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August 10, 1922.

Agreement between the United States and Germany for a mixed commission to determine the amount to be paid by Germany in satisfaction of Germany's financial obligations under the treaty concluded between the two Governments on August 25, 1921. Signed at Berlin August 10, 1922.

Claims agreement with Germany.

Agreement.

Abkommen.

Preamble.

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 and have appointed as their plenipotentiaries for the purpose of concluding the following agreement:

Ante, p. 1939.

Ante, p. 105.

Die Vereinigten Staaten von Amerika

und

Deutschland,

von dem Wunsche beseelt, die Summe festzusetzen, die Deutschland in Erfüllung seiner finanziellen Verpflichtungen aus dem zwischen den beiden Regierungen am 25. August 1921 abgeschlossenen Vertrag zu zahlen hat, welcher den Vereinigten Staaten und deren Staatsangehörigen in einem Beschluss des Kongresses der Vereinigten Staaten vom 2. Juli 1921 näher bezeichnete Rechte, einschliesslich solcher aus dem Vertrag von Versailles sichert, haben beschlossen, die Fragen zur Entscheidung einer gemischten Kommission zu überweisen und haben zu ihren Bevollmächtigten für den Abschluss des nachstehenden Abkommens ernannt:

Plenipotentiaries.

THE PRESIDENT OF THE UNITED STATES OF AMERICA

ALANSON B. HOUGHTON, Ambassador Extraordinary and Plenipotentiary of the United States of America to Germany,

and

THE PRESIDENT OF THE GERMAN EMPIRE

Dr. WIRTH, Chancellor of the German Empire,

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

der Präsident der Vereinigten Staaten von Amerika

den ausserordentlichen und bevollmächtigten Botschafter der Vereinigten Staaten von Amerika in Deutschland Alanson B. Houghton

und

der Präsident des Deutschen Reichs

den Deutschen Reichskanzler Dr. Wirth,

welche nach Austausch ihrer für gut und richtig befundenen Vollmachten folgendes vereinbart haben:

ARTICLE I.

Artikel I.

Authority of commission.

The commission shall pass upon the following categories of claims which are more particularly de-

Die Kommission soll über die folgenden Arten von Ansprüchen befinden, die des Näheren im

fined 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 II.

The Government of the United States and the Government of Germany shall each appoint one commissioner. The two Governments shall by agreement select an umpire to decide upon any cases concerning which the commissioners may disagree, or upon any points of difference that may arise in the course of their proceedings. Should the umpire or any of the commissioners die or retire, or be unable for any reason to discharge his functions, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

ARTICLE III.

The commissioners shall meet at Washington within two months after the coming into force of the

Vertrag vom 25. August 1921 und in dem Vertrag von Versailles bezeichnet sind:

Claims of American citizens for damage to, or seizure of, their property, etc.

1. Ansprüche amerikanischer Bürger, die seit dem 31. Juli 1914 aus der Schädigung oder Beschlagnahme ihrer Güter, Rechte und Interessen erwachsen sind, einschliesslich jeder Gesellschaft oder Vereinigung, an denen sie beteiligt sind, innerhalb des Deutschen Reichsgebiets, wie es am 1. August 1914 bestand;

Other claims of United States or its nationals, for injuries to persons, property, etc.

2. Andere Ansprüche aus Verlust oder Schaden, den die Vereinigten Staaten oder ihre Staatsangehörigen infolge des Krieges durch Verletzung von Personen oder von Gütern, von Rechten und Interessen, einschliesslich jeder Gesellschaft oder Vereinigung, an denen amerikanische Staatsangehörige beteiligt sind, seit dem 31. Juli 1914 erlitten haben;

Debts owing by German Government or its nationals to American citizens.

3. Schulden der Deutschen Regierung oder deutscher Staatsangehöriger an amerikanische Bürger.

Artikel II.

Commissioners to be appointed. Choice of umpire.

Die Regierung der Vereinigten Staaten und die Deutsche Regierung sollen je einen Kommissar ernennen. Die beiden Regierungen sollen auf Grund einer Vereinbarung einen Unparteiischen auswählen, um über alle Fälle zu entscheiden, in denen die Kommissare verschiedener Meinung sein sollten, oder über alle strittigen Punkte, die sich im Laufe der Verhandlungen zwischen ihnen ergeben sollten.

Sollte der Unparteiische oder einer der Kommissare sterben oder zurücktreten oder aus irgend einem Grunde nicht in der Lage sein, seinen Obliegenheiten nachzukommen, so soll dasselbe Verfahren, das bei seiner Ernennung beobachtet worden ist, für die Neubesetzung der freigewordenen Stelle angewandt werden.

Artikel III.

Meetings.

Die Kommissare sollen innerhalb zweier Monate nach dem Inkrafttreten dieses Abkommens

present agreement. They may fix the time and the place of their subsequent meetings according to convenience.

in Washington zusammentreten. Sie können Zeit und Ort ihrer weiteren Zusammenkünfte festsetzen, wie es zweckmässig erscheint.

ARTICLE IV.

Artikel IV.

Record, etc., to be kept.

The commissioners shall keep an accurate record of the questions and cases submitted and correct minutes of their proceedings. To this end each of the Governments may appoint a secretary, and these secretaries shall act together as joint secretaries of the commission and shall be subject to its direction.

Die Kommissare sollen die ihnen unterbreiteten Fragen und Fälle sorgfältig registriren und genaue Protokolle über ihre Verhandlungen führen. Zu diesem Zwecke kann jede der beiden Regierungen einen Sekretär ernennen, und diese Sekretäre sollen als gemeinsame Sekretäre der Kommission zusammenarbeiten und sollen deren Weisungen unterworfen sein.

Employees.

The commission may also appoint and employ any other necessary officer or officers to assist in the performance of its duties. The compensation to be paid to any such officer or officers shall be subject to the approval of the two Governements.

Die Kommission kann auch irgendwelche andere erforderliche Beamte zur Unterstützung bei der Ausübung ihrer Aufgaben ernennen und anstellen. Die jedem derartigen Beamten zu zahlende Vergütung soll der Zustimmung beider Regierungen unterliegen.

ARTICLE V.

Artikel V.

Payment of expenes. *Ante*, p. 1051.

Each Government shall pay its own expenses, including compensation of its own commissioner, agent or counsel. All other expenses which by their nature are a charge on both Governments, including the honorarium of the umpire, shall be borne by the two Governments in equal moieties.

Jede Regierung soll ihre eigenen Ausgaben, einschliesslich der Vergütung an ihren eigenen Kommissar, Vertreter oder Anwalt bezahlen. Alle anderen Ausgaben, die ihrer Natur nach beiden Regierungen zur Last fallen, einschliesslich der Bezüge für den Unparteiischen, sollen von den beiden Regierungen zu gleichen Teilen getragen werden.

ARTICLE VI.

Artikel VI.

Agents and counsel.

The two Governments may designate agents and counsel who may present oral or written arguments to the commission.

Die beiden Regierungen können Vertreter und Anwalte bestimmen, die der Kommission mündliche oder schriftliche Beweisgründe unterbreiten können.

Proceedings.

The commission shall receive and consider all written statements or documents which may be presented to it by or on behalf of the respective Governments in support of or in answer to any claim.

Die Kommission soll alle schriftlichen Erklärungen oder Urkunden, die ihr von einer der beiden Regierungen oder zu ihren Gunsten zwecks Unterstützung eines Anspruchs oder zur Erwiderung auf einen solchen vorgelegt werden, in Empfang nehmen und berücksichtigen.

The decisions of the commission and those of the umpire (in case there may be any) shall be accepted as final and binding upon the two Governments.

Finality of decisions.

Die Entscheidungen der Kommission und die des Unparteiischen (falls solche vorkommen sollten) sollen als endgültig und für die beiden Regierungen bindend angenommen werden.

ARTICLE VII.

The present agreement shall come into force on the date of its signature.

Effective when signed.

IN FAITH WHEREOF, the above named plenipotentiaries have signed the present agreement and have hereunto affixed their seals.

Signatures.

Done in duplicate at Berlin this tenth day of August 1922.

[SEAL.]
ALANSON B. HOUGHTON.
[SEAL.]
WIRTH.

Artikel VII.

Dieses Abkommen soll am Tage der Unterzeichnung in Kraft treten.

Zu Urkund dessen haben die obengenannten Bevollmächtigten das vorliegende Abkommen unterzeichnet und ihre Siegel beigefügt.

Ausgefertigt in doppelter Urschrift in Berlin am 10. August 1922.

[SEAL.]
ALANSON B. HOUGHTON.
[SEAL.]
WIRTH.

[EXCHANGE OF NOTES.]

Exchange of notes.

[*The German Chancellor to the American Ambassador at Berlin.*]
[*Translation.*]

Foreign Office.
No. III A 2451. *Berlin, August 10, 1922.*

Mr. Ambassador,

From German Chancellor.

In reply to your kind note of June 23, 1922, I have the honor to state to your Excellency as follows:

The German Government is in agreement with the draft of an agreement communicated to it in the note mentioned, now that some changes in the text have been agreed upon with your Excellency. I have the honor to transmit herewith the draft modified accordingly.

From the numerous conferences which have taken place with your Excellency, the German Government believes itself justified in assuming that it is not the intention of the American Government to insist in the proceedings of the Commission upon all the claims contemplated in the Versailles Treaty without exception, that it in particular does not intend to raise claims such as those included in Paragraphs 5 to 7 of Annex 1 of Article 244 of the Versailles Treaty (claims for reimbursement of military pensions paid by the American Government, and of allowances paid to American prisoners of war or their families and to the families of persons mobilised) or indeed claims going beyond the Treaty of August 25, 1921.

The German Government would be grateful if your Excellency would confirm the correctness of this assumption.

In the view of the German Government it would furthermore be in the interest of both Governments concerned that the work of the Commission be carried out as quickly as possible. In order to insure this it might be expedient to fix a period for the reporting of the claims to be considered by the Commission. The German Government, therefore, proposes that the Commission should consider only such claims as are brought before it within at least six months after its first meeting as provided in Article III of the above-named agreement.

I should be obliged to your Excellency for a statement as to whether the American Government is in agreement herewith.

At the same time I take advantage of this occasion to renew to you, Mr. Ambassador, the assurance of my most distinguished consideration.

WIRTH.

[*The American Ambassador at Berlin to the German Chancellor.*]

No. 128.

AMERICAN EMBASSY,
Berlin, August 10, 1922.

From American Ambassador.

Mr. Chancellor:

I have the honor to acknowledge the receipt of your note of to-day's date transmitting the draft of the agreement enclosed to you in my note of June 23, as modified as a result of the negotiations that have been carried on between us.

In accordance with the instructions that I have received from my Government, I am authorized by the President to state that he has no intention of pressing against Germany or of presenting to the Commission established under the claims agreement any claims not covered by the Treaty of August 25, 1921, or any claims falling within Paragraphs 5 to 7, inclusive, of the annex following Article 244 of the Treaty of Versailles.

With regard to your suggestion that the Commission shall only consider such claims as are presented to it within six months after its first meeting, as provided for in Article III, I have the honor to inform you that I am now in receipt of instructions from my Government to the effect that it agrees that notices of all claims to be presented to the Commission must be filed within the period of six months as above stated.

I avail myself once more of the opportunity to renew to you, Mr. Chancellor, the assurances of my most distinguished consideration.

A. B. HOUGHTON.

Dr. WIRTH,
Chancellor of the German Empire,
Berlin.