

GREAT NORTHWESTERN TELEGRAPH COMPANY OF CANADA
(GREAT BRITAIN) *v.* UNITED STATES

(May 1, 1914. Pages 436-437.)

Cross-references : Am. J. Int. Law, vol. 8 (1914), pp. 662-663.

This is a claim presented by His Britannic Majesty's Government on behalf of the Great Northwestern Telegraph Company of Canada, a British corporation, for one thousand thirty-nine 58/100 dollars (\$1,039.58) as stated in their memorial, which amount was reduced on the oral argument to nine hundred thirty-nine 58/100 dollars (\$939.58), together with interest from July 17, 1904, for damage caused to the telegraph cable of the said company in Quebec Harbour on July 17, 1904, by the United States gunboat *Essex*, in dropping her anchor in a reserved space and fouling that cable.

Both parties agree as to the facts.

It appears from an affidavit of the Superintendent of the company (British memorial, pp. 28-29) that within eight days after the cable was damaged, the damage was examined and estimated to be equal to at least one-third of the original cost of the cable, viz., six hundred seventy-nine 48/100 dollars (\$679.48). It appears further that the actual cost of repairs was one hundred forty-eight 10/100 dollars (\$148.10).

The claim is presented for both those items, being altogether eight hundred twenty-seven 58/100 dollars (\$827.58), to which is added, as a third item, counsel fee for two hundred twelve dollars (\$212)—afterwards reduced to one hundred twelve dollars (\$112)—a total of nine hundred thirty-nine 58/100 dollars (\$939.58).

The United States Government admits its liability for eight hundred twenty-seven 58/100 dollars (\$827.58), but denies any liability as to counsel fees and interest.

The Tribunal cannot but remark that the estimated damage of six hundred seventy-nine 48/100 dollars (\$679.48) is simply the contention of the injured party without being supported by any other evidence than its own statement and that the actual expenses for repairs, being one hundred forty-eight 10/100 dollars (\$148.10) is accounted for separately.

Under these circumstances, and considering section 4 of the Terms of Submission, the Tribunal is of opinion that the sum of eight hundred twenty-seven 58/100 dollars (\$827.58) as accepted by the United States Government

is sufficient compensation for any loss incurred by said damage, and in view of all the circumstances it does not consider it equitable to allow interest.

On these motives

The Tribunal decides that the agreement given by the Government of the United States to pay His Britannic Majesty's Government the sum of eight hundred twenty-seven 58/100 dollars (\$827.58) claimed by the Great North-western Telegraph Company of Canada shall be put on record, and further awards that the said sum shall be paid accordingly without interest.
