American citizens arising since the 31st July, 1914, in respect of damage to or seizure of their property, rights and interests, including any company or association in which they are interested, within the territories of either the former Austrian Empire or the former Kingdom of Hungary as they respectively existed on the 1st August, 1914.

2) Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to or death of persons, or with respect to property, rights and interests, including any company or association in which American nationals are interested, since the 31st July, 1914, as a consequence of the war.

3) Debts owing to American citizens by the Austrian and/or the Hungarian Governments or by their nationals.”

Article 1.

#### 3. Tripartite Claims Commission: E. B. Parker.

#### 4. Agreement, Washington.

##### a. November 26, 1924.

##### b.

- c. A.J.I.L. Off. Doc. 1926-51; E. B. Parker: Final Report of Commissioner and Decisions and Opinions, Washington G.P.O. 1933, p. 127; de Martens N.R.G. 2-15-230; State Papers 120-57.

#### 5. Awards.

##### a. May 25, 1927-June 28, 1929.

##### b. Both.

##### c.

- d. A.J.I.L. 21 (1927)-599/627; idem 22 (1928)-693/702; idem 23 (1929)-179/93; idem 24 (1930)-181/8; E. B. Parker: Final Report.

- e. A.J.I.L. 19 (1925)-171; idem: 20 (1926)-355; idem: 22 (1928)-142; A.J.I.L. Off. Doc. 1927-119; British Yearbook 1928-165; idem: 1930-219; de Martens N.R.G. 3-24-440.

## Nr. 366

### 1. NETHERLANDS — UNITED STATES OF AMERICA.

#### 2. Territorial sovereignty.

„The United States of America and Her Majesty the Queen of the Netherlands, desiring to terminate in accordance with the principles of international law and any applicable treaty provisions the differences which have arisen and now subsist between them with respect to the sovereignty over the island of Palmas (or Miangas) situated approximately 50 miles south-east from Cape San Augustin, island of Mindanao, at about 5°35' north latitude, 126°36' longitude east from Greenwich; . . . . agree to refer the decision of the above-mentioned differences to the Permanent Court of Arbitration at The Hague . . . . The sole duty of the arbitrator shall be to determine whether the island of Palmas (or Miangas) in its entirety forms a part of territory belonging to the United States of America or of Netherlands territory.” Article 1.

#### 3. Permanent Court of Arbitration; M. Huber.

#### 4. Agreement, Washington.

a. **January 23, 1925.**

b. (See sub 2.)

c. A.J.I.L. Off. Doc. 1925-108; Grotius 1929-191; L.N.T.S. 33-446; de Martens N.R.G. 3-14-124; Recueil The Hague 3; State Papers 122-979.

#### 5. Award.

a. April 4, 1928.

b. Netherlands.

c.

d. A.J.I.L. 22 (1928)-867; Grotius 1929-190; Recueil The Hague 3; R.G.D.I.P. 42 (1935)-156; R.G.P.C. 1934-1-11; Scott 2-84; State Papers 128-863; Z.f.a.ö.R.u.V. 1929-2-3.

e. A.J.I.L. 22 (1928)-735; Foreign Affairs (U.S.A.) 5-152; W. Fuglsang: Der Amerikanisch-holländische Streit um die Insel Palmas vor dem Ständigen Schiedshof im Haag, Berlin 1931; Haagsch Maandblad 1928-600; F. K.Nielsen: The island of Palmas arbitration before the Permanent Court of arbitration at The Hague, Washington 1925; R.D.I.L.C. 56 (1929)-735; R.G.P.C. 1934-1-1; W. J. B. Versfelt: The Miangas arbitration, Utrecht 1933; Weekblad van het Recht May 25, 1935, No. 12909.

**Nr. 367**

1. GERMANY — MEXICO.
2. Claims arising from revolutionary acts.  
See Article 4 of the Convention of March 16, 1925, analogous to No. 355 sub 2, Article 3.
3. Mixed Claims Commission: Dr. S. Kofmann (G.); F. Iglesias Caldéron (M.); R. Octavio, succeeded by M. Cruchaga (Umpire).
4. I. Convention, Mexico City.
  - a. **March 16, 1925.**
  - b. (See Articles 2 and 7, analogous to No. 355 sub 4. I. b., articles 2 and 6.)
  - c. A.H. Feller p. 442; L.N.T.S. 52-93; de Martens N.R.G. 3-15-83; State Papers 122-686.II. Supplementary Conventions, Mexico City.  
December 20, 1927: A. H. Feller p. 452; de Martens N.R.G. 3-23-720; State Papers 127-572.  
December 15, 1928: A. H. Feller p. 454.  
August 14, 1929: A. H. Feller p. 455.
5. Awards.
  - a. March 6, 1926-March 5, 1930.
  - b.
  - c.
  - d. A.J.I.L. 24 (1930)-610/24; Memoria de Relaciones Exteriores (Mexico), 1926/7-213/35.
  - e. A.J.I.L. 27 (1933)-62; Memoria . . . , 1925/6-49, 1926/7-210, 1927/8-532, 1928/9-1-712, 1929/30-1-598.

## Nr. 368

1. ALLIED POWERS — GERMANY.
  
2. Interpretation of Articles 8/12 of the Rhineland Agreement of June 28, 1919.
 

„Pursuant to an agreement between the Conference of Ambassadors and the German Government, the present Committee was constituted to determine the classes of contributions under Articles 8/12 of the Rhineland Agreement which might be debited to the account of the Agent-General for Reparation Payments and the rules to be followed in the assessment of such contributions; . . . the Committee was asked to submit its conclusions upon the following points:

The class of contributions furnished by the German Government under Articles 8/12 of the Rhineland Agreement which should be debited to the Annuities to be paid by that Government in accordance with the Dawes Plan;

The method of assessment of such contributions;

The system of supervision of the payments made in respect of these contributions.

. . . . The Commission of Arbitration . . . shall be entrusted with the duty of finally settling all questions regarding assessments.”

Part II, B.
  
3. Commission of Arbitration: . . . , Pilotti (President).
  
4. Financial Regulations, Paris.
  - a. **May 5, 1925.**
  - b.
  - c. L.N.T.S. 55-229.
  
5. Awards.
  - a. From 1926.
  - b.
  - c.
  - d. Some awards published in: Dr. H. Ronde and F. Haaser: Die Entscheidungen des im Pariser Abkommen vom 5 Mai 1925 über die „finanzielle Regelung der Leistungen aus Artikel 8/12 des Rheinlandabkommens“ vorgesehenen Auslegungsausschusses, Berlin 1928/30 (3 vol.), passim (as notes).
  - e. L.N.T.S. 55-290/347; Dr. H. Ronde: Das Pariser Abkommen vom 5 Mai 1925 und seine Ausführungs- und Ergänzungsabkommen, Berlin 1927.



## Nr. 369

1. ALLIED POWERS — GERMANY.
2. Interpretation of Articles 8/12 of the Rhineland Agreement of June 28, 1919.
  - See No. 368 sub 2.
  - „ . . . . The Commission shall be entrusted with the duty of settling all disputes on questions of interpretation of principle which may be submitted to it either by the Commission of Arbitration, by the Governments, or by the Agent-General for Reparation Payments.”  

Part II, 2.
3. Interpretation Commission: H. G. Goligher (Gr.Br.); E. Moeneclay (Mingalon, G. Roumilhac); P. Greiner (Piérard, Belg.); A. Miller (Germ.); Jaffé (Germ.); H. Ronde, succeeded by F. Haaser (Germ.); Patijn.
4. Financial Regulations, Paris.
  - a. **May 5, 1925.**
  - b. „Decisions taken by the Commission of Interpretation must be given in the form of reasoned judgments.”
  - c. L.N.T.S. 55-229.
5. 100 Decisions.
  - a. May 29, 1926–July 13, 1929.
  - b.
  - c.
  - d. Dr. H. Ronde and F. Haaser: Die Entscheidungen des im Pariser Abkommen vom 5 Mai 1925 über die „finanzielle Regelung der Leistungen aus Artikel 8/12 des Rheinlandabkommens“ vorgesehenen Auslegungsausschusses, Berlin 1928/30 (3 vol.).
  - e. See No. 368 sub 5. e.

**Nr. 370**

1. LENA GOLDFIELDS COMPANY LTD. — UNION OF SOCIALIST SOVIET REPUBLICS.
2. Concession.

The Government of the U.S.S.R. had created for the Company — to which the concession agreement granted exclusive rights of exploration and mining over certain vast areas of Russian territory — undue difficulties and interference, and, in fact, the impossibility as regards performing its part of the concession agreement, and had prevented the Company from carrying out the agreement or enjoying the rights, privileges and benefits thereby created. The Lena Company demanded arbitration, to which the Russian Government agreed.
3. Arbitral Tribunal: Scott; Stutzer; . . . .
4. Concession Agreement.
  - a. **November 14, 1925.**
  - b.
  - c.
5. Award. (Judgment by default, U.S.S.R. refusing to appear before the Tribunal.)
  - a. September 2, 1930.
  - b.
  - c.
  - d.
  - e. Annual Digest of International Law Cases, ed. by H. Lauterpacht, years 1929/30, p. 4 and 426/8; The Times, September 3, 1930.

**Nr. 371**

1. MEXICO — SPAIN.
2. Claims arising from revolutionary acts.  
See article 3 of the Convention of November 25, 1925, analogous to No. 355 sub 2, article 3.
3. Mixed Claims Commission: F. Gonzales Roa (M.); Dr. A. Bernaben y de Yeste (Sp.); M. Cruchaga Tocornal (Umpire).
4. I. Convention, Mexico City.
  - a. **November 25, 1925.**
  - b. (See articles 2 and 6, analogous to No. 355 sub 4. I. b., articles 2 and 6.)
  - c. A.H. Feller p. 521.II. Supplementary Convention, Mexico City.
  - a. December 5, 1930.
  - b.
  - c. A. H. Feller p. 525.
5. Awards.
  - a.
  - b.
  - c.
  - d. (Not published.)
  - e. Memoria de Relaciones Exteriores (Mexico), 1925/6-50, 1926/7-261, 1927/8-529, 1928/9-2-802, 1929/30-1-619, 1930/1-1-650.

**Nr. 372**

1. GERMANY — REGIERUNGSKOMMISSION DES SAARGEBIETS.
2. Interpretation of Convention.
3. R. Fazy.
4. Convention, Baden-Baden.
  - a. **December 21, 1925.**
  - b. (Article 14.)
  - c. Oberhauser: Die Beamtenbesoldigung im Saargebiet, 1929 p. 169.
5. Award.
  - a. September 4, 1934.
  - b.
  - c.
  - d.
  - e. Z.f.a.ö.R.u.V. 1934-928.

## Nr. 373

### 1. GERMAN GOVERNMENT — COMMISSIONER OF CONTROLLED REVENUES.

#### 2. Interpretation of Article 11 of London Protocol, August 9, 1924.

„Whereas a difference of opinion has arisen between the Commissioner of Controlled Revenues and the German Government with respect to the interpretation of article 11 of Chapter III of Annex I to the Agreement between the Reparation Commission and the German Government executed at London, August 9, 1924, which contains the Protocol concerning the contributions to be made from the German budget and the Institution of Control over the revenues from customs, the taxes on spirits, tobacco, beer, sugar . . . .”

„The question for the determination of the arbitrator is the following:

Under the terms of article 11 of Chapter III of the Control Protocol, as read with the Protocol as a whole, is the Commissioner of Controlled Revenues without power to decline to consent to a reduction in the rate of an assigned revenue proposed by the German Government unless and until the special conditions of fact set forth in Article 7 of Chapter III of the Control Protocol are in existence, i.e., a falling off in the yield of the revenues as such falling off is defined in the first paragraph a, b and c of said Article 7, and unless, in addition, there is a decrease in the returns from the particular revenues as to which a reduction in rate is proposed.”

#### 3. Van Lynden van Sandenburg.

#### 4. Terms of Submission, Berlin.

a. **April 26, 1926.**

b.

c. (A.J.I.L. 21 (1927)-326.)

#### 5. Award.

a. June 23, 1926.

b.

c.

d. A.J.I.L. 21 (1927)-326; French text: Peace Palace Library.

e. Deutsche Juristen-Zeitung 1926-1001.

## Nr. 374

1. FRANCE — GERMANY.
2. Occupation duties regarding the french Ruhr army.  
„Différends surgis à l'occasion de l'établissement d'un forfait pour le règlement des prestations en nature effectuées dans la Ruhr et dans les têtes-de-pont de Düsseldorf et de Duisburg et afférentes à la période du 1er avril 1925 au 31 août 1925.”
3. J. A. N. Patijn.
4. Letters, Paris, The Hague.
  - a. **July 23** and September 6, **1926**.
  - b.
  - c. Dr. H. Ronde; „Die Entscheidungen des im Pariser Abkommen vom 5 Mai 1925 über die „finanzielle Regelung der Leistungen aus Artikel 8-12 des Rheinlandabkommens“ vorgesehenen Auslegungsausschusses, Berlin 1928/30, (3 vol.), I-184.
5. Award.
  - a. September 21, 1927.
  - b.
  - c.
  - d. Dr. H. Ronde 1-184.
  - e. An analogous award (between Belgium and Germany) has been rendered by the same Arbitrator on October 31, 1927.

## Nr. 375

### 1. PANAMA — UNITED STATES OF AMERICA.

#### 2. General claims.

„All claims against the Republic of Panama arising since November 3, 1903, except the so-called Colon Fire Claims hereafter referred to, and which at the time they arose were those of citizens of the United States of America, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America, arising since November 3, 1903, and which at the time they arose were those of citizens of the Republic of Panama, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country, by reason of losses or damages suffered by any corporation, company, association or partnership, in which such citizens have or have had a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership, of his proportion of the loss or damage suffered is presented by the claimant to the Commission; and all claims for losses or damage originating from acts of officials or others acting for either Government, and resulting in injustice, and which claims may have been presented to either Government for its interposition with the other, and which have remained unsettled, as well as any other such claims which may be filed by either Government within the time hereinafter specified, shall be submitted to a Commission consisting of three members for decision in accordance with the principles of international law, justice and equity.” Article 1.

#### 3. Mixed Claims Commission: H. F. Alfaro (P.); E. Root Jr. (U.S.A.); D. W. van Heeckeren (Presiding Commissioner).

#### 4. I. Convention, Washington.

##### a. **July 28, 1926.**

b. „ . . . each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for his decision . . . ” Article 2.

„The High Contracting Parties being desirous of effecting an equitable settlement of the claims of their respective citizens, thereby affording them just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission through the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.” Article 5

c. A. J. I. L. Off. Doc. 1933-38; B. L. Hunt: American and Panamanian General Claims Arbitration, Washington, G. P. O. 1934, Report p. 835; de Martens N. R. G. 3-25-3; State Papers 131-604.

**Nr. 375** (continued)

- II. Convention, Panama.
- a. December 17, 1932.
  - b.
  - c. Report B. L. Hunt p. 841; de Martens N.R.G. 3-27-328.
5. Awards.
- a. May 22-June 29, 1933.
  - b. Both.
  - c.
  - d. A.J.I.L. 28 (1934)-596/614; Report B. L. Hunt.
  - e. A.J.I.L. 25 (1931)-520; idem: 27 (1933)-750; idem: 28 (1934)-61; idem: 29 (1935)-99; Memoria de Relaciones Exteriores (Panama), 1932-151; idem: 1934-269; R.G.P.C. 1935-2-1; Z.f.a.δ.R.u.V. 1934-925; idem: 1935-452.



## Nr. 376

1. GREAT BRITAIN — MEXICO.
2. Claims arising from revolutionary acts.  
See article 3 of the Convention of November 19, 1926, analogous to No. 355 sub 2, article 3.
3. Mixed Claims Commission: A. Jones, succeeded by J. Percival, and he succeeded by W. H. Stoker (Gr.Br.); B. Flores and G. F. MacGregor (M.); Dr. A. R. Zimmerman (Presiding Commissioner).
4. I. Convention, Mexico City.
  - a. **November 19, 1926.**
  - b. (See articles 2 and 6, analogous to No. 355 sub 4. I. b., articles 2 and 6.)
  - c. A.J.I.L. Off. Doc. 1929-13; A. H. Feller p. 467; L.N.T.S. 85-51; de Martens N.R.G. 3-23-8; State Papers 123-539.
 II. Supplementary Convention, Mexico City.
  - a. December 5, 1930.
  - b.
  - c. A.J.I.L. Off. Doc. 1931-200; A. H. Feller p. 476; L.N.T.S. 119-261; de Martens N.R.G. 3-24-434; State Papers 132-302.
5. Awards.
  - a. October 5, 1929-February 15, 1932.
  - b. Both.
  - c.
  - d. A.J.I.L. 25 (1931)-754/88; idem: 28 (1934)-162/82 and 383/94 and 585/96; Decisions and Opinions of the Commissioners, Ed. London, H.M. Stat. Off., 1931 and 1933; R.G.P.C. 1934-2-37.
  - e. Law Quarterly Review 49 (1933)-226; Memoria de Relaciones Exteriores (Mexico) 1926/7-270; idem: 1928/9-1-752; idem: 1929/30-1-609; idem: 1930/1-1-628; idem: 1931/2-271 and Annex 704.

**Nr. 377**

1. GREECE — TURKEY.
2. Application of certain dispositions of the Treaty of Lausanne, July 24, 1923.  
 „Les questions de principe présentant quelque importance et qui pourraient surgir au sein de la commission mixte à l'occasion des attributions nouvelles que lui confère l'accord signé ce jour et qu'elle n'avait pas à la conclusion de ce dernier sur la base des actes antérieurs fixant sa compétence, seront soumises à l'arbitrage du président du tribunal arbitral gréco-turc, siégeant à Constantinople.”  
 Article 4.
3. Arbitral Tribunal:
4. Final Protocol, annexed to the Convention of Athens.
  - a. **December 1. 1926.**
  - b.
  - c. L.N.T.S. 68-27; de Martens N.R.G. 3-20-108; State Papers 125-761.
5.
  - a.
  - b.
  - c.
  - d.
  - e. Extraits des procès-verbaux des séances plénières de la Commission Mixte relatifs au recours à l'arbitrage prévue par l'article 4 du Protocole Final annexé à l'accord d'Athènes du 1er Décembre 1926 (Peace Palace Library).

**Nr. 378**

1. ETHIOPIA — GREAT BRITAIN.
2. Destruction of a caravan by Abyssinian soldiers.
3. Court of Arbitration:
4. Agreement,
  - a.
  - b.
  - c.
5. Award.
  - a. (1927).
  - b. Great Britain.
  - c. £ 25.000 awarded.
  - d.
  - e. Bulletin of international news, January 21, 1928 (Vol. 4, No. 15), p. 7.

**Nr. 379**

1. ITALY — MEXICO.
2. Claims arising from revolutionary acts.  
See article 3 of the Convention of January 13, 1927, analogous to No. 355 sub 2, article 3.
3. Mixed Claims Commission: M. Serra di Cassano (I.); J. Fabela (M.); M. Cruchaga (Presiding Commissioner).
4. Convention, Mexico City.
  - a. **January 13, 1927.**
  - b. (See articles 2 and 6, analogous to No. 355 sub 4. I. b., articles 2 and 6.)
  - c. A. H. Feller 502; de Martens N.R.G. 3-20-456; State Papers 127-780.
5. Awards.
  - a.
  - b.
  - c.
  - d. (Not published.)
  - e. Memoria de Relaciones Exteriores (Mexico) 1930/1-1-653; idem: 1931/2-285 and Appendix 715; idem: 1932/3-164.

## Nr. 380

## 1. BELGIUM — MEXICO.

## 2. Claims arising from revolutionary acts.

„Un Tribunal Administrativo de Arbitraje, integrado por un representante que designe la Secretaría de Relaciones Exteriores y otro la Legación de Bélgica, estudiará todas las reclamaciones por daños causados en las personas o bienes de los súbditos belgas, siempre que los hechos no hayan sido originados por actos de bandidaje y que, habiendo tenido lugar entre el 20 de noviembre de 1910 y el 31 de mayo de 1920, hayan sido cometidos por las fuerzas siguientes:

A. Fuerzas de un Gobierno de jure o de facto;

B. Fuerzas revolucionarias que hayan establecido al triunfo de su causa Gobiernos de jure o de facto, o fuerzas revolucionarias contrarias a aquéllas;

C. Fuerzas procedentes de la disgregación de las mencionadas en el párrafo precedente hasta el momento en que el Gobierno de jure hubiera sido establecido después de una revolución determinada;

D. Fuerzas procedentes de la disolución del Ejército Federal;

E. Fuerzas insurrectas distintas de las indicadas en los párrafos A, B y C, o por motines y levantamientos, con tal de que, en cada caso, se pruebe que las autoridades competentes omitieron tomar medidas razonables para reprimir las insurrecciones, levantamientos o motines de que se trata, o para castigar a sus autores; o que se pruebe, asimismo, que las autoridades incurrieron en falta de alguna manera.”

Article 5.

## 3. Administrative Tribunal of Arbitration: E. A. Bouchout (B.); J. García (M.).

## 4. Exchange of notes, Mexico.

a. **May 14 and 20, 1927.**

b.

c. Memoria de Relaciones Exteriores (Mexico), 1926/7-272.

## 5. Awards (16 claims settled).

a. Last session: December 24, 1927.

b.

c.

d.

e. Memoria . . . , 1926/7-272/4; idem: 1927/8-541/3.

## Nr. 381

1. GREAT BRITAIN — UNITED STATES OF AMERICA.
2. War claims.  
Claim of E. J. Ryan, Trustee in bankruptcy of the Interocean Transportation Company of America, Incorporated, for damages for detention of the S.S. „*Lisman*”, in a British port during the world war.
3. J. C. Hutcheson, Jr.
4. Arrangement by exchange of Notes.
  - a. **May 19, 1927.**
  - b.
  - c. U.S. Treaty Series No. 756.
5. Award.
  - a. October 5, 1937.
  - b. U.S.A.
  - c. British claim rejected.
  - d. A.J.I.L. 32 (1938)-593.
  - e.

## Nr. 382

## 1. GERMANY, AUSTRIA, HUNGARY — UNITED STATES OF AMERICA.

## 2. War claims.

„There shall be a War Claims Arbiter . . . who shall be appointed by the President . . . without regard to any provision of law prohibiting the holding of more than one office . . . It shall be the duty of the Arbiter, within the limitations hereinafter prescribed, to hear the claims of any German national (as hereinafter defined), and to determine the fair compensation to be paid by the United States, in respect of . . .”

Sec. 3 (a) and (b).

„It shall be the duty of the Arbiter, within the limitations hereinafter prescribed, to hear the claims of any Austrian or Hungarian national (as hereinafter defined) and to determine the compensation to be paid by the United States, in respect of . . .”

Sec. 6 (a).

„It shall be the duty of the Arbiter to hear the claims of any partnership, association, joint-stock company, or corporation, and to determine the amount of compensation to be paid to it by the United States, in respect of the merchant vessels: „*Carl Diederichsen*”, and „*Johanne*”, (including any equipment, appurtenances, and property contained therein) . . .”

Sec. 21 (a).

## 3. E. B. Parker, succeeded by J. W. Remick.

## 4. „Settlement of War Claims Act of 1928”.

a. **March 10, 1928.**

## b.

c. A.J.I.L. Off. Doc. 1928-40.

## 5. Awards.

## a. October 31, 1928–June 5, 1930.

## b.

## c.

d. A.J.I.L. 23 (1929)–193/233 and 428/33 and 659/703; idem: 24 (1930)–608/10; idem: 25 (1931)–139/42.

e. American Bar Association Journal, January 1932; A.J.I.L. 22 (1928)–373 and 632; idem: 23 (1929)–383; idem: 25 (1931)–101; idem: 26 (1932)–272; British Yearbook 1928–129; idem: 1930–216; idem: 1931–172; H. Janssen: Das Amerikanische Freigabegesetz, 1928; Z.f.a.ö.R.u.V. 1933–1–575.

## Nr. 383

1. RIALET COMPANY — ETHIOPIA.
2. Concession.
 

„La Rialet demande:

  1. Que les conventions intervenues entre les parties soient déclarées résiliées par le fait et la faute du Gouvernement éthiopien;
  2. Qu'en conséquence le Gouvernement éthiopien soit condamné à lui payer des dommages-intérêts provisoirement estimés, sauf augmentation en cours d'instance, à la somme de 1.500.000 thalers, outre les intérêts au taux de  $6\frac{1}{2}\%$  à dater du jour de la signature du compromis jusqu'au parfait paiement.

Que de son côté le Gouvernement éthiopien . . . demande au Tribunal:

  1. De constater que la Rialet a encouru la déchéance de la concession de l'exploitation du monopole des liquides alcooliques et boissons fermentées;
  2. De condamner la Rialet à payer à l'Etat éthiopien des dommages-intérêts pour les préjudices causés . . . .
  3. De condamner la Rialet à payer à l'Etat éthiopien, à compter de la signature du compromis, les intérêts au taux de  $6\frac{1}{2}\%$  l'an du montant de tous dommages-intérêts alloués.''

Award.
3. Arbitral Tribunal: B. C. J. Loder; L. Frank; Ch. Lyon-Caen; N. Politis; G. Ripert.
4. Convention, Paris.
  - a. May 9, 1928.
  - b.
  - c.
5. Award.
  - a. January 15, 1929.
  - b. Partially Rialet Co.
  - c.
  - d. M.A.T. 8-742.
  - e.



## Nr. 384

1. ETHIOPIA — ITALY.
2. Armed clash at Wal Wal, in the Ogaden, December 5/6, 1934, between Ethiopian military forces and Italian troops present at that point.
 

„I due Governi si impegnano a sottoporre ad una procedura di conciliazione o di arbitrato le questioni che sorgeranno tra di loro e che non abbiano potuto essere risolte con i normali mezzi diplomatici, senza aver ricorso alla forza delle armi. Tra i due Governi di comune accordo saranno scambiate note circa il modo di scegliere gli arbitri.” Article 5.
3. Conciliation and Arbitration Commission: A. de Geouffre de la Pradelle (E.); Pitman B. Potter (E.); Count L. Aldrovandi-Marescotti (I.); R. Montagna (I.); N. Politis.
4. I. Treaty, Addis Abeba.
  - a. **August 2, 1928.**
  - b.
  - c. L.N.T.S. 94-413; de Martens N.R.G. 3-28-340; State Papers 129-1.

II. Resolution of the Council of the League of Nations.

  - a. May 25, 1935.
  - b.
  - c. L.N.O.J. 1935-639.
5. Award.
  - a. September 3, 1935.
  - b. None.
  - c.
  - d. A.J.I.L. 29 (1935)-690; R.D.I. 1935-2-599; R.G.D.I.P. 42 (1935)-751; R.G.P.C. 1935-2-19; R.I.F.D.G. 1936-105; La Documentation Internationale 2 (1935)-286.
  - e. A.J.I.L. 30 (1936)-27; Rassegna di politica internazionale, 1936-248; R.G.P.C. 1935-2-24; R.D.I. 1935-2-169/610; Revue Internationale Française du Droit des Gens 1936-277; The New Commonwealth Quarterly, 1935-179; Z.f.a.ö.R.u.V. 1936-75 and 161 and 496; Pitman B. Potter: The Wal Wal arbitration, Washington, 1938.

## Nr. 385

1. CZECHOSLOVAKIA (ADMINISTRATION OF POSTS AND TELEGRAPHS OF THE REPUBLIC OF —) — UNITED STATES OF AMERICA (RADIO CORPORATION OF —).
2. Radio telegraphic circuit for commercial communication.
 

„The dispute in question originated in the Administration's telegram of April 21, 1931, to R.C.A. and consequently, what the arbitration court has to decide is whether the intention of the Administration as expressed in its telegram of April 21, 1931, viz., to establish a second direct radio telegraphic service between Czechoslovakia and the United States of America, via Mackay Radio for telegrams marked by sender via Mackay Radio, is incompatible with the agreement of November 10, or not.”

Award.
3. Arbitral Tribunal: R. Furrer (C.); G. S. Whitmore (U.S.A.); J. Möller.
4. I. Traffic Agreement.
  - a. **November 10, 1928.**
  - b. (Article 9.)
  - c.

II. Telegram.

  - a. May 27, 1931.
  - b.
  - c.
5. Award.
  - a. April 1, 1932.
  - b. U.S.A. (intention incompatible).
  - c.
  - d. A.J.I.L. 30 (1936)-523.
  - e.

## Nr. 386

## 1. CHINA — RADIO CORPORATION OF AMERICA.

## 2. Interpretation of contract.

„The question submitted for decision by the arbitrators is the following: Whether the Chinese Government, by concluding with the Mackay Radio and Telegraph Company (California) the Radio Traffic Agreement of June 27, 1932, and the supplemental agreement of April 7, 1933, and by establishing jointly with them a direct radio circuit between China and the United States of America, which has been in operation since May 17, 1933, has violated and still violates the Traffic Agreement of November 10, 1928, existing between the Radio Corporation of America and the defendant government?“ Award.

## 3. Arbitral Tribunal: R. Furrer (Ch.); A. Hubert (R.C.A.); J. A. van Hamel.

## 4. I. Traffic Agreement.

- a. **November 10, 1928.**
- b. (Article 10).
- c.

## II. Question submitted.

- a.
- b.
- c.

## 5. Award.

- a. April 13, 1935.
- b. China.
- c.
- d. A.J.I.L. 30 (1936)-535; Ed. The Hague, 1935; Grotius 1937-197.
- e.

## Nr. 387

1. GERMANY — RUMANIA.
2. Financial questions; Schlessiger claim.  
„Les divergences d'opinion qui résulteraient du présent accord (Convention destinée à mettre fin aux différends financiers existants entre l'Allemagne et la Roumanie), de son annexe et des lettres qui ont été échangées aujourd'hui entre les deux délégations et qui n'auraient pu être réglées par la voie diplomatique usuelle . . . . seront soumises à un tribunal d'arbitrage . . . .” Article 7.
3. Arbitral Tribunal: Göppert (G.); Paleologu (R.); W. Burckhardt.
4. Convention, Berlin.
  - a. **November 10, 1928.**
  - b.
  - c. L.N.T.S. 91-101; de Martens N.R.G. 3-21-484.
5. Award.
  - a. April 15, 1935.
  - b.
  - c.
  - d.
  - e. Z.f.a.ö.R.u.V. 1936-158.

## Nr. 388

1. CUBA — UNITED STATES OF AMERICA.
2. Attempted expropriation of property.  
„The questions to be decided by the Arbitrator are:  
a) According to law shall the land be restored to Smith?  
b) If it be restored what amount of damages shall he receive in addition to the restoration of the land?  
c) If the land is not to be restored what amount is Smith entitled to receive in complete settlement?” Award.
3. Clarence Hale.
4. Agreement.
  - a.
  - b.
  - c.
5. Award.
  - a. **May 2, 1929.**
  - b. U.S.A.
  - c. \$ 190.000 awarded.
  - d. A.J.I.L. 24 (1930)-384.
  - e. British Yearbook 1931-171.

## Nr. 389

## 1. CUBA — UNITED STATES OF AMERICA.

## 2. Indemnity for damages.

„Por cuanto: el ciudadano de los Estados Unidos de América, Charles J. Harrah, reclamó por conducto de la representación diplomática de su país en Cuba, una indemnización por los daños que dice se le causaron por la destrucción de un ferrocarril de vía estrecha, situado en las Playas de Marianao, Jaimanitas, Santa Ana of Santa Fe, en la provincia de la Habana . . . .”

„La reclamacion del ciudadano de los Estados Unidos de América, Charles J. Harrah, será sometida . . . . a dos árbitros . . . .” Article 1.

„La resolución de los árbitros se ajustará a los cuatro puntos siguientes:

a) Las Autoridades competentes del Gobierno Cubano, aprobaron un ferrocarril permanente de vía estrecha entre las Playas de Marianao, Jaimanitas, Santa Ana o Santa Fé?

b) Ese ferrocarril fué destruído legal o ilegalmente?

c) Tiene derecho Charles J. Harrah a reclamar como dueño del mismo?

d) En caso afirmativo qué indemnización debe recibir Harrah en reparación de los daños sufridos?” Article 2.

## 3. Arbitrators: Dr. L. O. Divinó y Desbordes (C.); Dr. W. B. Howe (U.S.A.).

## 4. Protocol, Habana.

a. **October 1, 1929.**

b.

c. Boletín Oficial de la Secretaría de Estado (Habana), October 1929-317.

## 5. Award of Dr. Divino.

a. June 7, 1930.

b. U.S.A.

c. \$ 14.000 awarded.

d. Ed. Habana 1930.

e. British Yearbook 1932-162.

## Nr. 390

### 1. GUATEMALA — UNITED STATES OF AMERICA.

#### 2. Cancellation of contract.

„1. Has P. W. Shufeldt, a citizen of the United States, as cessionary of the rights of Victor M. Morales I. and Francisco Nájera Andrade, the right to claim a pecuniary indemnification for damages and injuries which may have been caused to him by the promulgation of the Legislative Decree of the Assembly of Guatemala No. 1544, by which it disapproved the contract of February 4, 1922, for the extraction of a minimum of 75.000 quintales of chicle, in a defined area in the Department of the Petén, the cession of Nájera Andrade and Morales in favor of Shufeldt having been made by contract of February 11, 1924 (1922)?

2. In case the Arbitrator declares that Shufeldt does have the right to having an indemnification paid to him by the Government of Guatemala, what sum should the Government of Guatemala in justice pay to the Government of the United States for the account of Shufeldt?”

#### 3. Herbert Sisnett, Chief Justice of British Honduras.

#### 4. Exchange of Notes.

a. **November 2, 1929.**

b.

c. Shufeldt Claim, Ed. Washington G.P.O. 1932, p. 9.

#### 5. Award.

a. July 24, 1930.

b. U.S.A.

c. \$ 225.468,38 awarded.

d. A.J.I.L. 24 (1930)-799; Ed. Washington G.P.O. 1932 p. 8:1

e. British Yearbook 1931-170.

## Nr. 391

## 1. GERMANY — PORTUGAL.

## 2. Execution of arbitral award.

„Any dispute, whether between the Governments signatory to the present Agreement or between one or more of those Governments and the Bank for International Settlements, as to the interpretation or application of the New Plan shall . . . be submitted for final decision to an arbitration tribunal of five members appointed for five years . . .” Article 15, 1.

„Le Gouvernement Portugais et le Gouvernement Allemand sont tombés d'accord sur les points suivants:

1. Aussitôt que le Gouvernement Portugais aura ratifié le Nouveau Plan (viz The Hague, January 20, 1930; Portugal ratified this Agreement on July 11, 1931), la divergence ci-dessus exprimée concernant l'exécution de la sentence de Lausanne du 30 juin 1930 sera soumise à un tribunal arbitral. Les deux Gouvernements reconnaissent la compétence du Tribunal Arbitral prévu à l'Article 15 de l'Accord signé à La Haye le 20 janvier 1930 pour prononcer cette décision définitive.” Notes 8-7-31.

## 3. Arbitral Tribunal: G. W. Wickersham; M. Wallenberg; A. G. Kröller; A. Mendelssohn-Bartholdy; J. Caeiro da Matta.

## 4. I. Agreement, The Hague. (Between Germany, Belgium, France, Great Britain, Italy and Japan.)

a. **January 20, 1930.**

b. „The Tribunal, or the single arbitrator, may decide the question of their own jurisdiction, provided always that, if the dispute is one between Governments and a question of jurisdiction is raised, it shall, at the request of either Party, be referred to the Permanent Court of International Justice.” Article 15, 8.

c. A.J.I.L. Off. Doc. 1930-262; L.N.T.S. 104-243; de Martens N.R.G. 3-24-89; State Papers 132-411.

## II. Exchange of Notes, Lisbon.

## a. July 8, 1931.

## b.

c. De Martens N.R.G. 3-30-723.

## 5. Award.

## a. February 16, 1933.

## b. Germany.

c. Accepted by Portugal. See *Diario do Governo* 1937, Series I, N. 195, p. 865/73.

d. A.J.I.L. 27 (1933)-543.

e. Z.f.a.δ.R.u.V. 1934-403.  
See No. 325



## Nr. 392

### 1. FRANCE — GREAT BRITAIN.

### 2. Illegal arrest and detention.

Questions submitted:

„1. Did the arrest and detention in Persia of M. Chevreau by the British forces or authorities, in 1918, and his subsequent deportation to India and Egypt, take place in such circumstances as to give rise to a claim in international law?

2. In the affirmative, did it cause moral or material damage to M. Chevreau, and, if so, what is the amount of compensation which should be paid by the Government of the United Kingdom on behalf of Madame Chevreau.”

Article 2.

### 3. Permanent Court of Arbitration: F. V. N. Beichmann.

### 4. Convention, London.

a. **March 4, 1930.**

b.

c. De Martens N.R.G. 3-28-352.

### 5. Award.

a. **June 9, 1931.**

b. **France.**

c. **£ 2100 awarded.**

d. A.J.I.L. 27 (1933)-153; Grotius 1934-243; Recueil The Hague 34.

e. A.J.I.L. 26 (1932)-804.

## Nr. 393

## 1. GUATEMALA — HONDURAS.

## 2. Boundary question.

„In order to settle the conflict between the opposing points of view of the two Governments, they have decided to establish in the city of Washington a Special Tribunal, constituted in the form prescribed by the Convention for the establishment of an International Central American Tribunal, and to submit to this Special Tribunal, in the first place, the following question: Is the International Central American Tribunal created by the Convention of the 7th February, 1923, competent to take cognizance of the boundary question pending between Guatemala and Honduras? If the decision of the Special Tribunal denies the competence of the International Central American Tribunal to take cognizance of the pending boundary question, the same Tribunal, as Special Boundary Tribunal, shall proceed to take cognizance of the frontier dispute which is maintained by the high contracting Parties.” Article 1.

„The high contracting Parties are in agreement that the only juridical line which can be established between their respective countries is that of the ‚Uti possidetis‘ of 1821. Consequently, they are in accord that the Tribunal shall determine this line.” Article 5.

## 3. Arbitral Tribunal: Dr. L. Castro Urena (G.); E. B. Codesido (H.); Ch. E. Hughes.

## 4. Treaty, Washington.

## a. July 16, 1930.

b. „The high contracting Parties confer on the Tribunal the necessary authority to settle by itself any difference which may arise with regard to the interpretation or carrying out of this treaty and the decisions of the said Tribunal.” Article 12.

c. L.N.T.S. 137-232; de Martens N.R.G. 3-31-365; State Papers 132-823.

## 5. I. Award (preliminary question).

## a. January 8, 1932.

d. Memoria de Relaciones Exteriores (Guatemala) 1933-229; Ed. Washington 1932.

## II. Award.

## a. January 23, 1933.

## b.

## c. Accepted.

In conformity with an additional Convention, signed at Washington, July 16, 1930 (Memoria . . . , 1932-117), a Technical Commission was appointed to fix the boundary line.

d. Memoria . . . , 1933-241; Washington 1933. (L.N.T.S. 137-239.)

e. A.J.I.L. 27 (1933)-403; Arbitraje de limites entre Honduras y Guatemala, Washington 1931/3 (11 vol.); Bulletin of the Pan American Union, 1930-217; idem: 1932-93; idem: 1933-311; idem: 1935-700; Cartografía de la America Central, Guatemala 1929; Censo de 1930; Preliminares, Guatemala 1931; Foreign Affairs (U.S.A.), 7-323; Guatemalan Boundary Commission, limites entre Guatemala y Honduras, Guatemala 1928; Limites entre Honduras y Guatemala, Tegucigalpa 1928; Memoria de Relaciones Exteriores (Guatemala), 1930-139/90; idem: 1932-79/159; idem: 1933-65/365; idem: 1936-1-457/86; idem: 1936-2-87/105; idem: 1937-225/9; Memoria de Relaciones Exteriores (Honduras), 1934-8/20; Z.f.a.δ.R.u.V. 1934-407.

## Nr. 394

### 1. GREAT BRITAIN — PORTUGAL.

#### 2. Personal claims.

„The following questions are submitted to the arbitrator for decision. Given that the government of the Republic consented, in 1912, to indemnify Major Campbell for damages suffered in the Province of Mozambique, and that Major Campbell, by a document signed by him on the 5th December, 1912, declared that he abandoned his lease of the mining concession of Machinga in favour of its legitimate owners, without right to any indemnity, present or future,

- 1) What is the scope of this declaration of renunciation?
- 2) Did Major Campbell, in spite of it, retain the right to any indemnity?
- 3) If he did, what is the basis of such indemnity?
- 4) What are the principles on the basis of which the indemnity should be determined?
- 5) What is the amount of the indemnity?'' Article 1.

### 3. Count Carton de Wiart, Ministre d'Etat.

#### 4. Convention, Lisbon.

- a. **August 1, 1930.**
- b. (Article 13.)
- c. De Martens N.R.G. 3-23-722.

#### 5. Award.

- a. June , 1931.
- b. Great Britain.
- c. £ 4250 awarded, together with interest at 6% since 1912.
- d.
- e. London Times June 20, 1931, p. 11.

## Nr. 395

## 1. SWEDEN — UNITED STATES OF AMERICA.

## 2. Detention of ships.

„There shall be submitted to arbitration . . . the following questions: First: Whether the Government of the United States of America detained the Swedish motorship „*Kronprins Gustaf Adolf*” between the 23rd June, 1917, and the 12th July, 1918, and the Swedish motorship „*Pacific*” between the 1st July, 1917, and the 19th July, 1918, in contravention of the Swedish-American Treaties of the 3rd April, 1783 (State Papers 15-745) and the 4th July 1827 (State Papers 15-730).

Second: Whether, if the first question be decided in the affirmative, the Government of the United States of America is liable to the Government of Sweden in behalf of the owners of the motorships for damages resulting from such unlawful detention; and

Third: Should the reply be in the affirmative, what pecuniary reparation is due to the Government of Sweden on behalf of the owners of the motorships above mentioned.” Article 1.

## 3. Permanent Court of Arbitration: E. Borel.

## 4. Special Agreement, Washington.

a. **December 17, 1930.**

b.

c. L.N.T.S. 125-233; de Martens N.R.G. 3-25-54; State Papers 132-915.

## 5. Award.

a. July 18, 1932.

b. U.S.A.

c.

d. A.J.I.L. 26 (1932)-834; Ed. Washington, G.P.O. 1932; Grotius 1938-193.

e. A.J.I.L. 26 (1932)-720; British Yearbook 1933-180; Ed. Washington, G.P.O. 1932 (6 vol.).

## Nr. 396

## 1. EGYPT — UNITED STATES OF AMERICA.

## 2. Damages resulting from acts of the Egyptian authorities.

„The claim of the United States against the Royal Government of Egypt arising out of treatment accorded George J. Salem an American citizen by Egyptian authorities shall be referred to an Arbitral Tribunal. . . .” Article 1.

„The questions to be decided by the Tribunal are the following: first, is the Royal Government of Egypt under the principles of law and equity liable in damages to the Government of the United States of America on account of treatment accorded to the American citizen George J. Salem? Second, in case the Arbitral Tribunal finds that such liability exists, what sum should the Royal Government of Egypt in justice pay to the Government of the United States in full settlement of such damages?” Article 3.

## 3. Arbitral Tribunal: A. Badaoui (E.); F. K. Nielsen (U.S.A.); W. Simons.

## 4. Protocol, Cairo.

a. **January 20, 1931.**

b.

c. L.N.T.S. 142-309; de Martens N.R.G. 3-26-67; R.D.I. 1933-1-130.

## 5. Award.

a. June 8, 1932.

b. Egypt.

c. Claim dismissed.

d. *Journal des Tribunaux Mixtes* 12 No. 1525 (December 19/20, 1932); R.D.I. 1933-1-760; Ed Washington G.P.O. 1933.

e. A. Assabghy: *L'affaire Salem*; *Journal du Droit international privé et de la Jurisprudence comparée*, 60 (1933)-785; R.D.I. 1933-1-70; Siotto Pintor: *L'arbitrage égyptien-américain de 1931*, Cairo 1933.

## Nr. 396a

## 1. SAUDI ARABIA — YEMEN.

## 2. Boundary question (Aaroo mountain).

„We have come to knowledge of the telegram of the Imam and we are certain that Aaroo is within our boundary. As to talks about Beni Malik and Figha and Beni Minebbik, it is inconceivable to take notice of it and we do not think that the Imam talks about it because it is above doubt. But for the sake of peace and because of our esteem for the Imam and his acceptance of us as arbitrator, we have decided in the matter as you see in our telegram and thereon to act. We beg God to lead all to do the best.”

Answer of Ibn Saud.

## 3. His Majesty Ibn Saud, King of Saudi Arabia.

## 4. Exchange of telegrams.

a. **November 29, 1931** (Rejeb 18, 1350).

b.

c. A. J. I. L. 33 (1939)-356/7.

## 5. Award.

a. December 3, 1931 (Rejeb 22, 1350).

b. Yemen.

c.

d. A. J. I. L. 33 (1939)-357.

e. „Green Book”, a record of the relations between the Kingdom of Saudi Arabia and the Imam Yahya Hamid-Iddin; Kingdom of Saudi Arabia, Ministry of Foreign Affairs, Mecca, Um-ul-qura Press, 1352 A. H. (A. D. 1934). Translated from the Arabic by A. M. Abbass; A. J. I. L. 33 (1939)-356/9.

## Nr. 397

1. FINLAND — GREAT BRITAIN.
2. Finnish vessels used during war; local remedy.
 

„The Government of the United Kingdom and the Government of Finland agree to submit to the decision of Dr. Algot Bagge . . . the first of the two questions set out in Part IV of the Report of the Committee of the Council of the League of Nations (Annex I), that is to say: ‚Have the Finnish ship-owners or have they not exhausted the means of recourse placed at their disposal by British law?‛” Article 1.
3. Algot Bagge.
4. Agreement, London.
  - a. **September 30, 1932.**
  - b. „The Arbitrator shall have power to decide any question that may arise as to the interpretation of the provisions of this Agreement.” Article 8.
  - c. L.N.T.S. 135-9; de Martens N.R.G. 3-27-112.
5. Award.
  - a. May 9, 1934.
  - b. Finland.
  - c.
  - d. Ed. London, H.M. Stat. Off. 1934; R.G.P.C. 1934-2-21; Ed. Stockholm 1934.
  - e. A.J.I.L. 28 (1934)-729; British Yearbook 1936-19; L.N.O.J. 1931 (with annexes) and 1932 passim; Nordisk tidsskrift for international ret 6 (1935)-236; R.G.P.C. 1934-2-21; Rechtsgeleerd Magazijn 1935-346; Z.f.a.ö.R.u.V. 1934-671; Zeitschrift für ausländisches und internationales Privatrecht, 1935-783; Z.f.ö.R. 16 (1936)-400.

## Nr. 398

## 1. GREAT BRITAIN — PANAMA.

## 2. International responsibility for acts of policemen.

„La République de Panama et la Grande Bretagne, animées du désir de recourir à l'arbitrage en tant que règlement le mieux approprié aux différends entre les Etats, soumettent à la décision de l'Honorable James J. Lenihan, Juge de district de la Zone du Canal, les questions suivantes :

a) Manuel de J. Tunon et J. Cardoze, agents de la police panamienne ont-ils outrepassé les pouvoirs dont jouit raisonnablement un agent chargé du maintien de l'ordre public dans l'exercice de ses fonctions, lorsqu'ils se sont efforcés le dimanche 30 juin 1929 d'amener au bureau de police dans la ville de Colon, un Irlandais, James Pugh, qui, dit-on, était en état d'ivresse, et la mort dudit James Pugh est-elle survenue à la suite d'un tel excès de pouvoir ?

b) Dans le cas où il serait démontré que lesdits agents de police ont outrepassé leurs pouvoirs et que la mort de James Pugh s'en soit suivie, est-il certain que les agents Manuel de J. Tunon et J. Cardoze ont agi en connaissance de cause, pernicieusement, et alors, d'une manière coupable ? Le Gouvernement panamien doit-il donc être tenu de payer au Gouvernement britannique une indemnité en raison de cette mort ?

c) Si le Gouvernement panamien doit verser une indemnité au Gouvernement britannique, quel doit être le montant ?” Article 1.

## 3. J. J. Lenihan, District Judge for the Canal Zone.

## 4. Convention, Panama.

a. **October 15, 1932.**

b. „L'Honorable James J. Lenihan n'examinera donc pas le jugement prononcé par la Cour des Jurés, mais, vu les incidents qui se produisirent le dimanche 30 juin 1929 dans la ville de Colon entre, d'une part, les agents de police Tunon et Cardoze, d'autre part l'Irlandais James Pugh et eu égard aux preuves pertinentes enregistrées pour démontrer l'exactitude de ces faits, il tranchera *EX AERQVO ET BONO* la question posée dans l'article 1 du présent accord.” Article 3.

c. Gaceta Oficial (Panama) December 30, 1932, No. 6481 p. 25124; Memoria de Relaciones Exteriores (Panama) 1934-2-468.

## 5. Award.

a. July 6, 1933.

b. Panama.

c. Claim disallowed.

d. Memoria . . . , 1934-2-478; R.G.P.C. 1934-2-4.

e. A.J.I.L. 28 (1934)-136; Memoria . . . , 1930-196/200; idem: 1932-LX; idem: 1934-1-XXVII; idem: 1934-2-463/85; R.G.P.C. 1934-2-4.



### Nr. 399

1. EGYPT — SYRIA AND LEBANON (FRENCH MANDATE).
2. Interpretation of Convention.
 

„In the case of disagreement between two or more Contracting Governments in respect of the execution either of the present Convention or of the Regulations provided for by Article 2, the dispute, if not settled through the diplomatic channel, is submitted to arbitration at the request of any one of the Governments in disagreement.” Article 15, 1.

See Article 33 of the Telegraph Regulations, annexed to the Convention.  
Egypt suspended the services of the „Radio-Orient” Co.
3. Arbitral Tribunal: C. J. Mondrup (E.); A. Raestad (Fr.); W. M. van Lanschot (Umpire).
4. Telecommunication Convention, Madrid.
  - a. **December 9, 1932.**
  - b.
  - c. L.N.T.S. 151-8.
5. The arbitration is now pending.
  - a.
  - b.
  - c.
  - d.
  - e. Rapport du Conseil administratif de la Cour permanente d'arbitrage, 1939-7/8; Grotius 1939-247.

**Nr. 400**

1. FRANCE — SWITZERLAND.
2. Importation.  
 Question concerning the importation of products of the free zones of Upper Savoy and the district of Guex into Switzerland. See the judgment of the Permanent Court of International Justice, June 7, 1932, series A/B No. 46.
3. Arbitral Tribunal: O. Uden; J. Baldwin; J. Lopez Olivan.
4. Note of the French Embassy at Berne to the Federal Government.
  - a. **May 27, 1933.**
  - b.
  - c.
5. Award, with Regulations.
  - a. December 1, 1933.
  - b.
  - c. See loi du 27 décembre 1933 (Journal Officiel 304 (1933)—13016), and Bundesratbeschluss vom 22 December 1933 (Eidgenössische Gesetzsammlung 1933—1002).
  - d. 10th Annual Report of the P.C.I.J. (1933/4) p. 106; Eidgenössische Gesetzsammlung 1933—1003; Journal Officiel 293 (1933)—12441 and 294 (1933)—12479; Recueil des Lois fédérales, December 27, 1933 p. 1028; R.G.D.I.P. 41 (1934)—365.
  - e. A.J.I.L. 28 (1934)—322; Nordisk tidsskrift for international ret 5 (1934)—20; Z.f.a.ö.R.u.V. 1934—412.

## Nr. 401

## 1. GREECE — SOCIÉTÉ COMMERCIALE DE BELGIQUE.

## 2. Execution of Convention.

Differences of opinion between the Greek Government and a Belgian Company, the „Société commerciale de Belgique”, regarding the execution of the Convention concluded between them on August 27, 1925, concerning the surveying, carrying out and financing of railway construction works in Greece.

## 3. Arbitration Commission: N. Politis (G.); H. Jaspar (B.); Th. Tissier.

## 4. Convention.

a. **August 30, 1934.**

b.  
c.

## 5. Two awards.

a. January 3 and July 25, 1936.

b. Société.

c. Greece refused to pay the sum awarded: \$ 6.771.868. The question was submitted to the Permanent Court of International Justice. See judgment of June 15, 1939, Series A/B n<sup>o</sup>. 78, noting the agreement between the Parties and stating that the arbitral awards were definitive and obligatory.

d.  
e.

**Nr. 402**

## 1. MEXICO — UNITED STATES OF AMERICA.

## 2. Claims arising from revolutionary acts.

„Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that there is hereby established a Commission to be known as the „Special Mexican Claims Commission” . . . . Such Commission shall have jurisdiction to hear and determine, as hereinafter provided, conformable to the terms of the Convention of September 10, 1923, and justice and equity, all claims against the Republic of Mexico, notices of which were filed with the Special Claims Commission, United States and Mexico, established by said Convention of September 10, 1923, in which the said Commission failed to award compensation, except such claims as may be found by the Committee provided for in the special claims Convention of April 24, 1934, to be General Claims and recognized as such by the General Claims Commission.”

## 3. Special Mexican Claims Commission: E. E. Witt; J. H. Sinclair; D. T. Lane.

## 4. I. Act of Congress, Washington.

a. **April 10, 1935.**

b. „. . . . each commissioner shall make and subscribe a solemn oath or declaration that he will carefully and impartially examine and decide all claims according to the best of his judgment and in accordance with the evidence and the applicable principles of justice and equity, and the terms of the said Convention of September 10, 1923.” Sec. 3, a.

c. A.J.I.L. Off. Doc. 1938-107; A. H. Feller p. 539.

## II. Joint Resolution, Washington.

## a. August 25, 1937.

b.

c. A.J.I.L. Off. Doc. 1938-111.

## 5. 2833 Claims adjudicated.

a.

b.

c.

d. A.J.I.L. 32 (1938)-858/69, etc.

e. A.J.I.L. 30 (1936)-99; idem: 32 (1938)-457.  
See Nos. 354 and 355.

### Nr. 403

#### 1. CANADA — UNITED STATES OF AMERICA.

#### 2. Damages caused by fumes.

„Considering that the Government of the United States has complained to the Government of Canada that fumes discharged from the smelter of the Consolidated Mining and Smelting Company at Trail, British Columbia, have been causing damage in the State of Washington. . . . The Governments of Canada and of the United States. . . . mutually agree to constitute a tribunal. . . . for the purpose of deciding the Questions referred to it under the provisions of Article 3.”

Article 2.

„The Tribunal shall finally decide the questions. . . . set forth hereunder, namely:

1) Whether damage caused by the Trail Smelter in the State of Washington has occurred since the first January, 1932, and, if so, what indemnity should be paid therefor?

2) In the event of the answer to the first part of the preceding Question being in the affirmative, whether the Trail Smelter should be required to refrain from causing damage in the State of Washington in the future and, if so, to what extent?

3) In the light of the answer to the preceding Question, what measures or régime, if any, should be adopted or maintained by the Trail Smelter?

4) What indemnity or compensation, if any, should be paid on account of any decision or decisions rendered by the Tribunal pursuant to the next two preceding Questions?”

Article 3.

#### 3. Arbitral Tribunal: Ch. Warren; R. A. E. Greenshields; J. F. Hostie.

#### 4. Convention, Ottawa.

##### a. April 15, 1935.

b. „The Tribunal shall apply the law and practice followed in dealing with cognate questions in the United States of America as well as International Law and Practice, and shall give consideration to the desire of the High Contracting Parties to reach a solution just to all parties concerned.”

Article 4.

c. A.J.I.L. Off. Doc. 1936-163; de Martens N.R.G. 3-34-766.

#### 5. Interim award.

##### a. April 16, 1938.

##### b. U.S.A.

##### c. \$ 78.000 awarded.

##### d. A.J.I.L. 33 (1939)-182.

##### e. A.J.I.L. 32 (1938)-785; The Arbitration Journal 2 (1938)-277. See No. 290.

## Nr. 404

## 1. GERMANY — SWITZERLAND.

## 2. Kidnapping of fugitives from justice on foreign territory.

„Die Schweizerische Bundesrat und die Deutsche Regierung, in Erwägung, dass sie sich über die Umstände, unter denen der ehemalige deutsche Staatsangehörige Berthold Jacob Salomon am 9 März 1935 von Basel nach Deutschland gelangt ist und über die rechtliche Tragweite dieser Umstände nicht zu einigen vermochten, sind in Anwendung des Schiedsgerichts- und Vergleichsvertrages zwischen der Schweizerischen Eidgenossenschaft und dem Deutschen Reich vom 3 Dezember 1921, abgeändert durch das Protokoll vom 29 August 1928, übereingekommen, das Schiedsverfahren einzuschlagen, um den Sachverhalt festzustellen und die sich daraus ergebenden Folgerungen zu bestimmen.“

„Es wird dem durch den nachstehenden Artikel 2 eingesetzten Schiedsgericht obliegen, die Umstände festzustellen, unter denen Berthold Jacob Salomon auf schweizerisches Gebiet und von dort am 9 März 1935 in die Hände der deutschen Behörden gelangt ist, und zu entscheiden, ob dadurch die schweizerische Gebietshoheit in einer von der deutschen Regierung zu vertretenden Weise verletzt worden ist oder nicht. Wenn das Schiedsgericht zum Schlusse kommt, dass durch diese Vorfälle die schweizerische Gebietshoheit in der angegebenen Weise verletzt worden ist, so hat es zu bestimmen, wie diese Gebietsverletzung wieder gutgemacht werden soll.“

Article 1.

## 3. Arbitral Tribunal: Freiherr von Freytagh-Loringhoven (Germ.); M. Huber (Sw.); M. Hansson; A. Juhasz; R. Erich (Umpire).

## 4. Convention, Berlin.

## a. July 26, 1935.

## b.

c. La Documentation internationale, September 15, 1935 p. 260; Friedenswarte 1935-157; Journal de Genève July 28, 1935; Neue Zürcher Zeitung July 28, 1935.

## 5. No award, Salomon having been surrendered to the Swiss authorities.

e. A.J.I.L. 29 (1935)-502; idem: 30 (1936)-123; D. Schindler: Die Schiedsgerichtsbarkeit seit 1914, Stuttgart 1938, p. 23.

## Nr. 405

## 1. BELGIUM — FRANCE.

## 2. Financial question.

„Monsieur Limburg, Membre du Conseil d'Etat des Pays-Bas, sera prié d'examiner la question de l'interprétation de la disposition ci-dessus visée, de formuler un avis sur cette question et de donner toutes précisions utiles en vue de la mise en oeuvre de cet avis.” Article 1.

La controverse portait sur ce qu'il fallait entendre par les termes „montant total des paiements allemands transférés” à l'accord Tardieu-Jaspar, intervenu entre la France et la Belgique au mois de janvier 1930.

## 3. J. Limburg.

## 4. Convention, Brussels.

a. May 5, 1936.

b. „Monsieur Limburg remplira sa mission en se conformant au présent accord et aux dispositions de procédure figurant au chapitre 3 du titre 4 de la Convention de La Haye du 18 octobre 1907. Il prononcera en droit en appliquant les règles de fond énumérées dans l'article 38 du Statut de la Cour permanente de Justice internationale.” Article 2.

c.

## 5. Award.

a. March 1, 1937.

b. France.

c. France paid 73.000.000 francs, January 1939 (Le Temps, February 12, 1939, p. 3).

d. Bulletin I. I. I. 40 (1939)-267.

e. Grotius 1938-305.

## Nr. 406

## 1. NETHERLANDS — UNITED STATES OF AMERICA.

## 2. Payment of military requisitions.

„Whereas, in November 1917, the Government of the United States of America requisitioned certain military supplies of the Government of the Netherlands, for which it paid a sum not considered by the Government of the Netherlands to be the full amount to which it was entitled therefor, while the Government of the United States of America considers, on the contrary, that it has paid more than was due.

Whereas it has been found impossible to adjust the resulting differences of opinion by diplomacy.

Whereas Her Majesty, the Queen of the Netherlands, and the President of the United States of America are desirous of reaching an amicable settlement of their differences, by arbitration if necessary, and that a convention be concluded for that purpose . . . .”

„In the event that the two Governments shall be unable to agree upon a disposition of the claim and the counterclaim or upon any portions thereof within the six months next succeeding the delivery of the Reply Brief of the Government of the United States of America, the pleadings thus exchanged shall be referred to arbitration for the decision of any such unsettled questions, it being clearly understood, however, that in no event shall the issues of the claim or of the counterclaim, either factual or legal, or the contentions of either party, as herein submitted to diplomatic discussion, be changed in character, or the written record above described augmented in the event the matter is so referred to arbitration”.

Article 2.

„The arbitral tribunal shall consist of a sole Arbitrator, to be selected by mutual agreement of the two Governments, who shall be a jurist of repute, . . . .”

Article 4.

## 3. Arbitral Tribunal:

## 4. Convention, Washington.

a. **March 18, 1938.**

b. „The issues to be decided shall be those formulated by the pleadings exchanged in pursuance of Article 1 hereof, or such of those issues as shall not have been previously settled by agreement of the two Governments. The Arbitrator shall decide such issues in conformity with applicable law.”

Article 3.

c. De Martens N.R.G. 3-36-61; U.S. Treaty Series No. 935.

## 5.

- a.
- b.
- c.
- d.
- e.



## Nr. 407

## 1. BOLIVIA — PARAGUAY.

## 2. Boundary question.

„The dividing line in the Chaco between Bolivia and Paraguay will be that determined by the Presidents of the Republics of Argentina, Chile, the United States of America, the United States of Brazil, Peru and Uruguay in their capacity as arbitrators in equity, who acting *ex aequo et bono* will give their arbitral award in accordance with this and the following clauses . . . .” Article 2.

## 3. Arbitral Tribunal: J. M. Cantilo (Arg.); J. Ruiz Moreno (Arg.); P. Santos Muñoz (Arg.); J. de Paula Rodriguez Alves (Brazil); L. Barros Borgoño (Ch.); M. Bianchi (Ch.); Spruille Braden (U.S.A.); F. Barreda Laos (Peru); L. F. Cisneros (Peru); E. M. Thédy (Ur.).

## 4. Treaty of Peace, Friendship and Boundaries, Buenos Ayres.

a. **July 21, 1938.**

## b. (See sub 2.)

„The arbitrators will pronounce, having heard the Parties and according to their loyal knowledge and understanding, taking into consideration the experience accumulated by the Peace Conference and the advice of the Military Advisers to that organization.” Article 3.

## c. A.J.I.L. Off. Doc. 1938-139.

## 5. Award.

## a. October 10, 1938.

## b.

## c.

## d. A.J.I.L. 33 (1939)-180; La Documentation Internationale, 6 (1939)-19.

## e. A.J.I.L. 33 (1939)-126.

## Nr. 408

## 1. CEZCHOSLOVAKIA — HUNGARY.

## 2. Cession of territories.

„En vertu des demandes adressées par le gouvernement royal de Hongrie et le gouvernement tchécoslovaque aux gouvernements allemand et royal d'Italie, en vue de régler, par un arbitrage, la question pendante entre eux des territoires à céder à la Hongrie, de même qu'en vertu de la note échangée, ensuite, le 30 octobre 1938, entre les gouvernements intéressés, le ministre des affaires étrangères du Reich, M. Joachim von Ribbentrop et le ministre des affaires étrangères de S.M. le roi d'Italie et empereur d'Ethiopie, Galeazzo, comte Ciano, se sont réunis à Vienne et, au nom de leurs gouvernements, après avoir discuté encore avec le ministre royal de Hongrie pour les affaires étrangères, M. Koleman de Kanya et M. Chvalkovsky, ministre tchécoslovaque des affaires étrangères, ils ont rendu la sentence arbitrale suivante: . . . .”

Award.

## 3. J. von Ribbentrop; Galeazzo, count Ciano,

## 4. Exchange of notes, Budapest and Prague.

a. **October 24 and 26, 1938.**

b.

c.

## 5. Award.

a. November 2, 1938.

b. Hungary.

c. Accepted by both.

d. „Le Temps”, November 4, 1938; R. D. I. 1939-1-301.

e.

## APPENDIX

No. I.  
Postal Arbitrations.

Nos. II, IV, V and VII.  
Commissions of Inquiry.

No. III.  
The Central American Court of Justice (1907–1918).

No. VI.  
Committee of Jurists (League of Nations).

Nos. VIII, IX, X, XI, XII and XIII.  
Commissions of Conciliation.

## Nr. I

1. POSTAL ADMINISTRATION OF RUMANIA — POSTAL ADMINISTRATION OF SWITZERLAND.
2. „En cas de dissentiment entre deux ou plusieurs membres de l'Union relative-ment à l'interprétation du présent Traité, la question en litige devra être réglée par jugement arbitral; à cet effet, chacune des Administrations en cause choisira un autre membre de l'Union qui ne soit pas intéressé dans l'affaire.  
La décision des arbitres sera donnée à la majorité absolue des voix. En cas de partage des voix, les arbitres choisiront, pour trancher le différend, une autre Administration également désintéressée dans le litige.” Article 16.  
Question concerning the enclosure of papers of value in letters.
3. Postal Administrations of Belgium (Mr. Vinchent) and of Germany (Mr. Wiebe).
4. I. General Postal Convention, Berne.
  - a. **October 9, 1874.**
  - b.
  - c. De Clercq 11-257; Hertslet 14-67; State Papers 65-13.
 II. Conventions of the Universal Postal Union:
  - Paris, June 1, 1878; article 17 (De Clercq 12-94; Hertslet 14-1007; State Papers 69-210).
  - Vienna, July 4, 1891; article 23 (De Clercq 19-114; State Papers 83-513).
  - Washington, June 15, 1897; article 23 (De Clercq 21-82; Hertslet 21-484; de Martens N.R.G. 2-28-453; State Papers 89-65).
  - Rome, May 26, 1906; article 23 (De Clercq 23-426; Descamps-R. 1906-329; Hertslet 25-430; de Martens N.R.G. 3-1-355; State Papers 99-254).
  - Madrid, November 30, 1920; article 25 (de Martens N.R.G. 3-15-722; State Papers 114-430).
  - Stockholm, August 28, 1924; article 10 (de Martens N.R.G. 3-19-345).
  - London, June 28, 1929; article 10 (L.N.T.S. 102-245).
  - Cairo, March 20, 1934; article 11.
  - Buenos Ayres, May 23, 1939; article 11.
5. Award nr. 1.
  - a. August 14/23, 1877.
  - b.
  - c.
  - d. L'Union Postale 2(1877)-214.
  - e. Rapport de gestion du Bureau international de l'Union Postale Universelle 1877-4.

Other awards:

2. 1896. Question between the Postal Administrations of France and of Uruguay concerning maritime service.

**Nr. I (continued)**

- Arbitrators: Postal Administrations of Germany and of Switzerland.  
Reference: Rapport 1896-6.
3. 1897. Question between the Postal Administrations of Austria and of Bulgaria concerning the payment of the balance of the money orders account.  
Arbitrators: Postal Administrations of Germany and of France.  
Reference: Rapport 1897-7.
4. 1910. Question between the Postal Administrations of Germany and of Russia concerning a letter with declared value.  
Arbitrators: Postal Administrations of Great Britain and of the Netherlands.  
Reference: Rapport 1910-6.
5. 1913. Question between the Postal Administrations of France and of Italy concerning the responsibility for the non-cashing of some amounts of reimbursement.  
Arbitrators: Postal Administrations of Germany and of Hungary.  
Reference: Rapport 1913-7.
6. 1913. Question between the Postal Administrations of Greece and of Switzerland concerning the payment of transit costs.  
Arbitrators: Postal Administrations of Great Britain and of Austria, award given by the Postal Administration of the Netherlands.  
Reference: Rapport 1913-10.
7. 1920. Question between the Postal Administrations of the United States of America and of Italy concerning the responsibility for a registered object (force majeure by war facts).  
Arbitrators: Postal Administrations of Switzerland and of the Netherlands.  
Reference: Rapport 1920-6.
8. 1923. Question between the Postal Administrations of Rumania and of Hungary, Italy and the Kingdom of Servians, Croats and Slovenians concerning the correspondence carried by the „Simplon-Orient-Express” train.  
Arbitrators: Postal Administrations of the Netherlands and of Sweden.  
Reference: L'Union Postale 1923-145; Rapport 1923-10.
9. 1924. Question between the Postal Administrations of Italy and of the Netherlands concerning the payment of the compensation provided by article 8 par. 1 of the U.P. Convention of Rome.  
Arbitrators: Postal Administrations of Belgium and of Sweden.  
Reference: L'Union Postale 1925-33; Rapport 1924-9.
10. 1925. Question between the Postal Administrations of Germany and of France concerning the indemnity to be paid in virtue of article 16 par. 2, 3, 4 and 7 of the U.P. Convention of Madrid.  
Arbitrators: Postal Administration of Switzerland and the Administration of the State Railways of Belgium.  
Reference: L'Union Postale 1926-26; Rapport 1925-12.

**Nr. I (continued)**

11. 1925. Question between the Postal Administrations of the United States of America and of Norway concerning the manner of interpreting the provisions of article 4 par. 3 of the U.P. Convention of Rome, relating to sea transit charges.

Arbitrators: Postal Administrations of Switzerland and of Hungary.

Reference: A. J. I. L. 20 (1926)–534; L'Union Postale 1926–50; Rapport 1925–13.

12. 1926. Question between the Postal Administrations of Japan and of Switzerland concerning the settlement of the money orders account.

Arbitrators: Postal Administrations of France and of the Netherlands, award given by the Postal Administration of Sweden.

Reference: L'Union Postale 1926–149; Rapport 1926–9.

13. 1927. Question between the Postal Administrations of Switzerland and of France concerning the interpretation of article 15 par. 1, clause 1 of the U.P. Convention of Rome respecting the exchange of postal parcels.

Arbitrators: Postal Administrations of Italy and of Norway.

Reference: L'Union Postale 1927–93; Rapport 1927–9.

14. 1927. Question between the Postal Administrations of Germany and of Italy concerning the payment of compensation provided by article 15 par. 1 of the U.P. Convention of Rome respecting the exchange of postal parcels.

Arbitrators: Postal Administrations of the Netherlands and of Portugal.

Reference: L'Union Postale 1927–373; Rapport 1927–11.

15. 1929. Question between the Postal Administrations of Greece and of the Kingdom of Servians, Croatians and Slovenians concerning the responsibility arising out of the application of article 10 par. 1 and 7 of the U.P. Convention of Madrid, and article 23 par. 6 and 8 of the Regulations.

Arbitrators: Postal Administrations of the Netherlands and of Switzerland.

Reference: L'Union Postale 1929–278; Rapport 1929–12.

16. 1930. Question between the Postal Administrations of France and of Greece concerning the settlement of the balance of reciprocal parcel post accounts.

Arbitrators: Postal Administrations of Japan and of Germany, award given by the Postal Administration of Denmark.

Reference: L'Union Postale 1930–381; Rapport 1930–8.

17. 1931. Question between the Postal Administrations of China and of Indo-China concerning the application of article 20 par. 1 of the U.P. Convention of Stockholm respecting letters and bones with declared value, and of article 4 par. 1, 2 and 3 of its Regulations.

Arbitrators: Postal Administrations of the Netherlands and of Belgium.

Reference: L'Union Postale 1931–91; Rapport 1931–10.

18. 1931. Question between the Postal Administrations of Bulgaria and of

**Nr. I (continued)**

Yugoslavia concerning the responsibility as laid down in article 10 par. 4 and 7 of the U.P. Convention of Madrid.

Arbitrators: Postal Administrations of Belgium and of Switzerland, award given by the Postal Administration of the Netherlands.

Reference: L'Union Postale 1932-141; Rapport 1931-14.

19. 1932. Question between the Postal Administrations of Germany and of Bulgaria concerning the interpretation of article 23 of the Regulations for the execution of the U.P. Convention of Madrid, and of par. 7 of article 10 of the said Convention.

Arbitrators: Postal Administrations of Great Britain and of Italy.

Reference: L'Union Postale 1932-201; Rapport 1932-8.

20. 1932. Question between the Postal Administrations of Yugoslavia and of Italy concerning the responsibility arising out of the application of article 16 par. 1 and of article 20 par. 1 and 2 of the U.P. Convention of Stockholm respecting letters and bones with declared value, and of article 9 par. 1 and 3 of the Regulations.

Arbitrator: Postal Administration of Switzerland.

Reference: L'Union Postale 1933-1; Rapport 1932-18.

21. 1933. Question between the Postal Administrations of the Union of South Africa and of Portugal concerning the statistics of maritime and territorial transit costs.

Arbitrators: Postal Administrations of Switzerland and of Spain; no award, but amicable settlement of the dispute on the basis of the spanish proposition.

Reference: Rapport 1933-8.

22. 1934. Question between the Postal Administrations of Austria and of Rumania concerning the responsibility for the loss of an insured letter.

Arbitrators: Postal Administrations of Germany and of Italy.

Reference: L'Union Postale 1934-273; Rapport 1934-8.

23. 1935. Question between the Postal Administrations of France and of Austria concerning the responsibility for an insured letter.

Arbitrators: Postal Administrations of Norway and of Hungary.

Reference: L'Union Postale 1935-43; Rapport 1935-8.

24. 1939. Question between the Postal Administrations of the Netherlands and of the United States of America concerning transit.

Arbitrators: Postal Administrations of Switzerland and of Canada.

The question is now pending.

## Nr. II

## 1. GREAT BRITAIN — RUSSIA.

## 2. Incident of the North Sea („Dogger Bank”).

„His Britannic Majesty’s Government and the Imperial Russian Government having agreed to entrust to an international Commission of inquiry, assembled conformably to Articles 9 to 14 of the Hague Convention of the 29th (17th) July, 1899, for the pacific settlement of international disputes, the task of elucidating by means of an impartial and conscientious investigation the questions of fact connected with the incident which occurred during the night of the 21st–22nd (8th–9th) October, 1904, in the North Sea (on which occasion the firing of the guns of the Russian fleet caused the loss of a boat and the death of two persons belonging to a British fishing fleet, as well as damages to other boats of that fleet and injuries to the crews of some of those boats), . . . .”

„The international commission of inquiry shall be composed of five members (commissioners), of whom two shall be officers of high rank in the British and Imperial Russian navies, respectively . . . .” Article 1.

„The Commission shall inquire into and report on all the circumstances relative to the North Sea incident, and particularly on the question as to where the responsibility lies and the degree of blame attaching to the subjects of the two high contracting Parties or to the subjects of other countries in the event of their responsibility being established by the inquiry.” Article 2.

## 3. International Commission of Inquiry: Spaun; Fournier; Doubassoff; Lewis Beaumont; Ch. H. Davis.

## 4. Declaration, St. Petersburg.

a. **November 12 and 25, 1904.**

b.

c. A.J.I.L.L. 2(1908)–929; Scott 1–410 and 614.

## 5. Report, Paris.

a. February 26, 1905.

b. Great Britain.

c.

d. A.J.I.L.L. 2( 1908)–931; Scott 1–404 and 609; State Papers 99–921.

e. H. von Bülow: *Der englisch-russische Zwischenfall*, Dresden 1905; *Deutsche Juristen Zeitung* 9 (1904)–1049; R. de la Penha: *La Commission internationale d’enquête sur l’incident anglo-russe de la mer du Nord*, Paris 1906; R.G.D.I.P. 12 (1905)–161 and 351.



### Nr. III

1. HONDURAS — GUATEMALA, EL SALVADOR.
2. „The High Contracting Parties agree by the present Convention to constitute and maintain a permanent tribunal which shall be called the ‚Central American Court of Justice‘, to which they bind themselves to submit all controversies or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.” Article 1.  
 „This Court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting Governments, because of the violation of treaties or conventions, and other cases of an international character; no matter whether their own Government supports said claim or not; and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown.” Article 2.  
 „It shall also take cognizance of the cases which by common accord the contracting Governments may submit to it, no matter whether they arise between two or more of them or between one of said Governments and individuals. It shall also have jurisdiction over cases arising between any of the contracting Governments and individuals, when by common accord they are submitted to it.” Article 3.  
 „The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit to it.” Article 4.
3. Central American Court of Justice: José Astúa Aguilar, Nicolas Oreamuno (Costa Rica); Angel María Bocanegra (Guatemala); Carlos Alberto Uclés, Saturnino Medal (Honduras); José Madriz, succeeded by Francisco Paniagua Prado, and he succeeded by Daniel Gutiérrez Navas (Nicaragua); Salvador Gallegos, succeeded by Manuel I. Morales, Manuel Castro Ramírez (El Salvador).
4. Convention for the establishment of a Central American Court of Justice, Washington.
  - a. **December 20, 1907.**
  - b. „The Central American Court of Justice represents the national conscience of Central America, wherefore the Justices who compose the Tribunal shall not consider themselves barred from the discharge of their duties because of the interest which the Republics, to which they owe their appointment, may have in any case or question. With regard to allegations of personal interest, the rules of procedure which the Court may fix, shall make proper provision.” Article 13.  
 „In deciding points of fact that may be raised before it, the Central American Court of Justice shall be governed by its free judgment, and with respect to points of law, by the principles of international law. The final judgment shall cover each one of the points in litigation.” Article 21.

### Nr. III (continued)

„The Court is competent to determine its jurisdiction, interpreting the Treaties and Conventions germane to the matter in dispute, and applying the principles of international law.”  
Article 22.

- c. A.J.I.L. Off. Doc. 1908-243; Descamps-R. 1907-469; Malloy 2-2399; de Martens N.R.G. 3-3-105; R.D.D.I. 3(1908)-427; State Papers 100-841.

#### 5. Decision.

- a. December 19, 1908.  
b. Guatemala, El Salvador.  
c.  
d. A.J.I.L. 3(1909)-434 and 729; Ed. San José 1908; Libro Rosado de El Salvador, 1908.  
e. A.J.I.L. 2(1908)-835; idem: 26(1932)-768/9; R.G.D.I.P. 16(1909)-99.  
General: A.J.I.L. 2(1908)-121/51; idem: 12(1918)-380; idem: 26(1932)-759; Anales de la Corte de Justicia Centroamericana, San José 1911 etc.; J. Eyma: La Cour de Justice centre-américaine, Paris 1928; Inter America; Journal Clunet 1910-115; C. Ramírez: Cinco años en la Corte de Justicia Centroamericana, 1918; Revue d'histoire diplomatique 1922-123; Revue de droit international, de sciences diplomatiques, politiques et sociales 1927-89; R.G.D.I.P. 15 (1908)-604; J. Wheless: The Central American Court of Justice, 1914; Yearbook of the Carnegie Endowment for international peace, 1918-118.  
Regulations of the Court, December 2, 1911: A.J.I.L. Off. Doc. 1914-179; Ordinance of procedure, November 6, 1912: A.J.I.L. Off. Doc. 1914-194.

Other activities of the Court:

Diaz v. Guatemala. Decision March 6, 1909. Text: A.J.I.L. 3(1909)-737.  
Reference A.J.I.L. 26(1932)-769/70.

The 1910 Revolution in Nicaragua. Reference idem p. 770.

Salvador Cerda v. Costa Rica. Reference idem p. 770.

The 1912 Revolution in Nicaragua. Reference idem p. 771.

Felipe Molina Larios v. Honduras. Decision Decembre 10, 1913.  
Reference idem p. 772.

Alejandro Bermúdez Munez v. Costa Rica. Decision April 7, 1914.  
Reference idem p. 772.

Election of President Flores of Costa Rica. Decision July 3, 1914.  
Reference idem p. 773.

Costa Rica v. Nicaragua. Decision September 30, 1916. Text: A.J.I.L. 11 (1917)-181; U.S. For. Rel. 1916-862. Reference idem p. 773/5 and A.J.I.L. 10 (1916)-344.

Salvador v. Nicaragua. Decision March 9, 1917. Text A.J.I.L. 11(1917)-674; U.S. For. Rel. 1917-1101. Reference idem p. 775/7.

## Nr. IV

## 1. FRANCE — ITALY.

2. Capture of the ships „*Tavignano*”, „*Camouna*” and „*Gaulois*”.

„An international commission of inquiry, composed as hereinafter stipulated, is entrusted:

1. To investigate, mark and determine the exact geographic point where occurred a) the capture of the French mail steamer „*Tavignano*” by the Royal Italian naval vessel „*Fulmine*”, on January 25, 1912;

b) the pursuit of the mahones „*Camouna*” and „*Gaulois*” by the same vessel and also by the Royal Italian naval vessel „*Canopo*”, and the firing by the latter upon the said mahones;

2. To determine exactly the hydrography, configuration and nature of the coast and of the neighboring banks, the distance between any points which one or the other of the commissioners might deem useful to mark, and the distance from these points to those where the above-mentioned deeds occurred;

3. To make a written report of the result of its investigation.” Article 1.

„The international commission of inquiry shall be composed of three commissioners, of which two shall be national naval officers of France and Italy, of a rank at least equal to that of captain . . . .” Article 2.

## 3. International Commission of Inquiry: G. Genoese Zerbi; Somborn; Se-grave.

## 4. Convention, Rome.

a. **May 20, 1912.**

b.

c. Scott 1-417 and 617.

## 5. Report, Malte.

a. July 23, 1912.

b.

c.

d. Scott 1-413 and 616.

e. Jahrbuch des Völkerrechts 1-1000.

## Nr. V

1. GERMANY — SPAIN.
2. Sinking of the norwegian S.S. „*Tiger*”, May 7, 1917.  
„La Commission aura pour objet d'examiner et de décider la question de savoir si le vapeur norvégien „*Tiger*” a été poursuivi, arrêté et coulé par un sous-marin allemand en dedans ou en dehors de la zone de trois milles marins de la côte espagnole. Cet examen devra se baser sur l'article 9 de la 1ère Convention de La Haye de 1907.”
3. International Commission of Inquiry: Horn (G.); J. Montagut y Miro (Sp.); T. V. Garde (Denmark, President).
4. Agreement.
  - a.
  - b.
  - c.
5. Report, Copenhagen, the German Commissioner dissenting.
  - a. **November 8, 1918.**
  - b.
  - c.
  - d. Documents: Library of the permanent Court of arbitration, The Hague.
  - e.

## Nr. VI

## 1. FINLAND — SWEDEN.

## 2. Aaland islands.

„An international Commission of three jurists shall be appointed for the purpose of submitting to the Council, with the least possible delay, their opinion on the following points:

1. Whether, within the meaning of paragraph 8 of Article 15 of the Covenant, the case presented by Sweden to the Council with reference to the Aaland Islands deals with a question that should, according to international law, be entirely left to the domestic jurisdiction of Finland.

2. The present position with regard to international obligations concerning the demilitarisation of the Aaland Islands.”

## 3. International Committee of Jurists: A. A. H. Struycken; M. Huber; F. Larnaude (President).

## 4. Resolution of the Council of the League of Nations.

a. **July 12, 1920.**

b.

c. L.N.O.J. July/August 1920 p. 249.

## 5. Report.

## a. September 5, 1920.

b.

c.

d. L.N.O.J. Spec. Suppl. October 1920.

e. R. Boursot: *La question des Iles d'Aland*, Dyon 1923; H. A. Colijn: *La décision de la Société des Nations concernant les Iles d'Aland*, Amsterdam 1923; J. Denier: *La question des Iles d'Aland, Etude critique du rapport de la Commission des Juristes*, Nancy 1920; *La question des Iles d'Aland*, Helsingfors 1920; L.N.O.J. July/August 1920 p. 246 and 297; idem: October p. 394; idem: November/December p. 29; idem: January/February 1921 p. 64; idem: Spec. Suppl. August 1920; P. Maury: *La question des Iles d'Aland*, Paris 1930; J. Popovici: *La question des Iles d'Aland*, Paris 1923; W. van der Vlugt: *La question des Iles d'Aland*, Leyde 1921; F. Vortisch: *Die Alandfrage*, Berlin 1933; R.D.I.L.C. 48(1921)-35, 243; Z.F.V. 12(1923)-19.

See about other international Commissions, established under Resolutions of the Council of the League of Nations: L.N.O.J. passim (Great Britain — Turkey, Mosul, 1924; Bulgaria — Greece 1925; China — Japan 1931/2; Colombia — Peru, Leticia, 1933; Bolivia — Paraguay, Chaco, 1935, etc.).

## Nr. VII

1. GERMANY — NETHERLANDS .
2. Sinking of the „*Tubantia*”.  
„The task of the international commission of inquiry shall be to ascertain the cause of the sinking of the Dutch steamer „*Tubantia*” on March 16, 1916.”  
Article 1.  
„The Commission of inquiry shall consist of five members. Each of the parties shall choose one member, and the Danish and Swedish Governments shall be requested to appoint one naval officer each as additional members. The Swiss Government shall be requested to designate a jurist as chairman of the commission.”  
Article 2.
3. International Commission of Inquiry: Gayer; Surie; Ravn; Unger; Hoffmann (President).
4. Convention, Berlin.
  - a. **March 30, 1921.**
  - b.
  - c. Scott 2-143 and 217.
5. Report, The Hague.
  - a. February 27, 1922.
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  - d. A.J.I.L. 16 (1922)-485; Grotius 1921/2-263; R.D.D.I. 14 (1921/2)-249; Scott 2-135 and 211.
  - e. A.J.I.L. 16 (1922)-432.

**Nr. VIII**

1. DENMARK — LITHUANIA.
2. Interpretation of contract; gold clause.
3. Commission: A. M. Oldenburg (D.); Vicomte de Fontenay (D.); M. Römer's (L.); O. Ozolins (L.); H. A. van Karnebeek (President).
4. Treaty of Conciliation and Arbitration, Kaunas.
  - a. **December 11, 1926.**
  - b.
  - c. L.N.T.S. 67-333; de Martens N.R.G. 3-19-27; State Papers 125-492.
5. Procès-verbal, The Hague.
  - a. September 30, 1938.
  - b.
  - c. Parties not conciliated.
  - d.
  - e. Grotius 1937-232; idem: 1938-305; idem: 1939-246; Rapport du Conseil administratif de la Cour permanente d'arbitrage, 1938-7/8; idem: 1939-6/7.

**Nr. IX**

1. BELGIUM — LUXEMBURG.
2. Smuggle.
3. M. Huber (President); . . . . .
4. Treaty of Conciliation, Arbitration and judicial Settlement, Brussels.
  - a. **October 17, 1927.**
  - b.
  - c. L.N.T.S. 124-203; de Martens N.R.G. 3-25-500; State Papers 130-399.
5. Proposition.
  - a. . . . ., 1934.
  - b.
  - c. Parties conciliated.
  - d.
  - e. D. Schindler: Die Schiedsgerichtsbarkeit seit 1914, Stuttgart 1938, p. 25.



**Nr. X**

1. GERMANY — LITHUANIA.
2. Interpretation of treaty.  
See Article 1 of the treaty of commerce and navigation, Berlin, October 30, 1928 (L.N.T.S. 89-127; de Martens N.R.G. 3-20-811; State Papers 128-820).
3. Commission: Koch-Weser (G. ?); Stasys Schillingas (L. ?); Vicomte Poullet (?); R. Erich (?); R. Haab (President).
4. Treaty of Arbitration and Conciliation, Berlin.
  - a. **January 29, 1928.**
  - b.
  - c. L.N.T.S. 90-233; de Martens N.R.G. 3-21-394; State Papers 129-612.
5. Proposition.
  - a. September, 1931.
  - b.
  - c. Parties conciliated.
  - d.
  - e. Schindler p. 25.

**Nr. XI**

1. FRANCE — PORTUGAL.
2. Interpretation of treaty.
3. Commission:
4. Treaty of Conciliation and Arbitration Paris.
  - a. **July 6, 1928.**
  - b.
  - c. L.N.T.S. 126-27; State Papers 130-637.
5. Parties conciliated before Proposition.
  - e. Schindler p. 25.

## Nr. XII

## 1. BOLIVIA — PARAGUAY.

## 2. Chaco Boreal question.

„The two representatives of Bolivia and Paraguay, in accord with their respective Governments, deem it desirable that a Commission of Inquiry and Conciliation establish the facts which have caused the recent conflicts which have unfortunately occurred.

The representative of Bolivia states that the Commission of Inquiry should ascertain how it happened that, notwithstanding the pacific relations existing between Bolivia and Paraguay and in spite of the agreement signed at Buenos Ayres on July 12, 1928, whereby both countries obligated themselves to settle their territorial differences by pacific means, Paraguay, in violation of those obligations, without previous declaration of hostilities, and in an unfounded and violent manner ordered that the Bolivian outpost „Vanguardia” be attacked and razed by regular forces of the Paraguayan Army on the 5th of the past month of December.”

„The Commission of Inquiry and Conciliation shall undertake to investigate, by hearing both sides, what has taken place, taking into consideration the allegations set forth by both Parties, and determining in the end, which of the Parties has brought about a change in the peaceful relations between the two countries.”

Article 2.

„Once the investigations has been carried out, the Commission shall submit proposals and shall endeavor to settle the incident amicably under conditions which will satisfy both Parties.

If this should not be possible, the Commission shall render its report setting forth the result of its investigation and the efforts made to settle the incident.”

Article 5.

„The Commission is empowered, in case it should not be able to effect conciliation, to establish both the truth of the matter investigated and the responsibilities, which, in accordance with international law, may appear as a result of its investigation.”

Article 6.

3. Commission of Inquiry and Conciliation: .D Alvéstegui (B.); E. Finot (B.); E. Bordenave (P.); F. C. Chaves (P.); Gen. F. Ross McCoy (U.S.A.); F. Gonzales Roa (Mex.); R. Rivas (Col.); Gen. G. Ruprecht (Ur.); M. Márquez Sterling (Cuba).

## 4. Protocol, Washington.

a. **January 3, 1929.**

b.

c. A.J.I.L. Off. Doc. 1929-98; State Papers 133-169.

## 5. Resolution, Washington.

## a. March 13, 1929-September 13, 1929.

b.

## c. Parties conciliated (see article 5).

d. Proceedings of the Commission, ed. by Miss B. Little, Washington 1929.

e. Proceedings of the American Society of International Law, 1929-154.  
See also: L.N.O.J. 1935-900, 985 and 1648.

**Nr. XIII**

## 1. DOMINICAN REPUBLIC — HAITI.

## 2. Incidents.

„Desirous of bringing to an end any difference between the two Governments resulting from the regrettable events which occurred on the territory of the Dominican Republic during the last months of the year 1937 . . . , whereas as a result of the above mentioned regrettable and deplorable events, certain persons of Haitian nationality residing in the territory of the Dominican Republic, lost their lives or received wounds or contusions or found it necessary to return to the territory of the Haitian Republic . . . .”

## 3. Permanent Commission of Investigation and Conciliation: A. Recinos (Guat.); M. de Freyre y Santander (Peru); F. A. Espil (Arg.).

## 4. General Convention of Inter-American Conciliation, Washington.

a. **January 5, 1929.**

b. Article 3.

c. A.J.I.L. Off. Doc. 1929-76; L.N.T.S. 100-399; State Papers 131-131.

## 5. Settlement by Agreement, Washington.

a. January 31, 1938.

b. Haiti.

c. The Dominican Republic should pay \$ 750.000.— to Haiti.

d. Bulletin of the Pan American Union, March 1938, p. 153.

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<sup>1)</sup> First column: dates of the awards, No. 5a of the scheme, chronologically.

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