

IN THE MATTER OF QUESTIONS ARISING AS TO  
DANUBE SHIPPING

UNDER ARTICLE 339 OF THE TREATY OF VERSAILLES, ARTICLE 300 OF THE  
TREATY OF SAINT-GERMAIN, ARTICLE 284 OF THE TREATY OF TRIANON, AND  
ARTICLE 228 OF THE TREATY OF NEUILLY-SUR-SEINE.

Article 339 of the Treaty of Versailles, Article 300 of the Treaty of St. Germain, Article 284 of the Treaty of Trianon, and Article 228 of the Treaty of Neuilly-sur-Seine, respectively, provide that Germany, Austria, Hungary, and Bulgaria, respectively, shall cede to the interested Allied Powers certain property pertaining to navigation on the Danube. All these Articles provide that the amount and specifications of such cessions shall be determined by an arbitrator or arbitrators designated by the United States of America, and that due regard shall be had to the legitimate needs of the parties concerned.

Article 300 of the Treaty of St. Germain, Article 284 of the Treaty of Trianon, and Article 228 of the Treaty of Neuilly-sur-Seine, respectively, provide that the arbitrator or arbitrators referred to therein will also decide all questions as to the permanent allocation and conditions thereof of the vessels whose ownership or nationality is in dispute between States. No such language is contained in Article 339 of the Treaty of Versailles.

The undersigned, Walker D. Hines, has been appointed as the Arbitrator for the purposes of all the said Articles.

Czecho-Slovakia, Greece, Roumania, and the Serb-Croat-Slovene Kingdom have presented to the Arbitrator claims for cessions by Germany, Austria, and Hungary, respectively, of property pertaining to navigation on the Danube. No interested party has suggested that, out of the very few boats registered in Bulgarian ports, Bulgaria should be called upon to make cessions to other Powers.

There have also been presented to the Arbitrator questions as to the permanent allocation and conditions thereof of the vessels whose ownership or nationality is in dispute between Germany, Austria and Hungary, respectively, and France, Roumania and Serb-Croat-Slovene Kingdom, respectively; and also between Hungary and Czecho-Slovakia, and between France and Serb-Croat-Slovene Kingdom, respectively, and Bulgaria. Italy also asserts claims in respect of certain of these vessels in dispute.

All of the Powers interested in any of the above-mentioned matters have designated delegates to appear before the Arbitrator and he has received and considered the various statements and arguments presented by the respective delegates, has had formal conferences with the delegates in Vienna in July, 1920, and in Paris in February and March, 1921, and has had numerous informal conferences with delegates at Paris, Passau, Vienna, Bratislava, Budapest, Belgrade, Bucharest, and Roustchouk. The Arbitrator with his assistants has made voyages on the Danube for the purpose of observing the methods and requirements of navigation from Passau in Germany to Giurgiu in Roumania, and Roustchouk in Bulgaria.

The most convenient treatment of the numerous questions presented for the Arbitrator's decision will be to deal first with the questions in dispute between States as to ownership or nationality of vessels, and then to deal

with the question as to the extent to which Germany, Austria and Hungary, respectively, should make cessions to the Allied and Associated Powers concerned.

#### ALLOCATION OF VESSELS WHOSE OWNERSHIP OR NATIONALITY IS IN DISPUTE BETWEEN STATES.

In order to deal with this question, it is necessary for the Arbitrator to exercise the function conferred upon him by the following language of Article 300 of the Treaty of St. Germain, and of the analogous articles of the Treaties of Trianon and Neuilly-sur-Seine:

“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.”

(Hereinafter references to “Article 300” will be understood to relate to Article 300 of the Treaty of St. Germain, and also to the analogous Articles of the Treaties of Trianon and Neuilly-sur-Seine, unless the context indicates the contrary.)

#### VESSELS DELIVERED UNDER THE MILITARY CONVENTION OF NOVEMBER 13, 1918.

The Arbitrator will first dispose of the claim of Austria that certain vessels which were surrendered by Hungary in pursuance of Article V of the Military Convention (between the Allies and Hungary) of November 13, 1918, and which have accordingly come into the possession of Serb-Croat-Slovene Kingdom, were Austrian vessels, and should, therefore, be permanently allocated by the Arbitrator to Austria. The fact is that Hungary had control of the vessels in question to the extent of being able to deliver them, and it did deliver them under the Military Convention. Whether the relations and mutual claims existing between Austria and Hungary at the time of this transaction justified Hungary in adopting this form of compliance with the Military Convention is a question into which the Arbitrator cannot go. If there are now any claims for pecuniary readjustment between Austria and Hungary on account of this transaction, these are claims with which the Arbitrator is not authorised to deal. As far as the vessels themselves are concerned, the matter has been completely and specifically disposed of pursuant to the Military Convention of November 13, 1918. Therefore, the vessels in question should be regarded as belonging permanently to Serb-Croat-Slovene Kingdom. These vessels are shown in Annex I hereto attached.

No question arises as to claims of other Allied Powers to these vessels. The Military Convention itself specifies that such material is for the needs of the Allied armies and to compensate for the shortage of Serbian navigation material. No one denies that the needs of the armies have been satisfied or that the material has been turned over without qualification by the Allied armies to Serb-Croat-Slovene Kingdom.

QUESTIONS RAISED BY SERB-CROAT-SLOVENE KINGDOM  
AND ROUMANIA AS TO EXTENT OF ARBITRATOR'S  
JURISDICTION.

The Arbitrator will now consider the question as to the permanent allocation of vessels, held under claim of seizure, whose nationality or ownership is in dispute between Austria and Hungary, respectively, and Serb-Croat-Slovene Kingdom, Roumania, and France, respectively.

The Arbitrator must first dispose of questions raised by Serb-Croat-Slovene Kingdom and Roumania as to his jurisdiction to make such permanent allocation of such vessels.

Serb-Croat-Slovene Kingdom claims that the Arbitrator is given no power by Article 300 to interfere with the status of any of the vessels in question, because that status was created by acts of war and it was not the intention of the Treaties to confer upon the Arbitrator any power to modify a status thus growing out of the war.

The language of the provision is as follows:

“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.”

This language expressly declares that the Arbitrator is to decide “all questions” as to the permanent allocation of “the vessels whose ownership or nationality is in dispute between States”.

The vessels held by Serb-Croat-Slovene Kingdom by virtue of seizure, and claimed by Austria and Hungary, are, without doubt, vessels whose ownership or nationality is in dispute between States, and, therefore, they necessarily come within the scope of the provisions quoted.

Moreover, these vessels are precisely the vessels which the drafters of the Treaties had in contemplation when they drafted this provision. In the original draft of the Treaty of St. Germain the draft of what has become Article 300 was in substantially the same language as Article 339 of the Treaty of Versailles<sup>1</sup>. Austria presented a written protest dated July 11, 1919. One of the grounds of the protest was that the Austrian Danube fleet had already been greatly diminished through the confiscation by the Allied and Associated Powers of the vessels which are now under discussion, and it was urged that these vessels were not subject to confiscation under the Regulations of the Hague Convention. In reponse to this protest Article 300 was put in its present form, and the language now under discussion was inserted, and this was obviously done for the purpose of dealing with these disputes. Article 284 of the Treaty of Trianon contains the same language.

Both the language and the history of these provisions make it clear to the Arbitrator that he cannot perform his duty as Arbitrator without deciding the questions raised concerning the permanent allocation of the vessels in question.

Roumania raises two questions as to the competency of the Arbitrator to decide all questions as to the permanent allocation of vessels whose ownership or nationality is in dispute between States.

<sup>1</sup> Printed in this volume p. 84.

First, Roumania suggests that the language of Article 300 contemplates the decision of the Arbitrator as to permanent allocation of vessels in dispute between States only when it becomes necessary for him to consider that question in ordering the cession of vessels under the first paragraph of Article 300 for the purpose of meeting the legitimate needs of the parties concerned. The Arbitrator finds no such limitation upon his duty to decide upon the permanent allocation of vessels whose ownership or nationality is in dispute between States. Moreover, as a general thing, the Arbitrator cannot determine what, if any, cessions are necessary in order to meet the legitimate needs of the parties concerned until he determines what vessels are already at the command of the respective parties, and he cannot determine this last mentioned question without first deciding as to the permanent allocation of the vessels in dispute.

Second, Roumania states that many of the Danube boats seized by it were seized by its naval forces, and the question as to the validity of such seizures is now being considered in numerous proceedings in its prize courts; therefore, Roumania claims that the Arbitrator ought to leave all questions as to ownership or nationality of boats seized by its naval forces to be decided exclusively by the Roumanian prize courts in view of Article 378 of the Treaty of St. Germain (and Article 361 of the Treaty of Trianon having similar application), which is to the effect that Austria accepts and recognizes as valid and binding all decrees and orders concerning Austro-Hungarian ships and Austrian goods made by any prize court of any of the Allied or Associated Powers.

The Arbitrator, however, is of the opinion that the provisions of Article 300 with respect to boats on the Danube should be regarded as a special and complete dealing with the subject of all Danube vessels whose ownership or nationality is in dispute between States. Indeed, as above pointed out, these seizures on the Danube were precisely the subject matter in contemplation when the Treaties made provision for permanent allocation by the Arbitrator. Obviously, it was the purpose of Article 300 to obtain a single and comprehensive disposition of the question pertaining to Danube shipping. This result could not be accomplished if the status of Danube shipping had to remain indefinitely in uncertainty pending the successive disposition of numerous separate controversies by the prize courts of different countries.

The decision of such disputes is delegated to the Arbitrator, and he is compelled to conclude that the general language of Article 378 of the Treaty of St. Germain and of Article 361 of the Treaty of Trianon does not affect this matter at all.

The Arbitrator would be compelled to take this view, even if the Danube river vessels were of a character usually the subject of prize court proceedings. But certainly it is the exception rather than the rule that river vessels concerned in inland navigation are made the subject of proceedings in prize courts. It is reasonable to believe that the drafters of the Treaty did not have Danube river boats specifically in mind when drafting Article 378 relative to prize courts proceedings, and it is certain that they did have all Danube river vessels in contemplation when they drafted Article 300.

It may be mentioned that the Roumanian decree relative to the organization of the jurisdiction of maritime prize declares in Chapter I, Art. I, that the Roumanian State has the right to capture vessels serving as means of transport by water-ways inscribed in official registers of the merchant

marine. Likewise, the Roumanian code of prize maritime jurisdiction declares in Chapter I, Article I, that every navigable object of whatever nature inscribed in the registers of the merchant marine of the different states is regarded as a vessel of commerce. This indicates that maritime prize jurisdiction relates at least primarily to marine vessels and emphasizes the view that Danube river vessels which are not inscribed in the registers of the merchant marine are not within the natural scope of Treaty provisions relating to prize court proceedings.

But without attempting to decide the principle as to when, if at all, river vessels may be the subject of prize court jurisdiction, or as to whether Danube vessels could be brought within the meaning of the Roumanian Decree and Code, the Arbitrator bases his decision upon the proposition that the language and object of Article 300 require that the Arbitrator shall decide all questions as to the permanent allocation of the Danube vessels whose ownership or nationality is in dispute between States, to the end that he may dispose of the entire problem as to the Danube vessels.

The duty which the Arbitrator is compelled to perform by the explicit and unqualified language of the Treaties, which duty is made doubly imperative by the history and manifest objects of the provision, is the most delicate and difficult task which he is called upon to perform under any of the Treaties, but in discharging this duty the Arbitrator is not undertaking to interfere in any sense with the sovereign rights of any of the States. On the contrary, he is discharging this grave duty solely because all the States which have signed the Treaties have each, by its sovereign act, called upon the Arbitrator to do so. It therefore becomes necessary for him to make a permanent allocation of the vessels whose ownership or nationality is in dispute between States, and to prescribe the conditions of such allocation.

#### SUMMARY OF FACTS AS TO THE SEIZURES.

The vessels which are claimed by Austria and Hungary, respectively, and which are held by Serb-Croat-Slovene Kingdom, Roumania and France, respectively (except certain vessels seized by Roumania during its war with the Central Powers between the declaration of that war on August 27, 1916, and the armistice of December 9, 1917, terminating the hostilities), were all seized in October or November 1918, as they were attempting to retreat up the Danube. When the Bulgarian Armistice was made on September 29, 1918, it became evident that the shipping of the Central Powers on the Danube at points below Hungary was in grave danger of capture, and strenuous efforts were made to get all this shipping up the river. Numerous vessels were intercepted about October 19, 1918, by the French Army which reached the Danube at Lom Palanka, in Bulgaria, but these vessels were not seized at that time. Numerous other vessels had already proceeded up the river from Roumanian and Bulgarian waters. Vessels of the Central Powers which were in Serbian waters also proceeded up the river.

As to the vessels claimed by Austria and Hungary (and in part by Germany) from Roumania and France, the seizures took place in Roumanian waters, and (except for the vessels seized after the declaration of war on August 27, 1916, and before the armistice on December 9, 1917) the seizures took place on and after the 10th of November, 1918, when the

Roumanian army resumed hostilities against the Central Powers in conjunction with the French army which crossed the Danube from Belgrade into Roumania at Giurgiu and several points above that place early in the morning of November 10, 1918.

As to the vessels claimed by Austria and Hungary (and in part by Germany), from Serb-Croat-Slovene Kingdom the facts are as follows.

By November 1, 1918, except, generally speaking, for the vessels detained at or below Lom Palanka, nearly all the vessels of the Central Powers had gone out of Roumanian waters and Serbian waters and had reached places on the Danube above Belgrade. A few vessels remained in Serbian waters. Many of the vessels which had gotten above Belgrade made good their escape. However, in the latter days of October, 1918, the Austro-Hungarian Monarchy had begun to crumble. On October 29 a provisional Government was set up at Zagreb, with the avowed purpose of uniting with Serbia. Local provisional governments were set up about the same time at various cities and notably at the Danube ports of Ujvidek (now Novi-Sad) and Vukovar. On or before November 1st the revolution had taken place in Hungary, and a Government independent of the Austro-Hungarian Monarchy had been set up. In this state of confusion the newly formed independent provisional governments along the Danube above Belgrade began detaining Danube vessels which were endeavouring to escape up the river. A few days later the Allied army arrived and the vessels so detained were held, and have been held ever since. A relatively small number of vessels appears to have been seized in Serbian waters. Shortly thereafter, Admiral Troubridge, on behalf of the Allied army, assembled the vessels now held by Serb-Croat-Slovene Kingdom and took them to Belgrade. The Inter-Allied Danube Commission, of which Admiral Troubridge was Chairman, then had charge of the vessels for some time, and afterwards made delivery of them to Serb-Croat-Slovene Kingdom, with the full understanding that such delivery was only provisional, that that Kingdom would hold them under this reserve and that there would eventually be a definitive decision as to the status of the vessels. Since that time the vessels have been and now are held by Serb-Croat-Slovene Kingdom in pursuance of such provisional delivery.

#### THE APPLICATION OF THE PRINCIPLES OF INTERNATIONAL LAW.

International law as applied to warfare is a body of limitations, and is not a body of grants of power. The Arbitrator, in considering the bearing of international law upon the ownership of these vessels, does not have to look for provisions of international law affirmatively authorising the continuance of the present status, i.e., the retention of these vessels by Roumania and Serb-Croat-Slovene Kingdom, Roumania and France, but he is to consider whether the continuance of that status would violate some clear, and clearly applicable limitation created by international law.

The delegates of Austria and Hungary claim that the Fourth Hague Convention of 1907 is a correct exposition of the principles of international law respecting the laws and customs of war on land. This view has not been seriously contested by the representatives of the other countries, and it is adopted by the Arbitrator for the purpose of this decision.

The delegates of Austria and Hungary ask for the return of these vessels by virtue of Articles 46 and 53 of the Regulations which were annexed to the Fourth Hague Convention of 1907 in order to serve as a guide for the issue of instructions to armed land forces. These Articles read as follows:

ARTICLE 46.

Family honor and rights, the lives of persons, and private property, as well as religious convictions and practices, must be respected. Private property can not be confiscated.

ARTICLE 53.

An army of occupation can only take possession of cash, funds, and realisable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and generally all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

Articles 46 and 53 are contained in Section III of the Regulations, which Section is entitled "Military Authority over the Hostile State" and the various articles in that Section make it clear that the Section is intended to apply to military authority over hostile territory that is actually placed under the authority of the belligerent army. Therefore, the letter of the provisions quoted does not apply in the case of the seizures by Roumania, which took place in Roumania and it is doubtful whether it applies to the seizures of vessels now in the possession of Serb-Croat-Slovene Kingdom, because it is doubtful whether the territory in which the vessels were seized can be regarded as hostile territory, in view of the facts that the dismemberment of the Austro-Hungarian Monarchy had already begun, and that the territory in question, as the result of events then in progress, was already falling away from that sovereignty, with a view to union with Serbia, and shortly afterwards was united with Serbia. It is also doubtful whether the Allied Army in the peculiar circumstances existing can be regarded as an army of occupation at the time of the seizures.

Articles 46 and 53 should, however, be examined to see if they furnish a useful analogy, even though not literally applicable, and this should be done always with the thought that even when employing affirmative language they operate only by limitation on the power of a sovereign State, and are not needed for the purpose of adding to that power.

At the outset it should be pointed out that no precedent has been cited which sustains the view that the intent of those Articles embraces war material actually in use by the hostile army. Article 46 expresses the principle of the immunity of private property from confiscation, but this principle contemplates the great mass of property which is private in the usual sense of that word, and does not contemplate those instances where property, even though privately owned, has been temporarily dedicated to actual hostile use on behalf of the State. Likewise, Article 53, which

speaks of restoration of, and compensation for, privately owned means of transport and privately owned ammunition of war, does not contemplate war material in actual hostile use at the time of seizure, and no one seriously contends that the Article has been so applied as to require restitution of, and compensation for war material in actual use as such.

The facts, therefore, as to the status of the vessels must be examined to see whether they come clearly within the scope of the principle underlying Articles 46 and 53.

The great majority of these vessels had been owned by private companies but were hired to the War Ministry of the Austro-Hungarian Monarchy, and were operated by its military transport organization known as the Zentral Transport Leitung, which will be referred to hereinafter as the Z. T. L., and the facts as to these Z. T. L. vessels will be first examined.

#### THE Z. T. L. VESSELS.

The Z. T. L. vessels were being operated by a military organization. The Z. T. L. was established as an independent department of the War Office for the duration of the war, and this was for the purpose of distributing and conducting military transports, and for handling of all goods referring to war transportation. The organization plan of the Z. T. L. indicated that the two supreme authorities were the supreme army command in military respects, and the war department in administrative respects. The branch of the Z. T. L. having charge of the Danube vessels was known as the Z. T. L. Navigation Group (Schiffahrtsgruppe). Provision was made for a plenipotentiary staff Officer of the Z. T. L. Navigation Group to be with the group of the Mackensen' armies (the German armies operating in the lower Danube countries), "so that the necessary measures may be taken in time for strategic transportation and for supplies". The central organization of the Z. T. L. Navigation Group was to occupy itself with all recruitments, replacements, and other questions concerning personnel. The chief of the Z. T. L. Navigation Group, had the disciplinary power of a commander of troops over the personnel of the sections and over the crews of the boats; chiefs of sections had the disciplinary power of the commander of an isolated division over the personnel of that section; chiefs of stations had the disciplinary power of an isolated sub-division.

The principal purposes for which the Z. T. L. vessels were used were the transportation downstream of supplies directly or indirectly needed for military operations, the transportation upstream of foodstuffs and raw materials from Roumania and Serbia, the transportation upstream of booty, and, especially in October and November, 1918, the transportation upstream of the equipment of the armies which were retreating. To a considerable extent the Z. T. L. vessels also transported troops, especially from one side of the river to the other.

With the exception of the transportation upstream of foodstuffs and raw materials from Roumania and Serbia, all these principal objects were clearly military in character and closely connected with the actual conduct of hostilities. But even the transportation of foodstuffs and raw materials from Roumania and Serbia cannot be regarded as essentially non-military in character, because that transportation was to an important extent a link in a chain of military activity designed to withdraw by military force



food supplies and raw materials from Roumania and Serbia for the benefit of the Central Powers. Roumania and Serbia were in the military occupation of the Central Powers whose policy it was to secure for their own benefit from these countries the greatest possible amount of foodstuffs and raw materials. To a large extent these foodstuffs and raw materials for use in the territory of the Central Powers were taken from the inhabitants of Roumania and Serbia by the exercise of military force operating through the process of military requisitions (and not in accord with Article 52 of the Fourth Hague Convention of 1907, which prohibits requisitions "except for the needs of the army of occupation"). When military force is employed to withdraw from occupied territories foodstuffs and supplies which are then transported by a military means of transport like the Z. T. L., it cannot fairly be said that such use of such vessels is evidence of a non-military use. Indeed, such employment of the Z. T. L. vessels should be regarded as essentially hostile rather than innocent, and as intensifying rather than diluting the general military and hostile character of the Z. T. L. vessels.

These Z. T. L. vessels do not present the case of a means of transport casually or incidentally used as an aid to military operations in connection with the carrying on of the normal functions of the vessels, but they present the case of a means of transport mobilized for a special military purpose, withdrawn from normal functions, handled in a military manner, regularly used as an essential instrument for the accomplishment of military and hostile objects, operating in close liaison with the armies in occupied territory, retreating from such territory as such armies retreated, aiding them in their retreat, and carrying their supplies and their booty. The representatives of Serb-Croat-Slovene Kingdom also claim, relative to the vessels retreating above Belgrade, that the Serbian army had reason to believe that the vessels were endeavouring to establish a new base for military operations further up the river.

The Arbitrator is of the opinion that in view of the organization, methods, purposes and results of the Z. T. L. Navigation Group, it was a military organization, and the vessels which it had hired and was operating had lost for the time being their strictly private aspect, and had become war material.

The Bulgarian Armistice of September 29, 1918, provided in Clause 7 that Germany and Austria-Hungary (which, however, were not parties to the Armistice) would have a period of four weeks for retiring from Bulgaria their troops and their military organs. The note of July 11, 1919, from the Austrian Delegate to the Peace Conference protesting against the original draft of Part XII of the Peace Treaty with Austria, is not without interest in this connection. for it took the position that detention of a large number of these vessels by the French Army at Lom Palanka before the expiration of the four weeks period was contrary to the rights of Austria-Hungary to have the free retirement of its troops "and their war material".

A further point deserves consideration. The purpose of the immunity of private property from confiscation is to avoid throwing the burdens of war upon private individuals, and is, instead, to place those burdens upon the States which are the belligerents. In cases where a belligerent State has employed private property for military purposes under arrangements whereby the State undertakes to return the property to its owner, the appropriation of the property by the Enemy State would not place the burden of the loss upon the private owner, but would place it upon

the owner's State, which would be under an obligation to make compensation to the owner.

The idea that there is no confiscation of private enemy property when the Enemy State is required to make compensation therefor is illustrated in the Treaty of Versailles and the other Peace Treaties, which, while providing for the retention of various sorts of private property of nationals of the Central Powers by the Allied and Associated Powers, require the Central Powers to compensate their nationals in respect of their property so retained, and this requirement for compensation by the Central Powers is regarded as avoiding any impairment of the principle of the immunity of private property from confiscation.

Therefore, in the present case the facts as to the relationship between the States and the owners of the Z. T. L. vessels are of interest.

The vessels were hired by the Military authority of the State. There were different forms of contracts which employed differing phraseology. One form, which, however, appears to have been used as to comparatively few vessels, expressly provided for compensation in the event the vessel was captured by the enemy. According to the form of contract in more general use, the military authority of the State assumed full liability for damages incurred on account of events of war, and also assumed the obligation to return the vessels to the owners at the termination of the military service. Thus the State was under the obligation either to return the vessels at the end of the service, or to make compensation to the owners, and this obligation would have existed by implication even if it had not been expressed.

In this state of facts the confiscatory act in appropriating the vessels would affect the State and not the private owner, and would be an act operating primarily upon the Enemy State, and imposing the loss upon it.

If the facts had been such as to entitle these vessels to the protection of Article 53, and if the Treaty of Peace had so recognized and had provided that in lieu of returning the vessels to the owners Austria or Hungary as the case might be should make due compensation to the owners for such vessels, the essential purpose of Article 53 would have been satisfied. But without any such Treaty provision, Austria and Hungary are, by virtue of their own agreement with the owners of the vessels, under obligation to make compensation for the vessels which they are unable to return.

If these Z. T. L. vessels had been the property of the State no principle of international law would have prevented their confiscation, inasmuch as the burden of the loss would have fallen upon the State. When the State instead of acquiring the complete property in vessels elects to hire private vessels for the same military purpose, thus assuming the obligation of making compensation to the owners if it does not return the vessels, the burden of the loss, in the event of confiscation, should be regarded as equally falling upon the State.

The Arbitrator is of opinion that these Z. T. L. vessels were so impressed with the aspect of public and hostile use, and that the Enemy State was so responsible for their loss, that they do not come within the scope of the limitations of international law which are invoked.

SHOULD THE Z. T. L. VESSELS IN POSSESSION  
OF SERB-CROAT-SLOVENE KINGDOM BE RESTORED  
TO AUSTRIA AND HUNGARY ON ACCOUNT  
OF THE ARMISTICE OF NOVEMBER 3RD, 1918?

With respect to the vessels in possession of the Serb-Croat-Slovene Kingdom, the delegates of Austria and Hungary contend that the vessels were not seized until after 3 o'clock p.m., November 4th, 1918, the time fixed for the termination of hostilities in the Armistice with Austro-Hungary signed November 3rd, 1918.

The Armistice of November 3rd was executed on behalf of the Allied and Associated Powers by the High Command of the Italian Army. The Armistice provided specifically for the total demobilization of the Austro-Hungarian army; provided, upon the front from the North Sea to Switzerland, for the immediate retreat of all its units; provided, upon the Italian front, for retreat of the Austro-Hungarian forces back of a line carefully described; and with respect to both these fronts made provision for the disposition of war material in all territory thus evacuated. The Armistice did not fix any line on the Danube front and made no specific provision for disposition of troops or war material upon that front. Aside from provisions as to liberty of navigation on the Danube, removal of mines and destruction of barriers on the Danube, and disposition of six Danube monitors, there appear to be no specific references to affairs of interest to the Danube front.

Representatives of Serb-Croat-Slovene Kingdom stress this incompleteness of the Armistice of November 3rd as to the Danube front, and further claim that the High Command of the Italian army had no authority to represent or to bind the Allied armies operating on the Danube front under General Franchet d'Esperey. (While the Treaties of St. Germain and Trianon recite that the Armistice of November 3rd was granted by the United States of America, the British Empire, France, Italy and Japan, they contain no recital that the Armistice was granted by Serbia, although the Treaties nevertheless adopt for several purposes the date of November 3rd, 1918, as a controlling date.)

Before passing to the discussion of the developments after November 4th, it is important to note the status of the Z. T. L. vessels on that date. These vessels had been retreating as rapidly as possible since the latter days of October. Their further retreat was effectively cut off by local provisional governmental organizations asserting independence of the Austro-Hungarian Monarchy. No convincing proof has been offered to show that any of these vessels remained in the actual possession and control of the Austro-Hungarian Monarchy, or of Austria or Hungary, after 3 p.m. on November 4th. Thus, in the retreat and collapse which were taking place, Austria and Hungary appear to have lost on or before November 4th, the effective control of the Z. T. L. vessels, and to have been compelled to leave them behind. The territory in which these vessels were left behind had already been lost, for practical purposes, to Austria-Hungary, and was never afterwards regained by it, and shortly afterwards became united with Serbia. Within three or four days after November 4th the Serbian army on behalf of the Allied armies arrived in this territory from which the Austrian and Hungarian troops were fleeing, and took possession of the vessels which had been thus lost by Austria and Hungary.

In these circumstances, and in view of the silence of the Armistice of November 3rd as to the Danube front, there appears to be no provision of the Armistice which would require the Serb-Croat-Slovene Kingdom to return to Austria and Hungary war material thus lost by them. This situation of the matter is not affected by the claim which is urged that the seizures by the provisional governments were not made by them in the capacity of belligerents, because the fact would still remain that the war material in question was left behind in the course of the retreat in territory which had been lost to Austria-Hungary, and which was never regained and with which the Armistice of November 3rd did not specifically deal.

But the Armistice of November 3rd does not stand alone. On November 13th, 1918, French and Serbian delegates, on behalf of General Franchet d'Esperey, concluded with the Hungarian Government a Military Convention relative to the Armistice in Hungary. This Convention prescribed a line crossing the Danube at Baja (upstream from where the vessels were seized) to the north of which the Hungarian Government must retire its troops, and provided that the Allies would occupy of right ("de plein droit") the evacuated region in the conditions which the Commander in Chief of the Allied Armies would fix. If the Armistice of November 3rd had been complete as to the Danube front there would have been no reason for this supplementary Military Convention. If hostilities had actually ceased on the Danube front at 3 p.m. November 4th, pursuant to the Armistice of November 3rd, there would have been no necessity for the further recital in the Military Convention of November 13th that "the hostilities between the Allies and Hungary have ceased".

General Franchet d'Esperey, Commander in Chief of the Allied armies, in Special Order No. 7120/4, dated January 12th, 1920, declares, referring to the seizures of river material on the Danube, as follows:

"There is considered as war material all floating material which, on November 13, 1918, was down the river beyond Baja, and constituted a portion of the enemy army train. In fact, although an Armistice has been signed on the western front, on November 4th, 1918, with Austria-Hungary, and on November 11th with Germany, hostilities practically continued on the eastern front: owing to the Central Powers, as late as November 13th, 1918, and it is this date which marks the effective cessation of hostilities on the eastern front."

The Austrian and Hungarian representatives insist that the belligerent activities of those two countries collapsed even before November 3rd, and that there were not, and could not have been, any organized hostilities on the part of those two countries thereafter. But the representatives of the Serb-Croat-Slovene Kingdom have made at the hearings before the Arbitrator detailed statements as to active hostilities at various points along the Danube above Belgrade on November 6th, 7th, 8th, 9th, with what they claim was a mixture of German, Austrian and Hungarian troops.

It is to be remembered that a very close liaison in the use of the Z. T. L. vessels existed between the German armies and the Austrian and Hungarian armies. It is clear that these Austrian and Hungarian vessels were used for the common military interests of Germany, Austria and Hungary, and no claim is made that hostilities with Germany were terminated before November 11th.

After carefully considering the extremely complicated developments which are suggested by the above recital, the Arbitrator concludes that there is nothing in the Armistice of November 3rd, especially when considered in the light of all the subsequent developments, to require the return to Austria or Hungary of the Z. T. L. vessels in question.

SHOULD THE Z. T. L. VESSELS IN POSSESSION OF SERB-CROAT-SLOVENE KINGDOM BE RETURNED TO AUSTRIA AND HUNGARY ON ACCOUNT OF ARTICLES 267 AND 250 IN THE TREATIES?

Austria and Hungary rely upon Article 267 of the Treaty of St. Germain, and Article 250 of the Treaty of Trianon, which provide that the property of nationals or companies of Austria and Hungary situated in the territories which formed part of the former Austro-Hungarian Monarchy shall be restored to its owners freed from any measures of liquidation pursuant to the provision of Article 249 of the Treaty of St-Germain and Article 232 of the Treaty of Trianon and freed from any other measures of transfer, compulsory administration, or sequestration taken since November 3rd, 1918. The Arbitrator is of the opinion that these Articles, 267 and 250, in the two Treaties were not intended to control the question of vessels dealt with by Article 300 of the Treaty of St. Germain, and Article 284 of the Treaty of Trianon. The provisions in these two latter articles as to vessels were special in character, and should prevail over the general language of Articles 267 and 250. even if this general language were broad enough to include the same subject matter.

But the Arbitrator doubts whether the general language of Articles 267 and 250 should be regarded as being broad enough to cover these vessels. These articles were incorporated in these Treaties as a result of protest received from the Austrian Delegation to the effect that the compulsory liquidation provisions of Article 249 with respect to property of Austrian nationals ought not to be applied to property of Austrian nationals (notably mines, factories, et cetera), "located" in territory which formed part of the former Austro-Hungarian Monarchy but which was transferred to certain of the Allied Powers. In both of these Articles the language used is property "situated" in the territory which formed part of the former Austro-Hungarian Monarchy.

It is a serious question whether vessels which constituted a part of the war material of Austria and Hungary and which were fleeing from Roumania and Serbia, and endeavouring to reach Budapest or Vienna, and which were stopped against the will of the military organization in territory subsequently transferred to Serb-Croat-Slovene Kingdom, should be regarded as "located" or "situated" in that territory within the purpose of those Articles. Certainly it was not property of this character which was in the minds of the Austrian Delegation when it was protesting against the compulsory liquidation of property of Austrian nationals located in transferred territory.

If such vessels could be regarded as "situated" in such territory within the meaning of Article 267, it would seem that all Austrian vessels belonging to the State (as, for example, the Sud-Deutsche vessels) happening at the date of the Treaty to be passing through that territory, would be "situated".

therein within the meaning of Article 208 and would therefore become the property of the successor State. But no one contends that the word "situated" should be given such effect.

It is doubtful whether Articles 267 and 250 could be construed as applying at all to property which owed its temporary presence in the transferred territory exclusively to the fact that it was not in possession or control of its private owners and was hired by the State and being used as war material.

Since Articles 300 and 284 constitute a specific and complete treatment of the disposition of vessels, the Arbitrator is satisfied that Articles 267 and 250 do not directly apply, and, in view of the grave doubts he has pointed out, he is equally satisfied that they furnish no analogies which should control his decision with reference to the peculiar and special facts pertaining to the Z. T. L. vessels.

#### SEIZURES BY ROUMANIA AND FRANCE.

With reference to the seizures of Z. T. L. vessels made by Roumania and France in November, 1918, it is urged, on behalf of the Austrian and Hungarian Delegations, that these seizures were not made until on or after November 10th, and, therefore, that the vessels should be returned because the Armistice of November 3rd became effective on November 4th. The armies of the Central Powers against which the French and Roumanian armies were operating in Roumania on November 10th and 11th, 1918, were armies under German command, that is, under the orders of Marshal Mackensen, and were not affected by the Armistice of November 3rd. The Z. T. L. vessels were used for the benefit of the German armies as well as for the benefit of the Austro-Hungarian armies. These vessels were therefore the subjects of capture in operations against the German armies as well as in operations against the Austro-Hungarian armies. Hostilities between the French and Roumanian armies and the German armies continued in Roumania up to the hour of the taking effect of the Armistice of November 11th at 1 o'clock p.m. (according to Roumanian time).

So far as Roumania is concerned, it makes the further special point, and rightly, as the Arbitrator believes, that it was not bound by the Armistice of November 3rd because it was not at that moment one of the Allied Powers participating in the making of that Armistice, since it had entered into an armistice on the 9th day of December, 1917, and on November 3rd was not fighting with the Allies. Roumania also points out that the Treaties of St. Germain and Trianon specify that the Armistice of November 3rd was granted by the United States of America, the British Empire, France, Italy and Japan, and contain no expression or implication that Roumania participated in granting that Armistice.

It is also important to bear in mind the complicated circumstances already set forth in connection with the discussion of the Z. T. L. boats now in the possession of Serb-Croat-Slovene Kingdom. These circumstances show the incompleteness of the Armistice of November 3rd with reference to the Danube front, and indicate the actual continuance of hostilities on that front until November 13th.

The Austrian and Hungarian Delegates have also suggested that these boats should not have been seized since their detention by the French army at Lom Palanka on October 19, 1918, was contrary to the Armistice with Bulgaria. That, however, was a question between France and Bulgaria;

Austria and Hungary were not parties to that Armistice, and questions cannot be considered under it at their instance. It is not claimed that Roumania was a party to that Armistice.

The Austrian and Hungarian Delegates also claimed that the seizures of these boats by Roumania and France were not made effective until after November 11th. But the fact appears to be that these vessels, which were endeavouring to retreat, were virtually abandoned on November 10th and the forenoon of November 11th, and hence can be regarded as war material abandoned prior to the taking effect of the German Armistice. The fact that abandoned war material may not have been actually taken into the physical custody of the successful belligerent until several days after an armistice does not seem to be important.

The Austrian and Hungarian delegates also question the validity of the captures by Roumania on the ground that Roumania had entered into an Armistice with the Central Powers on the 9th day of December, 1917, and they claim that such Armistice could not be terminated without at least seventy-two hours notice, and that such notice was not given. The fact is, however, that the Armistice was denounced by Roumania, and that a state of actual warfare was resumed on November 10th, 1918. There is no question whatever as to the existence of a state of active hostilities on November 10th and 11th, and the Arbitrator perceives no reason why the principles of international law applicable to a state of active hostilities should not govern.

#### SÜD-DEUTSCHE VESSELS ARE COVERED BY TREATY OF ST. GERMAIN.

At this point it is desirable to decide the question which arises as to whether the vessels belonging to the Süd-Deutsche Donau Dampfschiffahrt Gesellschaft, hereinafter referred to as the Süd-Deutsche Company, are covered by the Treaty of Versailles or by the Treaty of St. Germain. Germany has urged that the Treaty of Versailles should not be regarded as covering these vessels. Austria has submitted the question to the Arbitrator without expressing an opinion upon it. The Austrian Empire owned the entire capital stock of the Süd-Deutsche Company from a period prior to the War to a period after the date of the Treaty of St. Germain. The fleet was regarded as an Austrian fleet. In every substantial sense, the Austrian Empire was the owner of the fleet of this company and had the entire power of disposing of it. The Süd-Deutsche Company, however, was a German company, and its boats were registered in Danube ports in Germany. Article 300 of the Treaty of St. Germain indicates that the obligations assumed by Austria are with reference to vessels registered in the ports of the Danube. The reasonable construction is that this applies to all vessels, owned by the Austrian Government itself and completely in its control, which are registered in Danube ports. As between Germany and Austria it would appear unreasonable in such a case to impose upon Germany the Treaty obligations with reference to such vessels. The Arbitrator therefore decides that these vessels are covered by the Treaty of St. Germain.

PERMANENT ALLOCATIONS TO SERB-CROAT-SLOVENE  
KINGDOM, ROUMANIA AND FRANCE.

The Arbitrator finds neither any principle of international law nor any provision of the Armistice or Treaties which indicates that the Z. T. L. vessels should be restored by Serb-Croat-Slovene Kingdom, Roumania and France to Austria and Hungary.

It also appears that, by reason of seizures of the character above described, Serb-Croat-Slovene Kingdom holds three barges numbers 52, 101 and 127 of the Süd-Deutsche Company which were not hired to and operated by the Z. T. L. At the time of these seizures as has already been pointed out, the Austrian Empire owned the entire capital stock of the Süd-Deutsche Company. While the Company maintained its separate existence and organization, it was, nevertheless, true that the State was the owner in substance and fact of the property of the company. Therefore, the barges mentioned in this paragraph were not private property. The Arbitrator finds no principle of international law, and no provision of the Armistice or Treaty, which indicates that these State-owned Süd-Deutsche boats should be restored by Serb-Croat-Slovene Kingdom to Austria.

It also appears that by reason of seizures of the character above described Serb-Croat-Slovene Kingdom holds four M. F. T. R. barges, Nos. 12E, 13E, 15E and 16E, which are reported by Hungary to have been bought by the M. F. T. R. Company for the account of the Government, and holds seven barges which are marked Z. T. L., one of which has no number, and the other six of which are numbered 4, 10, 13, 14, 39 and 43, respectively, all seven of these boats being the property of the Government. It is clear that these eleven barges are governed by the same principles as apply to the Z. T. L. barges, and hence there is no reason for requiring them to be returned to Austria or Hungary.

The Arbitrator, therefore, concludes that it is just and reasonable to make the following permanent allocations of the seized Z. T. L. vessels, of the eleven vessels last above mentioned, and of the three additional Süd-Deutsche barges above mentioned:

The Austrian and Hungarian vessels shown in Annex II are hereby permanently allocated to the Serb-Croat-Slovene Kingdom.

The Austrian and Hungarian vessels shown in Annex III are hereby permanently allocated to Roumania.

The Austrian and Hungarian vessels shown in Annex IV are hereby permanently allocated to France.

The totals of the tonnage and horse-power thus allocated are as follows:

To Serb-Croat-Slovene Kingdom 299,061 tons of barges, 4,368 tons of tanks, and ten pontoons and eleven barges, tonnage not given, and 15,987 horse-power of tugs.

To Roumania 46,291 tons of barges, and 4,850 horse-power of tugs.

To France 30,125 tons of barges, and 3,765 horse-power of tugs.

NON-Z. T. L. VESSELS.

There remains the question as to the seized vessels which were not Z. T. L. vessels. Practically the entire discussion by all the parties has been devoted to the Z. T. L. vessels. It has not been seriously suggested



that principles of international law would justify the confiscation of strictly private river vessels operated by and at the risk of their private owners. As to such vessels, the Arbitrator is of the opinion that the principles of international law indicate the propriety of restoring them to the owners who were in possession and control of them at the time of the seizure.

The Arbitrator has considered the question suggested on behalf of Roumania that, to the extent that these non-Z. T. L. vessels were seized by Roumanian naval officers, their seizure ought to be regarded as regulated by the international law pertaining to naval warfare, and, therefore, ought to be upheld even though the vessels may be private property.

These vessels were vessels devoted to inland navigation and not to maritime navigation; were registered in or identified with river ports, and were not inscribed in any registers of the merchant marine; they were seized in the Danube river and not on the high seas, and at the time of their seizure were engaged in inland navigation between Danube ports in Roumania and Danube ports further up the river. The sole reason which can be suggested in order to justify the confiscation of such private property, contrary to the principles of land warfare, is the claim that the vessels were seized by officers who, although located in the ports of the river, were designated as naval officers. The Arbitrator is of opinion that such a distinction would be devoid of substance under all the circumstances surrounding these particular seizures. He is further of the opinion that under the Treaty provisions, he ought to be governed in making a permanent allocation of these vessels by uniform principles in dealing with the single subject matter involved, i.e., the inland shipping on the Danube. In the enforcement of the Treaties, there can be no reason why a private river vessel seized on the Danube in Roumania should be subject to capture, when a private river vessel seized on the Danube in or above Serbia should not be subject to capture, when both were captured in the course of what were essentially conflicts of land forces. The Arbitrator, therefore, decides that these non-Z. T. L. vessels, even if seized by local officers designated as naval officers, should be permanently allocated to Austria and Hungary.

The Arbitrator decides that the non-Z. T. L. vessels (in addition to certain pontoons) aggregating 47,872 tons of barges, and 2,310 horse-power of tugs and other steamers, shown in Annex V and now in the possession of Serb-Croat-Slovene Kingdom, continue to belong to their private owners and to be Austrian or Hungarian in nationality, and he permanently allocates the same accordingly as indicated in such Annex. Such permanent allocation, however, is subject to the following qualifications:

As appears from Annex V there are four passenger vessels which, according to the foregoing allocation, should be delivered by Serb-Croat-Slovene Kingdom to Austria and Hungary, respectively. The Arbitrator thinks it highly probable that Serb-Croat-Slovene Kingdom has a greater need for these passenger vessels than it has for some of the barges or tugs which are permanently allocated to it under this Decision. The Arbitrator, therefore, hereby provides that Serb-Croat-Slovene Kingdom shall have the option of delivering, instead of such passenger vessels specified in such Annex, tugs or barges of a substantially equivalent value to be selected from the tugs or barges permanently allocated to Serb-Croat-Slovene Kingdom. If Serb-Croat-Slovene Kingdom shall notify the Arbitrator within forty days from the date of this Decision, i.e., on or before the 12th day of September, 1921, that it wishes to consider the question of the desirability of exercising this option, the Arbitrator or his representative will at once

confer with the representative of Serb-Croat-Slovene Kingdom and Austria, and will specify particular barges or tugs to be delivered instead of such passenger vessels. Serb-Croat-Slovene Kingdom will then have the right of so delivering the tugs or barges so specified by the Arbitrator, within such a period of time as the Arbitrator may then fix. If Serb-Croat-Slovene Kingdom does not give the notice above mentioned to the Arbitrator on or before said 12th day of September, 1921, such passenger boats will be deliverable in accordance with the permanent allocation thereof above made, and in accordance with the conditions hereinafter prescribed.

The Arbitrator likewise decides that the non-Z. T. L. vessels aggregating (in addition to certain pontoons) 4,802 tons of barges shown in Annex VI and in the possession of Roumania, continue to belong to their private owners and to be Austrian or Hungarian in nationality, and he permanently allocates the same accordingly as indicated in such Annex.

#### ALLOCATION TO BULGARIA OF CERTAIN VESSELS IN POSSESSION OF FRANCE.

The Bulgarian Government claims that after the coming into effect of the Bulgarian Armistice seven barges of Bulgarian nationality and ownership were taken into the possession of the Allied forces, and that such vessels are at present in the possession and control of a French Company.

The Bulgarian Government asks that these boats be permanently allocated to it.

The French Government concedes the principle upon which the Bulgarian Government asserts its claim, and says that it is merely a question of fact as to whether the vessels are really boats of Bulgarian nationality and ownership. Upon this question the statements of the Bulgarian Government are positive and direct, and the French Government has not asserted anything to the contrary or presented any evidence to the contrary.

The Arbitrator, therefore, permanently allocates to Bulgaria the seven vessels in question which are shown in Annex VII.

#### ALLOCATION TO BULGARIA OF CERTAIN VESSELS HELD BY SERB-CROAT-SLOVENE KINGDOM.

The Bulgarian Government claims that after the coming into force of the Bulgarian Armistice seven vessels of Bulgarian nationality and ownership were taken into the possession of the Allied forces, and that such vessels are now in the possession and control of the Serb-Croat-Slovene Kingdom.

The Serb-Croat-Slovene Kingdom does not deny that these vessels are in its possession, and does not offer any evidence in contravention of the facts stated by Bulgaria, but makes the suggestion that the vessels in question are owned by a Bulgarian corporation which has been formed by co-operation of Austrian and Hungarian interests with Bulgaria.

The Arbitrator is of opinion that this suggestion does not impair the right of Bulgaria, and he permanently allocates these vessels which are shown in Annex VIII, to Bulgaria.

#### ALLOCATION TO HUNGARY OF CERTAIN VESSELS HELD BY CZECHO-SLOVAKIA.

In the spring of 1919, during the period of the Bolshevist régime in Hungary, the troops of that régime carried on certain hostile operations in Czecho-Slovakia. In the course of the conflicts thus arising the Czecho-

Slovak Government took possession of certain Hungarian vessels on the Danube. These vessels are shown in the attached Annex IX. Hungary asks that these vessels be allocated to it as being its property.

The Arbitrator is of opinion that the vessels in question were privately owned and operated, that they were not subject to confiscation, and allocates them to Hungary.

#### CONDITIONS FOR EFFECTUATION OF PERMANENT ALLOCATION.

The Treaties of St. Germain and Trianon make it the duty of the Arbitrator to prescribe the conditions connected with the permanent allocation of vessels whose ownership or nationality is in dispute between States.

As to the Z. T. L. vessels (and certain others controlled by the same principles) in the possession of Serb-Croat-Slovene Kingdom, Roumania and France, respectively, the ownership and nationality of such vessels in accordance with their present possession are confirmed, and it does not appear at present that any further conditions need to be prescribed. The Arbitrator, however, will entertain any request that may be presented by any of the interested States for the establishment of conditions to effectuate the Arbitrator's Determination.

As to the non-Z. T. L. vessels in the possession of Serb-Croat-Slovene Kingdom and Roumania, respectively, which are hereby permanently allocated to Austria and Hungary, respectively; as to the Bulgarian vessels in the possession of Serb-Croat-Slovene Kingdom and France, respectively, which are permanently allocated to Bulgaria; and as to the Hungarian vessels in the possession of Czecho-Slovakia which are permanently allocated to Hungary; the following conditions are hereby prescribed:

All such vessels shall be delivered to the country to which they are permanently allocated within two months from this date, to wit, on or before the second day of October, 1921.

The place of such delivery shall be the frontier between Serb-Croat-Slovene Kingdom and Hungary in the case of non-Z. T. L. vessels in the possession of Serb-Croat-Slovene Kingdom and allocated to Austria or Hungary, and the frontier between Serb-Croat-Slovene Kingdom and Bulgaria in the case of vessels in the possession of Serb-Croat-Slovene Kingdom and allocated to Bulgaria; shall be the frontier between Roumania and Serb-Croat-Slovene Kingdom in the case of vessels in the possession of Roumania, and allocated to Austria or Hungary; shall be the frontier between Serb-Croat-Slovene Kingdom and Bulgaria in the case of vessels in the possession of France and allocated to Bulgaria; and shall be the frontier between Czecho-Slovakia and Hungary in the case of vessels in the possession of Czecho-Slovakia which are allocated to Hungary.

All vessels so to be delivered shall be accompanied with all such fittings and gear as are on such vessels at the date of this Determination. If any country making delivery of such vessels shall claim as to any particular vessel that the fittings and gear thereof are substantially greater than at the time the vessels were seized, the Arbitrator will consider such claim, and to the extent that it is allowed will require the country to which the vessel is allocated to pay the value of such excess quantity of fittings and gear. But the consideration of this claim shall not preclude the delivery in accordance with this Decision of the vessels specified, provided that if any country which is to make delivery of vessels shall present to the Arbi-

trator on or before the 12th day of September, 1921, a claim showing the value of such excess quantity of fittings and gear, the Arbitrator will specify one or more of the vessels to be delivered of a value sufficient in his judgment to cover what he regards as the probable value of such excess quantity of fittings and gear, and such vessel or vessels so specified by the Arbitrator may be retained by the delivering country under such conditions as the Arbitrator may fix, pending the ascertainment of, and payment for, the value of the excess quantity of fittings and gear.

While the foregoing conditions for effectuation of permanent allocation will control in the absence of the further order of the Arbitrator, the Arbitrator is prepared, upon application of any of the interested parties, and upon due hearing, to consider modifications of these conditions for the purpose of simplifying the procedure as to the following groups of vessels:

1. Vessels to be returned by Serb-Croat-Slovene Kingdom or Roumania to Austria or Hungary and to be then ceded by Austria or Hungary to Czecho-Slovakia, as provided below.
2. Vessels now in the possession of Czecho-Slovakia the nationality of which the Arbitrator recognizes as being Hungarian at this time, but which vessels are to be ceded by Hungary to Czecho-Slovakia, as provided below.

#### ALLOCATION AND PROCEDURE IN SPECIAL CASES OF INTEREST TO SERB-CROAT-SLOVENE KINGDOM, ROUMANIA, AUSTRIA AND HUNGARY.

##### 1. VESSELS WHOSE NATIONALITY IS AFFECTED BY CHANGE OF NATIONALITY OF OWNERS.

There have been reported to the Arbitrator various vessels whose owners have become nationals of Serb-Croat-Slovene Kingdom or Roumania. There appears to be general acquiescence in the view that such change of nationality of the owner calls for a corresponding change in the nationality of the vessel. The Arbitrator is of opinion that this view is just and reasonable, and none of the interested parties has suggested that the Treaties contemplate any other disposition. He, therefore, decides that the vessels shown in Annex X and formerly of Hungarian nationality are now of the nationality of the Serb-Croat-Slovene Kingdom, because the owners of the vessels are nationals of such Kingdom; and he decides that the vessels shown in Annex XI and formerly of Hungarian nationality are now of Roumanian nationality, because the owners of the vessels are now nationals of Roumania. The Arbitrator assumes that it is not necessary for him to prescribe conditions of procedure in order to effectuate the determinations made by him in this paragraph. But upon application of any of the interested States, he will give due consideration to the question of prescribing conditions of procedure for that purpose.

There have also been reported to the Arbitrator certain non-Z. T. L. vessels, which are in the possession of Serb-Croat-Slovene Kingdom, but the owners of which are now Roumanian nationals. Under the Arbitrator's Determination as to the treatment of non-Z. T. L. vessels such vessels would be returned to Hungary if the owners were Hungarian, but since their owners are now Roumanian, the nationality of these vessels is confirmed

to Roumania. These vessels are shown in Annex XII. These vessels shall therefore be delivered by Serb-Croat-Slovene Kingdom to Roumania on behalf of the latter's nationals who are owners thereof. The place of delivery of such vessels shall be the frontier between Serb-Croat-Slovene Kingdom and Roumania and in all other respects the herein before stated "Conditions for Effectuation of Permanent Allocation" shall apply to the delivery of such vessels by the Serb-Croat-Slovene Kingdom to Roumania.

By this process of change of nationality of owners the fleet of the Serb-Croat-Slovene Kingdom is enlarged by 39,699 tons of barges (not including two barges tonnage not given), one motor boat, and 2,292 horse-power of tugs, and the fleet of Roumania is enlarged by 5,670 tons of barges, and by 180 horse-power of tugs.

2. INSTANCES WHERE CLAIMS OF AUSTRIA AND HUNGARY CANNOT BE IDENTIFIED WITH CLAIMS OF SERB-CROAT-SLOVENE KINGDOM, ROUMANIA AND FRANCE.

Hungary and Austria, respectively, claim to have lost through seizure various tugs and other vessels which neither Serb-Croat-Slovene Kingdom, Roumania nor France claims to possess. On the other hand, Serb-Croat-Slovene Kingdom, Roumania and France, respectively, claim to possess through seizure various tugs and other vessels which neither Austria nor Hungary claims to have lost.

The claims of Austria and Hungary in these respects are shown in Annex XIII. The claims of Serb-Croat-Slovene Kingdom are shown in Annex XIV. The claims of Roumania are shown in Annex XV. The claims of France are shown in Annex XVI.

It is evident from the facts shown in Annexes XIV, XV, and XVI that certain tugs and other vessels may remain in the possession of Serb-Croat-Slovene Kingdom, Roumania and France, which have not been dealt with by the Arbitrator.

If within two months from the date of this Determination, that is on or before the 2nd day of October, 1921, Austria, or Hungary shall present to the Arbitrator a specific claim that a vessel lost by it and coming within the description of vessels lost by it as shown in Annex XIII, is in the possession of Serb-Croat-Slovene Kingdom, Roumania or France, and that such vessel was not a Z. T. L. vessel, the Arbitrator will give such claim due consideration, and will decide what, if any, further order should be made by him.

CLAIM OF ITALY RELATIVE TO CERTAIN BARGES IN POSSESSION OF SERB-CROAT-SLOVENE KINGDOM AND ROUMANIA.

This claim relates to the following barges :

- |    |           |              |
|----|-----------|--------------|
| 1. | "Buda"    | Non-Z. T. L. |
| 2. | "Biro"    | Z. T. L.     |
| 3. | "Paule"   | Z. T. L.     |
| 4. | "Pista"   | Z. T. L.     |
| 5. | "Piroska" | Z. T. L.     |
| 6. | "Peter"   | Z. T. L.     |

The Italian Delegation claims that these barges were built on the Danube prior to 1912 by a Company located at Trieste and were chartered for a period of ten years to a Hungarian Company located at Budapest; and that nearly all of the stock of the Trieste Company has been acquired by an Italian bank. It is suggested in support of this claim that these vessels were being privately operated by the Hungarian Company itself, and were not seized until March, 1919. The Arbitrator finds, however, as the result of his investigations, that these vessels were all seized before November 13, 1918, and that all of them except the "Buda" had been leased by the Hungarian Company to the Austro-Hungarian War Ministry and at the time of seizure were being operated on the same footing as all the other Z. T. L. vessels with which the Arbitrator has had no deal. They were war material and were being operated by and at the risk of the belligerent State. The barge "Peter" has accordingly been allocated by the Arbitrator to Roumania, and the other four Z. T. L. barges in question have accordingly been allocated by the Arbitrator to Serb-Croat-Slovene Kingdom.

As to the "Buda" the Arbitrator's Determination allocates the vessel to Hungary because it is a non-Z. T. L. vessel and because it was being operated for the time being by a Hungarian Company. Of course this determination by the Arbitrator will not in any way affect the rights of the Trieste Company and the Hungarian Company, respectively, to the vessel in question. Apparently the latter Company holds the vessel under charter for a period of ten years, which will not expire until 1922, and there is no reason to assume that Hungary will obstruct in any way the return of the vessel to the Trieste Company at the expiration of that charter.

#### CLAIM TO ALLOCATION ASSERTED BY CZECHO-SLOVAKIA AS A SUCCESSION STATE.

Czecho-Slovakia claims that the former Austrian Empire owned all the stock of the Süd-Deutsche Company, and that the former Hungarian Monarchy owned a majority of the stock of the Royal Hungarian River and Sea Navigation Company, hereinafter referred to as the M. F. T. R.; that these interests do not belong to the present States of Austria and Hungary; that these interests were bought with money obtained from all the countries forming parts of the former Austrian Empire and of the former Hungarian Monarchy, and that such countries contributed thereto in proportion to the taxes paid by them, and therefore, are to the same proportionate extent the owners of the property. On this ground Czecho-Slovakia claims that there should be allotted to it a proportion of the property of the Süd-Deutsche Company equal to the proportion of the taxes which the part of Czecho-Slovakia, formerly a part of the Austrian Empire, paid to the Empire; and that in like manner there should be allotted to Czecho-Slovakia a part of the property of the M. F. T. R. computed in a corresponding way in the light of the interests of the former Hungarian Monarchy in that property and in the light of the proportion of the revenues of that Monarchy which were contributed by the part thereof which is now a part of Czecho-Slovakia, or, that in the two cases there should be allotted to Czecho-Slovakia due proportions of the stock of the two companies.

With respect to this claim, the position of Austria and Hungary is that Czecho-Slovakia has no rights in the premises except those given by the

Treaties themselves, and that the Treaties themselves do not give Czecho-Slovakia the right to State property except to such property situated in Czecho-Slovakia (Article 208 Treaty of St. Germain and Article 191 Treaty of Trianon), and that the property in question is not situated within the territory of Czecho-Slovakia. They urge in addition that the private corporation, either the Süd-Deutsche or the M. F. T. R., is the owner of the vessels, and, therefore, such vessels are privately owned notwithstanding the State-owned shares in the corporation. Czecho-Slovakia claims that the question is one of substance and not of form, and hence the technical ownership of a corporation is not controlling; that Article 208 and Article 191 are not applicable because Articles 300 and 284, respectively, of the two Treaties are the special and controlling articles with reference to vessels on the Danube; and that these two last mentioned articles do constitute a specific treatment which contemplates the allocation of a portion of the boats in question to Czecho-Slovakia, if, in the opinion of the Arbitrator, such allocation is equitable and proper.

Czecho-Slovakia also claims that the Austrian Empire acquired a very important interest in the Erste Donau-Dampfschiffahrts-Gesellschaft hereinafter referred to as the D. D. S. G., by means of a large annual subvention, 1,300,000 kronen per year; and that the Hungarian Monarchy acquired a large additional interest in the M. F. T. R. by reason of a similar annual subvention; that these interests were acquired in large part by taxes contributed by Czecho-Slovakia and that it is on that ground entitled to have portions of the fleets of such companies allocated to it.

Austria and Hungary, however, urge the same objections as are above stated and in addition claim that these subventions did not result in vesting in the State any interest in either of these Companies or in their property, since the State did not thereby acquire any shares in the Company, or even any claims against the Company, and that the subventions were given in consideration of services which were currently performed.

Czecho-Slovakia also claims that Czecho-Slovakian subjects own about 10 % of the stock of the D. D. S. G., and asks that on this account there be permanently allocated to Czecho-Slovakia 10 % of the property of the D. D. S. G. Upon this claim the positions of Czecho-Slovakia and of Austria and Hungary are analogous to those already stated above.

The Arbitrator is of opinion that none of these claims asserted by Czecho-Slovakia to a proportion of the property of the Süd-Deutsche, the M. F. T. R., and the D. D. S. G., comes within the scope of the jurisdiction conferred upon him by the Treaties of St. Germain and Trianon. Certainly the language of the Treaties does not expressly refer to a dispute of this character. Czecho-Slovakia merely asserts that an equitable proportion of the total property of certain corporations which own vessels ought to be allotted to it. Czecho-Slovakia does not in this connection assert any specific claim to the ownership or nationality of any specific vessel, and hence there is an absence of any dispute between States as to the ownership or nationality of any vessel or vessels within the literal meaning of the Treaty provision.

The Arbitrator finds nothing either in said Articles 300 and 284, or elsewhere in the Treaties, to indicate that it is the spirit or purpose of the Treaties to confer upon the Arbitrator the jurisdiction to divide up property of the Austrian or Hungarian State between Austria or Hungary and the successor States, in proportion to the amount of taxes contributed by the successor States, or in the proportion of the amount of stock held by nationals of the successor States. On the contrary, the Arbitrator is of the opinion

that these are questions of general policy wholly outside of the scope of said Articles 300 and 284, and he, therefore, has no power to make any such allotments.

#### SEIZURES OF GERMAN VESSELS BY SERB-CROAT-SLOVENE KINGDOM, ROUMANIA AND FRANCE.

Germany asks the Arbitrator to decide as to the permanent allocation of German vessels which are held by Serb-Croat-Slovene Kingdom, Roumania and France. It is clear that Article 339 of the Treaty of Versailles contains no language which expressly confers upon the Arbitrator the jurisdiction to make a permanent allocation of vessels whose ownership or nationality is in dispute between States. Germany, however, asserts that before the Arbitrator can determine the tugs, vessels, and other material on the Danube, to be ceded by Germany under Article 339 of the Treaty of Versailles, he must consider the question as to what vessels registered in Danube ports are within the control of Germany, and that in order to reach a conclusion upon this question he must decide as to the validity of the seizures of German vessels held by Serb-Croat-Slovene Kingdom, Roumania and France.

The Arbitrator is of opinion that Serb-Croat-Slovene Kingdom, Roumania and France have not by the Treaty of Versailles conferred upon him the power to order that vessels seized by them shall be permanently allocated to Germany. The Arbitrator is not justified in assuming by a mere process of implication a power of such great delicacy and importance. Nevertheless, it is necessary for the Arbitrator to reach a conclusion as to the size of the German fleet in order that he may determine the extent to which Germany should make cessions of boats to Allied countries on the Danube.

The German vessels seized by Serb-Croat-Slovene Kingdom, Roumania and France are set forth in Annex XVII, which shows (aside from a few doubtful cases), the following:

	Tugs, Horse-Power.	Barges, Tons.	Tanks, Tons.
<i>Seizures by Serb-Croat-Slovene Kingdom.</i>			
Z. T. L. ....	4,340	13,154	22,816
Non-Z. T. L. ....	—	980	—
<i>Seizures by Roumania.</i>			
Z. T. L. ....	1,780	—	—
Others at disposal of German authorities ...	950	5,682	—
Non-Z. T. L. ....	150	4,303	1,543
<i>Seizures by France.</i>			
Z. T. L. ....	750	692	773
Others at disposal of German authorities ...	— <sup>1</sup>	—	—

<sup>1</sup> One motor boat.



It is evident from this table that almost all of the German vessels were Z. T. L. vessels. These Z. T. L. German vessels were leased to the Austro-Hungarian War Ministry and in all respects exemplify the characteristics which the Arbitrator has above pointed out as to the Z. T. L. vessels. The facts as to the seizures of these German Z. T. L. vessels were similar in all substantial respects to the facts as to the seizures of the Austrian and Hungarian Z. T. L. vessels. The Arbitrator, therefore, believes that the return of these German Z. T. L. vessels to Germany is not required by international law or by the provisions of the Treaty or the Armistice, and he is able to proceed confidently upon the view that the Z. T. L. vessels thus indicated in Annex XVII will not be returned to Germany and, therefore, should not be counted as a part of the German fleet. He is of the same opinion as to the other boats which are shown to have been at the disposal of the German authorities.

Since the same principle of international law would apply to the German non-Z. T. L. (private) vessels as to the Austrian and Hungarian non-Z. T. L. (private) vessels, it would become important to ascertain what would be the action of the Powers now in possession of these vessels relative to the disposition thereof if such vessels were sufficiently numerous to have a bearing upon the Arbitrator's computations as to the amount of shipping to be ceded by Germany. But the German non-Z. T. L. (private) vessels are so few in number that their presence in the German fleet or absence from the German fleet would have no bearing whatever on the amount of German shipping which the Arbitrator would require to be ceded, such amount being, as will appear below, too small to be affected thereby. The Arbitrator's computations will, therefore, not be affected by the disposition of these few non-Z. T. L. vessels, and there is no necessity for his holding his Decision in abeyance pending an ascertainment of that question—a matter which he is not empowered to control.

To make as complete a record as possible on this matter, Annexes XVIII and XIX are hereto attached, the first showing vessels which Germany claims to have lost but which none of the Allied Powers claims to possess, and the second showing vessels of German designation which an Allied Power claims to possess but which Germany does not claim to have lost. But these claims do not affect in any way the conclusions above stated.

#### THE QUESTION OF CESSIONS BY GERMANY, AUSTRIA AND HUNGARY TO MEET THE LEGITIMATE NEEDS OF THE ALLIED AND ASSOCIATED POWERS CONCERNED.

In deciding this question the Arbitrator will take into consideration the amount of shipping which the Allied and Associated Powers concerned will possess in the light of the Arbitrator's conclusions above stated; will consider the legitimate needs of those countries; and will then determine the extent to which cessions should be made to those countries by Germany, Austria and Hungary. It will, of course, be necessary also for the Arbitrator to consider the legitimate needs of Germany, Austria and Hungary, and the amount of shipping which they will possess in accordance with the Arbitrator's conclusions above stated.

The question of the legitimate needs of the various countries in respect of freight traffic will be considered first, and the much simpler question of passenger traffic will be considered separately afterwards.

In considering the question of legitimate needs in respect of freight traffic it will be convenient to consider also the traffic of interest to Bulgaria, although no cessions are demanded from that country and although no cessions are required to be made to it under the Peace Treaties.

#### QUESTION RELATIVE TO CESSIONS FOR TRAFFIC NEEDS ON THE SAVE.

Serb-Croat-Slovene Kingdom has suggested that tugs and other vessels ought to be ceded to it in order to meet its legitimate needs for transportation on the Save, a great navigable waterway which empties into the Danube at Belgrade.

Article 300 of the Treaty of St. Germain makes it clear that the cessions are to be for the utilization of the river system referred to in Article 291 of that Treaty. Article 291 defines the river system in question as being the Danube from Ulm together with all navigable parts of the Danube river system which naturally provide more than one State with access to the sea, and declares the same to be international. Articles 300 and 291 of the Treaty of St. Germain are in the portion of the Treaty which is described as "General Clauses Relative to River Systems Declared International".

In these respects, Articles 284 and 275 of the Treaty of Trianon are identical in language and arrangement with Articles 300 and 291 of the Treaty of St. Germain and Articles 339 and 331 of the Treaty of Versailles are to substantially the same effect as to the Danube river system.

The Save does not provide more than one State with access to the sea, since its entire navigable length is in the Serb-Croat-Slovene Kingdom and therefore is not, according to the definition contained in the Treaties, a part of the international Danube river system. Nor has the Save been declared international by an agreement between the interested States.

The Arbitrator is therefore forced to the conclusion that the Treaties do not confer upon him the authority to require a cession of vessels to be made by Germany, Austria and Hungary in respect of the traffic needs of the Save.

#### THE BASIC FREIGHT TRAFFIC TO BE CONSIDERED IN ESTIMATING THE LEGITIMATE NEEDS OF THE PARTIES CONCERNED.

Articles 339 of the Treaty of Versailles, 300 of the Treaty of St. Germain and 284 of the Treaty of Trianon provide that, in the determination of the number of tugs and boats, and the amount of material to be ceded, due regard shall be had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the War.

The traffic on the Danube during several years in the five year period thus indicated was subject to abnormal interruptions and influences on account, principally, of wars in Eastern Europe. Therefore, the delegates of the Danube countries have agreed that the traffic statistics for the year 1911 may be accepted in place of the traffic statistics for the five years preceding the War.

It is clear that the purpose of the Treaty will be fully accomplished by employing, instead of the five year period, the year 1911, in accordance with the agreement of all the Danube countries, and the Arbitrator therefore adopts the traffic for the year 1911 as the principal basis for estimating the legitimate needs of the parties concerned.

The freight traffic for the year 1911, as thus agreed to and as adopted by the Arbitrator is shown in Annex XX in which such traffic is classified according to national boundaries, as defined in the Peace Treaties of Versailles, St. Germain, Trianon, and Neuilly-sur-Seine.

#### RECTIFICATIONS OF THE BASIC TRAFFIC.

In accordance with the reservations made at the time of the adoption of the 1911 basis, the delegates of various nations have suggested rectifications from the 1911 traffic basis by reason of changes which they claim have already taken effect, or will result in the future, in the handling of traffic via the Danube. These claims for rectifications have involved consideration of the movement of traffic throughout Eastern Europe, and even from Western Europe and Asia and Africa. The elements discussed have proved difficult of settlement, because they involve efforts to forecast the changes in the movement of traffic which will result from changes in boundaries and changes in national policy.

Before the War there were five nations bordering on the Danube; namely, Germany, Austria-Hungary, Serbia, Roumania and Bulgaria. The Dual Monarchy of Austria-Hungary possessed the preponderance of the shores of the river, and the two principal ports, Vienna and Budapest, were the seats of a large proportion of the traffic. Navigation companies organized in Austria and in Hungary transported the bulk of the traffic not only in the Dual Monarchy but in most of the other nations as well. Austria-Hungary was also interested in the development of traffic via other routes than the Danube, as for example, via Trieste and Fiume.

As a result of the War a new nation, Czecho-Slovakia, has taken its place on the Danube, the extent of Hungary's territory on the Danube has been greatly reduced, while the Serb-Croat-Slovene Kingdom and Roumania have received from Austria and Hungary great accessions of territory interested in traffic on the Danube. The policies of all these countries toward transportation via the Danube and other routes may be very different from the policies which existed before the war. These considerations have been made the basis of many of the claims for rectifications advanced by the different riverain States.

Under the Treaties the pre-war traffic is the only specific standard and is the principal though not the sole and exclusive standard, for arriving at the future legitimate needs of the parties interested. The extent to which changes in boundaries and changes of national policy will change the traffic situation is highly speculative. The Arbitrator is satisfied, therefore, that he ought not to depart from the standard of the pre-war traffic rearranged according to the new national boundaries except in cases where the showing for a rectification of that traffic is particularly strong and convincing.

The claims for rectification are of two general classes:

First, certain claims seek to have portions of the pre-war Danube traffic attributed to another country for the purpose of estimating the future

legitimate needs. For example, it is claimed that traffic moving on the Danube from Vienna, but originating in what is now Czecho-Slovakia, should be regarded as moving in the future from Bratislava on the theory that Czecho-Slovak traffic will hereafter move through its own ports instead of through Austrian ports.

Second, certain claims are made that, on account of changed conditions, traffic which prior to the War did not move at all by the Danube, should be added to the pre-war Danube traffic for the purpose of estimating future needs.

The claims for rectification falling in the first class are principally asserted by Czecho-Slovakia. Prior to the War Bohemia, which embraces the principal industrial portion of Czecho-Slovakia, was a part of the Austrian Empire and enjoyed excellent rail connections with Vienna, which offered unusually good facilities for the prompt loading and unloading of traffic on the Danube. Under such circumstances, a large part of the traffic originating in or destined to Bohemia, and moving by the Danube, went via Vienna. Czecho-Slovakia now claims that all this traffic will move by its own Danube port, Bratislava. Austria claims that much of this traffic will continue to move by Vienna because of the shorter rail haul, better loading and unloading and warehouse facilities, and points out that the Treaty of St. Germain obligates Austria to give traffic to and from Czecho-Slovakia equal treatment and freedom from interruption and interference. Czecho-Slovakia, on the other hand, claims that it is rapidly improving the loading and unloading and warehouse facilities at Bratislava, which to a rapidly increasing extent will attract this traffic.

The Arbitrator does not feel justified in assuming that the total amount of Danube traffic going to or coming from Czecho-Slovakia and transhipped in 1911 in Austrian ports, principally Vienna, will hereafter be taken away from such ports. He believes that the established business habits in favour of handling such traffic via Vienna are not likely to be entirely overcome, especially when supported by such favourable facilities as exist at Vienna, and when equal transit treatment is guaranteed by the Treaty. On the other hand, the Arbitrator believes that a very substantial modification in the routing of this traffic will take place as a result of the manifest enterprise and ability of the Czecho-Slovaks who are moving forward actively with comprehensive plans for handling the Czecho-Slovak traffic through Czecho-Slovak ports.

On the whole, after careful investigation and discussion, the Arbitrator concludes that 163,000 tons of the traffic in question (124,000 tons downstream and 39,000 tons upstream) should be considered as moving hereafter through Czecho-Slovak ports to and from other Danube countries.

Czecho-Slovakia also claims that certain traffic originating in or destined to what is now Czecho-Slovakia, and which in 1911 went via Budapest and other Hungarian ports, will hereafter move by Bratislava or other Czecho-Slovak ports. The Arbitrator concludes that on this account 61,020 tons of such traffic (43,860 tons upstream and 17,160 tons downstream) should be regarded as moving hereafter through Czecho-Slovak ports to and from other Danube countries.

There are some claims as to adjustments of traffic which in the pre-war period moved by Vienna, and which it is now claimed will move by German ports. After having carefully considered the contentions of both sides, the Arbitrator concludes that it is fair to assume that in the future

there will be transferred from the Austrian port to German ports 35,500 tons upstream and 4,000 tons downstream.

The Arbitrator finds no basis for making any other rectifications in respect of traffic which actually moved on the Danube in 1911.

The other class of claims for rectification is urged in respect of traffic which in 1911 did not move on the Danube at all, but which one or more of the parties claim will move on the Danube in the future by reason of the changed conditions.

The Arbitrator feels that he must approach claims of this character with the greatest caution, and that he should not make modifications on this account in the standard of pre-war traffic without a very clear showing of the necessity therefor.

The traffic which is principally the subject of claims for rectification of this character is traffic which originally moved via Trieste or Fiume to or from Germany and Austria-Hungary, and from or to countries on or reached via the Eastern Mediterranean. It is claimed that a part of such traffic will move in the future not via Trieste or Fiume but via the Danube, and it is noteworthy that every Danube country except Bulgaria has joined in this general contention.

The principal arguments advanced in favour of this general contention have been the following :

1. That the Austro-Hungarian Monarchy in order to develop Trieste and Fiume established railroad rates between these ports and various parts of the Dual Monarchy which were not remunerative, but which attracted traffic which otherwise would have moved via the Danube or other routes; and that because of the breaking up of the Austro-Hungarian Monarchy, the railroads serving Trieste and Fiume cannot hereafter maintain such low rates, and therefore the traffic will take its natural course, and some of it will move via the Danube.

2. That the new political frontiers between Trieste and Fiume and the Danube countries will also encourage such traffic to move partly by the Danube.

3. That the disorganized condition of the railroads as a result of the War has slowed up the movement of traffic via railroads to such an extent that the traffic will move via the Danube and other routes.

On the other hand, the general view has been suggested that the conditions thus represented are only temporary, and also that the splendid mechanical equipment of Trieste and Fiume and the skill and knowledge of their commercial firms will continue to attract traffic to these ports in as large quantities as before the War.

In view of the necessarily highly speculative elements involved, the Arbitrator is not disposed to modify the pre-war basis on this account, except to the extent that there has been a substantial consensus of opinion on the subject. The modifications hereinafter stated represent that substantial consensus of opinion, although there has not generally been a unanimity of opinion as to the exact amount of any particular item.

The Arbitrator concludes that the following additions to the 1911 traffic on the Danube are appropriate on account of probable diversions of traffic from Trieste and Fiume:

*German traffic.*—There should be added to the German traffic 55,000 tons of exports, which has been assented to by several delegates.

This correction is not opposed to the general principles which appear to be accepted by practically all the delegates.

*Hungary.*—There should be added to the Hungarian traffic 50,000 tons of imports and 30,000 tons of exports. This was accepted as a proper addition by the delegates of Czecho-Slovakia, Austria, Hungary and Germany.

*Czecho-Slovakia.*—There should be added 58,000 tons of imports and 42,000 tons of exports. This addition was accepted as proper by the delegates of Germany, Austria, Hungary and Roumania. Czecho-Slovakia urged that there ought to be a substantially larger addition, but the reasons assigned were not sufficiently specific and substantial to justify a larger addition consistently with the principle upon which the Arbitrator feels he must proceed.

*Roumania.*—Nearly all the delegates were in agreement that there should be added 10,000 tons per annum of imports to Roumania, representing traffic which formerly moved via Trieste or Fiume to portions of Roumania formerly in the Austro-Hungarian Monarchy, and this addition will be made.

*Serb-Croat-Slovene Kingdom.*—There should be added 8,000 tons of traffic, 5,000 tons of imports and 3,000 tons of exports, which formerly moved via Trieste or Fiume to portions of Serb-Croat-Slovene Kingdom formerly in the Austro-Hungarian Monarchy. This item was agreed to by all the delegates.

*Austria.*—There should be added 122,000 tons: 67,000 tons exports and 55,000 tons imports. This amount seems to be the figure justified by the statistics. A slightly smaller figure was agreed to by all the delegates except the Austrian delegate, who urged a higher figure.

Another class of claims seeking additions to the traffic of 1911 consisted of cases where it was claimed that traffic formerly moving by railroad would move in the future by the Danube. One instance of this sort was traffic formerly moving by rail between Budapest and Vienna.

There was no consensus of opinion among the delegates as to the propriety of adding traffic of this character. No convincing proof in support of these claims was offered. Under the circumstances, therefore, the Arbitrator is not justified in making any additions to the traffic of 1911 on this account.

For the purpose of clarity, although no rectification is involved, attention is called to the fact that in 1911, 123,000 tons of traffic proceeded from Roumania via Danube and sea to Germany, and 50,000 tons proceeded from Bulgaria via Danube and sea to Germany. It is estimated that 14 % of this traffic was carried on the Danube in boats belonging to non-Danube States. Germany claims that, being a Danube State, it should be regarded as having a legitimate need to participate equally with Roumania and Bulgaria in the transportation of the remaining 86 % of this traffic. This view was assented to generally by the delegates, and the Arbitrator adopts it for the purpose of estimating the relative legitimate needs of the parties.

In accordance with the rectifications allowed as above stated, Annex XXI shows the traffic adopted by the Arbitrator as the basis for his determination

of the legitimate needs of the Danube countries in the matter of transportation of freight on the Danube.

#### THE RIGHT OF GREECE TO RECEIVE CESSIONS OF SHIPPING UNDER THE TREATIES.

Greece urges that, in the meaning of the Treaties, it is an Allied Power "concerned" in the cession of shipping to be made on the Danube, and that it has legitimate needs to a part of such shipping.

All other countries asserting an interest in this matter are riverain States, and they all agree that the extent of their legitimate needs is to be determined by the amount of traffic moving from or coming to their respective countries via the Danube. None of them claims that its legitimate needs for Danube shipping for the future are to be determined by the size of its fleet before the War. On the other hand, Greece does not base its claim upon the amount of traffic from Greece or going to Greece, but upon the fact that prior to the War Greece had a considerable fleet on the Danube which was engaged in carrying the traffic of the riverain countries.

It is apparent that the standard which clearly determines the legitimate needs of the riverain countries (i.e., the amount of traffic to and from those countries) would be of no assistance in determining the legitimate needs of Greece. On the contrary, this standard would be largely defeated by the only standard applicable in the case of a non-Danube State, such as Greece. In such a case apparently the only standard would be that of the extent to which such country participated in fact in carrying the Danube traffic before the War; i.e., the greater the percentage of the Danube traffic which before the War was carried by the boats of such country the greater would be the right of such country to have boats ceded to it, and the less boats there would be for the riverain States.

If any of the non-riverain States are to be considered, the consideration could not in principle be confined to Greece, because it appears that prior to the War Italy, Belgium and France also participated to some extent in the shipping on the Danube.

The Arbitrator is forced to the conclusion that non-riverain States, such as Greece, Italy, Belgium and France do not have legitimate need for the cession of boats on the Danube within the meaning of Article 300 of the Treaty of St. Germain, and of the analogous articles of the other Treaties.

An interesting confirmation of this view as to the fundamental purpose of these treaty provisions is afforded by the fact that Article 357 of the Treaty of Versailles, which deals with the partition of shipping on the Rhine, was expressly confined to cessions by Germany to France, notwithstanding the facts that Belgium had a very large shipping on the Rhine, and that the Belgian port of Antwerp was directly connected by canal with the Rhine. All arguments which could be urged in support of the view that Greece is an interested party in the matter of cessions on the Danube could be applied with much greater force to the view that Belgium is an interested party in respect of cessions of shipping on the Rhine. Yet, in the Treaty of Versailles, France alone was regarded as being an interested party in this sense in respect of the Rhine. It is clear that the articles which relate to the Danube have the same general principle and purpose as Article 357 of the Treaty of Versailles, although Article 357 expressly mentioned the

countries concerned, while the other articles did not do so and merely used the general language "Allied and Associated Powers concerned".

Greece has also urged that the Peace Conference has placed a practical construction on this question in favor of Greece by inviting it to join in addressing to the United States a request that it proceed to the exercise of its power of designating the Arbitrator. The Peace Conference, however, called upon Belgium, Great Britain and Italy for exactly the same sort of participation, and yet these countries have not claimed cessions of boats on any of the rivers. Moreover, the action of the Peace Conference was not so framed as to express or imply any purpose to deal with the construction of the articles of the Treaty in question. The Arbitrator is compelled to conclude that the action of the Peace Conference throws no light upon the right of Greece to participation in the cessions.

There is a further confirmation of the Arbitrator's view that Article 300 of the Treaty of St. Germain did not contemplate that tonnage should be ceded to Allied Powers which were not situated upon the Danube, and whose interest was merely the carrying of traffic on the Danube for other countries. A communication dated July 11, 1919, from the Austrian Delegation to the Peace Conference protested against certain features of the article which finally became Article 300 of the Treaty of St. Germain. Consequently, the Commission on the International Regime of Ports, Waterways, and Railways made a report dated August 13, 1919, to the Peace Conference, and submitted a draft of reply to the protests of the Austrian Delegation. In this draft of reply it was declared that the object of the article was to insure the best method of using the river craft to the advantage of all *riverain* States, and it was indicated that territorial readjustments, particularly those relating to the cession of river ports, would be an especially important consideration. This further emphasizes that Greece is not within the intent of these articles. Greece has received no ports on the Danube and is not a *riverain* State.

The Greek representative also suggests that Greece should be allowed to participate in the cession of boats in order to compensate it for the loss of boats sustained by Greece before it entered the War, since such loss cannot be compensated under reparation provisions of the Treaties. The Arbitrator is compelled, however, to decide that he is not authorized to make such a modification of the effect of the treaty provisions in respect of reparation.

THE FACTORS BEARING UPON THE AMOUNT OF SHIPPING  
WHICH WOULD BE REQUIRED TO PERFORM  
THE FREIGHT TRANSPORTATION WHICH CAN BE  
REGARDED AS THE LEGITIMATE NEEDS  
OF THE RESPECTIVE INTERESTED PARTIES.

In considering what part of the Danube traffic each of the countries on the Danube could be regarded as having a legitimate need to transport the Arbitrator has adopted the following views:

The transportation of all traffic moving wholly within the limits of a single Danube country is to be regarded as the legitimate need of that country. The transportation of traffic from one Danube country to another Danube country is to be regarded as being in equal proportions the legitimate need of the two countries; in other words, each country will be regarded



as having the legitimate need to transport one-half of that traffic. The transportation of traffic moving overseas between a Danube country and a non-Danube country is to be regarded as the legitimate need of such Danube country.

Since, to some extent, the boats of countries other than the riverain States participate in traffic on the Danube, the Arbitrator also adopts the principle that in estimating the needs of the riverain States such other countries shall be regarded as participating in traffic for the future substantially to the same extent as they participated therein in 1911.

It is also necessary to consider the factors to be used in computing the amount of tonnage and horse-power which would be requisite for each of the seven riverain States, if each participated in the transportation in proportion to its legitimate need.

These factors are:

- (a) The number of days of service per year to be assumed for barges and tugs, respectively;
- (b) The number of tons per horse-power which the tugs will pull (up-stream) on the various stretches of the river;
- (c) The average percentage of utilization of the cargo capacity of the barges;
- (d) The time required for tugs to make their round-trip voyages on the various stretches of the river, and the time required for the barges to make round-trip voyages, and the time to be allowed for loading and unloading of barges.

The Arbitrator is gratified to be able to state that the parties have agreed on all these factors. (Subsequent to such agreement one of the nations suggested certain minor modifications which were objected to by all the other nations concerned, and they have not been adopted by the Arbitrator.)

The Arbitrator has also taken into consideration the size of the Danube fleets before the War in comparison with the traffic which those fleets carried before the War.

The conclusions hereinafter expressed relative to the cessions which should be made for freight traffic are the result of a careful weighing of all the foregoing elements.

WHAT, IF ANY, CESSIONS SHOULD BE MADE TO SERB-CROAT-SLOVENE KINGDOM, ROUMANIA AND CZECHO-SLOVAKIA, IN RESPECT OF LEGITIMATE NEEDS FOR FREIGHT TRAFFIC.

As to Serb-Croat-Slovene Kingdom, it appears that the pre-war fleet of Serbia amounted to 43,220 tons of barges and 4,880 horse-power of tugs. At present, it appears that the fleet of the Serb-Croat-Slovene Kingdom will consist, in accordance with the Arbitrator's decision, of the following:

	TONS OF BARGES.	HORSE-POWER of Tugs.
What remains of the pre-war Serbian fleet ...	2,220	4,880
Seized vessels which will continue to be held	354,428	27,232
Vessels whose owners have become S. C. S. nationals .....	39,699	2,292
	<u>396,347</u>	<u>34,404</u>

The Arbitrator concludes, after carefully considering all the elements involved, that the fleet thus indicated is sufficient to meet the legitimate needs of Serb-Croat-Slovene Kingdom within the meaning of the Peace Treaties in the matter of freight traffic and hence that no cessions for that purpose are required by the Peace Treaties to be made to that State by Germany, Austria or Hungary.

As to Roumania, it appears that its pre-war fleet (in 1916) amounted to 426,513 tons of barges and 21,110 horse-power of tugs. At present it appears that the fleet of Roumania will consist, in accordance with the Arbitrator's decision, of the following:

	TONS OF BARGES.	HORSE-POWER of Tugs.
What remains of pre-war fleet .....	341,373	19,360
Seized vessels which will continue to be held	98,991	11,295
Vessels whose owners have become Rou- manian nationals .....	4,900	180
	<u>445,264</u>	<u>30,835</u>

(This statement as to Roumania includes only vessels reported by it as being under the Roumanian flag, and hence, for example, does not include vessels whose owners are residents of Roumania but are subjects of Greece and other States and whose boats therefore fly the flags of such States. Nor does the statement include any barges or tugs which are listed as regularization material. Nor does the statement include 23,750 tons of barges which it is anticipated will be restituted by Germany.)

After careful consideration of all the elements involved the Arbitrator concludes that this fleet of 445,264 tons of barges and 30,835 horse-power of tugs is sufficient to meet the legitimate needs of Roumania within the meaning of the Peace Treaties in the matter of freight traffic and hence that no cessions for that purpose are required by the Peace Treaties to be made to Roumania by Germany, Austria or Hungary.

As to Czecho-Slovakia, it, of course, had no fleet before the war, and, under the Arbitrator's decision, has acquired no vessels through seizure, not does it appear that any have come to it through the Peace Treaty changes of nationality of owners. The Arbitrator is of opinion that Czecho-Slovakia's theoretical legitimate needs in the matter of freight traffic require the cession to it by Germany, Austria and Hungary (to the extent that this is compatible with legitimate needs of those countries and the size of their existing fleets) of 94,000 tons of barges and 5,100 horse-power of tugs.

In making these statements as to the legitimate needs of Serb-Croat-Slovene Kingdom, Roumania and Czecho-Slovakia, the Arbitrator speaks only of the legitimate needs of these countries in the sense in which that term is used in the Peace Treaties which clearly indicate that the pre-war traffic is to be the principal (though not exclusive) standard for measuring the legitimate needs.

The Arbitrator fully appreciates that the splendid resources of all three of these countries may rapidly develop their Danube traffic to a point far in excess of the legitimate needs as computed by him in accordance with the Peace Treaties. But he is satisfied that the Peace Treaties do not intend that the question of cession of existing tonnage on the Danube is to be regulated by the future needs which will arise from the prospective development of these great countries. If the Peace Treaties had contemplated this much more extensive and difficult standard, it would have become correspondingly necessary to estimate also the future development of all the other Danube countries and of their increased legitimate needs resulting from such development.

CESSIONS TO BE MADE TO MEET LEGITIMATE NEEDS  
OF CZECHO-SLOVAKIA AS TO FREIGHT TRAFFIC; EFFECT  
THEREON OF QUESTIONS OF RESTITUTION  
AND REPARATION; RELATIVE CONTRIBUTIONS  
THERETO OF GERMANY, AUSTRIA AND HUNGARY.

It is the clear duty of the Arbitrator under the provisions of the Treaties to take into consideration the legitimate needs of the Powers which are required to make the cessions as well as the legitimate needs of the Powers to which the cessions are required to be made. If therefore, the Powers which are to make the cessions have a smaller amount of shipping than is necessary to meet 100 per cent of their own legitimate needs, the Arbitrator would not be justified in requiring such Powers to take from their insufficient fleets enough to give the Power which is to receive the cessions 100 per cent of its legitimate needs.

The theoretical legitimate needs of Germany, Austria and Hungary computed on the same basis employed in computing the theoretical legitimate needs of Czecho-Slovakia, and the size of the fleets which Germany, Austria and Hungary will possess in the light of the conclusions reached by the Arbitrator are as follows:

*Germany.*

	TONS OF BARGES.	HORSE-POWER of Tugs.
Size of fleet.....	45,800	2,600
Theoretical legitimate needs for freight traffic	188,000	12,516

*Austria.*

	TONS OF BARGES.	HORSE-POWER of Tugs.
Size of fleet .....	281,646	25,660
Theoretical legitimate needs for freight traffic	294,000	27,954

*Hungary.*

	TONS OF BARGES.	HORSE-POWER of Tugs.
Size of fleet.....	159,255	18,990
Theoretical legitimate needs for freight traffic	290,000	23,500

It is evident, in view of the fleets of Germany, Austria and Hungary, and in view of their legitimate needs that the Arbitrator cannot require those countries to cede to Czecho-Slovakia 100 per cent of its legitimate needs. The principle thus announced is the one which the Arbitrator has followed in making his Decisions in respect of the cessions upon the Rhine and the cessions upon the Elbe.

Article 339 of the Treaty of Versailles, Article 300 of the Treaty of St. Germain and Article 284 of the Treaty of Trianon, provide, respectively, for the cession of a proportion of tugs and vessels "after the deduction of those surrendered by way of restitution or reparation". It becomes important therefore to consider what deductions will be made for these purposes from the fleets of Germany, Austria and Hungary as stated by the Arbitrator.

No deductions will be made on account of restitution from such fleets as stated by the Arbitrator because the fleets as so stated do not include tugs and vessels which were seized by Germany, Austria and Hungary from the Allied and Associated Powers and which are liable to restitution.

No deductions will be made from such fleets as stated by the Arbitrator on account of reparation to Serb-Croat-Slovene Kingdom. The amount of losses for which Serb-Croat-Slovene Kingdom would be entitled to claim reparation, according to the advices received by the Arbitrator from the Reparation Commission, is very much less than the amount of seizures of tugs and vessels for the benefit of Serb-Croat-Slovene Kingdom and which, after the Arbitrator's Determination, will remain in the possession and control of that State. The Reparation Commission in interpreting Paragraph 6 of Annex III of Part VIII of the Treaty of Versailles has decided that cessions for reparations must be diminished in each category of river tonnage by the amount of captured river tonnage of that category which is held by the Power claiming the reparation.

No deductions will be made from the fleets as stated by the Arbitrator on account of reparation to Roumania. This is true for reasons similar to these stated in the preceding paragraph.

It appears from advices received by the Arbitrator from the Reparation Commission that Greece will be entitled to reparation for tugs to the amount of 390 horse-power and for barges to an amount not exceeding 6,700 tons, and the Arbitrator must consider deductions accordingly. This does not include certain barges to be restituted.

The deduction of 390 horse-power of tugs from the fleets of Germany, Austria and Hungary will have no substantial bearing on the amount of tugs to be ceded.

Since, however, the amount of barges in the control of the three countries is on an average below the legitimate needs of those countries it is necessary to take into consideration the fact that barge capacity to an extent not exceeding 6,700 tons will be taken for the purpose of making reparation to Greece. This amount of barge capacity is 1.2 % of the barge capacity of Germany, Austria and Hungary as shown by the above statement. The

Arbitrator has taken this fact into consideration in reaching his Determination as to the amount of cessions ordered to Czecho-Slovakia in respect of freight traffic.

A further question arises as to the extent to which Germany, Austria and Hungary, respectively, should cede the tugs and vessels which are to be ceded to Czecho-Slovakia.

It is clear that Germany, Austria and Hungary vary greatly in their ability to make cessions to Czecho-Slovakia. None of them has enough shipping to meet its own legitimate needs, which, as already indicated, have been computed in conformity with the same principles which have been employed in ascertaining the legitimate needs of Czecho-Slovakia. The table just given shows, however, that Austria is in a relatively much more favourable position than Hungary, and in a far more favourable position than Germany.

The much better position of Austria is due to the fact that prior to the War it owned by far the greatest fleet on the Danube and even after the heavy losses sustained through seizures by Allied Powers, it still has a fleet of very substantial proportions. Moreover, despite the heavy losses sustained by Austria through seizures, it appears that Hungary out of its smaller fleet has sustained, proportionately, even greater losses, the Austrian losses in barges having been about 47 per cent, while the Hungarian losses in barges were about 58 per cent.

The Arbitrator should also consider the fact that the territory of Czecho-Slovakia was derived wholly from Austria and Hungary, and that the part to and from which the great bulk of the Danube traffic of interest to Czecho-Slovakia will move was derived from Austria.

After having weighed with the greatest care all these different factors, the Arbitrator concludes that the following cessions should be made to Czecho-Slovakia:

By Austria—50,692 tons of barges, and 2,800 horse-power of tugs.  
By Hungary—15,086 tons of barges. and 1,650 horse-power of tugs.  
By Germany—5,083 tons of barges.

In selecting the particular Austrian and Hungarian boats to be ceded to Czecho-Slovakia, the Arbitrator adopts the following principles:

1. Article 300 of the Treaty of St. Germain provides that wherever cessions made thereunder involve a change of ownership, the Arbitrator shall determine the rights of the former owners as they stood on October 15th, 1918. On that date the Austrian Empire was, in substance and effect, the real owner of the property of the Sud-Deutsche Company because owning the entire capital stock of that Company. The Arbitrator is of opinion that in selecting boats for cession it is more just and reasonable to select boats which are the property of the State than to select boats which are the property of private interests. The Arbitrator, therefore, concludes that as the Austrian Empire on October 15, 1918, was the real owner of the boats of the Sud-Deutsche Company, and as the Austrian Empire on that date did not own any other boats, the Arbitrator ought first to select boats of the Sud-Deutsche Company in order to supply the quota of boats to be ceded by Austria to Czecho-Slovakia.

2. It is clearly desirable to avoid the embarrassment to commerce which would arise from unnecessary transfer of boats. Therefore, in selecting the boats to be ceded by Hungary to Czecho-Slovakia it is desirable to select

first all suitable Hungarian boats which are already in the possession of Czecho-Slovakia but whose Hungarian nationality the Arbitrator has recognized.

3. To the extent that the quotas to be ceded by Austria and Hungary cannot be made in full in accordance with the provisions of the two foregoing paragraphs, it is desirable that the additional boats to be ceded by Austria and Hungary to Czecho-Slovakia shall be as far as practicable the non-Z. T. L. boats which Serb-Croat-Slovene Kingdom and Roumania, respectively, are to return to Hungary and Austria, respectively, in pursuance of the Arbitrator's award as to permanent allocation of boats. This method will avoid an unnecessary interference with the current navigation operations on the river. If these non-Z. T. L. boats were taken out of their present service and delivered to Austria and Hungary and at the same time a corresponding amount of boats already in the possession of Austria and Hungary were taken out of their current service and delivered to Czecho-Slovakia, there would be a double interference with commercial operations, which can be avoided by following the principle stated in this paragraph.

4. To the extent that the quotas remain incomplete after observance of the foregoing principles, the boats are to be selected from privately owned boats now in possession of their owners.

#### AMOUNT OF SHIPPING REQUIRED BY CZECHO-SLOVAKIA, SERB-CROAT-SLOVENE KINGDOM AND ROUMANIA TO MEET LEGITIMATE NEEDS FOR PASSENGER SERVICE.

As a matter of convenience, this point is treated separately.

Austria and Hungary urge that Article 300 does not contemplate the cession of vessels for passenger traffic, for the following reasons:

(a) The article refers to the cession of "tugs and vessels", or, in the French text, "des remorqueurs et des bateaux", and these words more naturally suggest the floating equipment needed for cargo transportation;

(b) Article 300 prescribes that all craft ceded shall be "in condition to carry goods" and no reference is made to the carriage of passengers.

On the other hand, it was urged on behalf of the Allied Powers:

(a) Article 300 also provides for the cession of "material of all kinds necessary to the Allied and Associated Powers concerned for the utilization of the Danube".

(b) There is nothing so restrictive in the term "vessels" or "bateaux" as to exclude passenger vessels.

(c) Even passenger vessels always carry more or less goods in the shape of package freight.

In addition to the foregoing points, the Arbitrator is impressed by the observations in the draft reply of the Peace Conference to the Austrian protest dated July 11, 1919, respecting the requirements for concessions of vessels under the article which was the prototype of Article 300. In this draft reply it was declared that the object of the article was to insure

the best method of using the river craft of Europe to the advantage of all riverain States, and it was also declared "the essential point will be to assure just and equitable use of such river vessels as may be available for the requirements of the countries concerned in such a manner as to render maximum service on all rivers". Passenger service is, of course, a highly important need on the Danube, and this is particularly true at the present time. Railroad passenger service, as well as freight service, between the Danube countries was seriously interfered with by the War, and has not yet recovered its pre-war status. As to many ports on the Danube, there is no practical route of travel except by passenger boats.

It may be pointed out also that if Article 300 was designed to deal only with freight boats it would seem to follow that the Arbitrator would have no jurisdiction to consider the disposition of disputes as to ownership or nationality of passenger vessels, and yet Austria and Hungary have invoked the Arbitrator's jurisdiction on that matter.

The Arbitrator concludes that Article 300 was intended to deal with all forms of traffic on the Danube, and was not intended to exclude the passenger traffic.

Germany and Bulgaria have never operated any passenger service on the Danube. Before the war Roumania and Serbia operated certain passenger lines, but the principal passenger lines on the river were operated by Austrian and Hungarian companies, which furnished not only through service but local service.

After considering the pre-war passenger traffic, the changed frontiers, and other pertinent conditions, the Arbitrator concludes that the following represents the legitimate needs of the respective countries in the matter of passenger vessels.

Before the War there was a regular daily service in both directions between what are now the Czecho-Slovak ports. The Arbitrator is of opinion that Czecho-Slovakia has a legitimate need for local passenger service for its ports, that is between ports of Devin and Parkan and touching at Bratislava, Komarno, and other intermediate ports, and that for this service it should have two passenger vessels.

The Serb-Croat-Slovene Kingdom is now operating local passenger lines which require the use of 17 vessels in constant service, with 2 vessels in reserve. It appears that for the local traffic the service now being rendered compares favourably with the service rendered in the same territory before the War, and, therefore, the Arbitrator is of opinion that the 19 vessels in question fairly represent the legitimate need of the Serb-Croat-Slovene Kingdom in respect of local passenger service.

Roumania now operates local passenger lines, using 12 vessels. Important sections of the river in Roumania are not now served at all by passenger vessels, although prior to the War such service was provided. It seems particularly true that there should be a local passenger service between Turnu-Severin and Galatz, a distance of 780 kilometers, which will require 5 passenger vessels. The Arbitrator is of opinion that these 5 vessels, together with the 12 vessels already in service, constitute a legitimate need of Roumania in respect of local passenger service.

In addition, there is an apparent need for a joint through line to be established between Vienna and Belgrade and commendable steps to this end have already been taken by the interested nations. It would be entirely reasonable for Czecho-Slovakia and the Serb-Croat-Slovene Kingdom to participate along with Austria and Hungary in supplying

the service for this joint through line. For this service, therefore, the Arbitrator concludes that Czecho-Slovakia and the Serb-Croat-Slovene Kingdom each have the legitimate need for one additional passenger vessel.

There also appears to be a very urgent need for a through line from Belgrade in the Serb-Croat-Slovene Kingdom to Galatz in Roumania, these points having been more adequately served before the War. The Arbitrator, therefore, concludes that for this service Roumania and the Serb-Croat-Slovene Kingdom each have the legitimate need for one additional passenger vessel.

The amount of passenger vessels in the control of Austria and Hungary will not be affected by matters of restitution and reparation. No such vessels subject to restitution are included in the lists of passenger vessels of those two countries and no losses of passenger vessels are claimed which will involve the cession by those two countries of passenger vessels by way of reparation.

Expressed in terms of horse-power (and exclusive of ferry-boats) Austria's pre-war passenger fleet was about three times as large as Hungary's pre-war passenger fleet; and during the war Hungary lost nearly 40 per cent and Austria lost only about 2 per cent of their respective passenger fleets. At the close of the War Austria had thirty-five passenger vessels of 19,759 horse-power, and Hungary had eleven passenger vessels of 4,220 horse-power. As the result of an investigation made by the Arbitrator in March, 1921, it appeared that all of the passenger vessels now held by Hungary were in active and necessary passenger service, while Austria had a surplus of seventeen passenger vessels. Germany has no passenger vessels on the Danube.

In these circumstances the Arbitrator is of opinion that the legitimate needs of the various countries will be most fairly promoted by requiring the cession of the eleven passenger vessels now in question to be made by Austria.

#### SPECIFICATIONS AND PROCEDURE IN THE MATTER OF CESSIONS.

The Arbitrator hereby determines that Germany, Austria and Hungary shall cede to Czecho-Slovakia the tugs, barges and other vessels shown in Annex XXII.

The Arbitrator hereby determines that Austria shall cede to Serb-Croat-Slovene Kingdom the passenger vessels shown in Annex XXIII.

The Arbitrator hereby determines that Austria shall cede to Roumania the passenger vessels shown in Annex XXIV.

This Determination shall constitute the notification contemplated by Article 339 of the Treaty of Versailles, and the tugs, barges and other vessels herewith specified for cession by Germany shall be ceded within a maximum period of three months from the date of this Determination and Notification, that is, on or before the 2nd day of November, 1921.

This Determination shall constitute the Notification contemplated by Article 300 of the Treaty of St. Germain, and Article 284 of the Treaty of Trianon, and Austria and Hungary, respectively, shall tender for cession within a maximum period of three months from the date of this Determination and Notification, that is, on or before the 2nd day of November, 1921, the tugs, barges and other vessels herewith specified for cession to Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania, respectively.



All tugs, barges and other vessels so ceded by Germany, or tendered for cession by Austria or Hungary, shall have normal and proper fittings and gear, shall be in a good state of repair, and in condition to carry goods.

The following rules as to inventory, inspection and repairs are hereby established:

(a) The fitting and gear to be ceded with each tug or other vessel shall be those which are shown as of the first day of January, 1921, in the inventory of the tug or other vessel, or in the book of inventory kept by the owner of the tug or other vessel, or which are shown in the last inventory made by the owner before the first day of January, 1921, if no inventory was made as of that date. In respect of tugs and passenger vessels, Germany, Austria and Hungary shall respectively cede all repair parts which have been provided especially for tugs or passenger vessels ceded, and in the event repair parts have been provided especially for a class of tugs or passenger vessels of which a portion is ceded, a corresponding portion of such especially provided repair parts shall be ceded, if such partition of such repair parts is practicable. Germany, Austria and Hungary shall also cede with each tug or other vessel the papers on board the same, such as for example, certificates in respect of insurance, boiler inspection and dry dock inspection. All of the personal and household property belonging to the crew (including the owner if he works on the tug or other vessel) shall remain the property of the crew and shall not be ceded, even if included in the inventory.

(b) In order to complete the cessions according to this Notification, within the maximum period of three months from the 2nd day of August, 1921, the date of this Notification, it will be necessary for Germany, Austria and Hungary, respectively, to tender the tugs and other vessels in such manner as will make it practicable for the representatives of Czecho-Slovakia, Roumania and Serb-Croat-Slovene Kingdom, respectively, to complete the work of inspection and acceptance of the tugs and other vessels within said maximum period of three months. The inspections to be made by the representatives of Czecho-Slovakia, Roumania and the Serb-Croat-Slovene Kingdom, respectively, with the participation of the representatives of the nation making the cessions if it so desires, after the tender of the tugs and vessels for cession and prior to the acceptance by the representatives of Czecho-Slovakia, Roumania or the Serb-Croat-Slovene Kingdom shall be as follows:

*As to tugs and passenger vessels:*

1. There shall be an inspection in dry dock if this is demanded by representatives of Czecho-Slovakia, Roumania or the Serb-Croat-Slovene Kingdom as the case may be.

2. There shall be a complete inspection such as is made in connection with granting insurance.

3. There shall be a trial voyage of a duration long enough for the testing of the normal working condition of the engine if this is demanded by representatives of Czecho-Slovakia, Roumania or the Serb-Croat-Slovene Kingdom as the case may be.

*As to barges:*

There shall be a complete inspection such as is made in connection with granting insurance, if demanded by representatives of Czecho-Slovakia,

Roumania or the Serb-Croat-Slovene Kingdom as the case may be, but there shall be no inspection in dry dock.

(c) Germany, Austria and Hungary, respectively, shall make all repairs which are necessary to place the tugs and other vessels delivered by each, respectively, in good state of repair and in condition to carry on commercial traffic on the Danube.

The tugs, barges and other vessels ceded by Germany, or tendered for cession by Austria or Hungary, shall be accompanied by documents evidencing the transfer to Czecho-Slovakia, Serb-Croat-Slovene Kingdom or Roumania, as the case may be, of the entire property in such tugs, barges and other vessels, free from all encumbrances, charges and liens of all kinds. There shall also be delivered the necessary and proper documents in order to change the registry of each tug or other vessel to the nation to which such tug or other vessel is to be ceded.

The place of delivery of the barges to be ceded by Germany to Czecho-Slovakia shall be Passau. The place of tender for cession by Austria of tugs, barges and other vessels to be ceded by Austria to Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania, shall be Vienna. The place of tender for cession of tugs, barges and other vessels to be ceded by Hungary to Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania, shall be Budapest.

Certain tugs and other vessels which are to be ceded by Austria or Hungary to Czecho-Slovakia are first to be returned to Austria or Hungary by Serb-Croat-Slovene Kingdom or by Roumania, and certain vessels now in the possession of Czecho-Slovakia, but whose Hungarian nationality is recognized by the Arbitrator, are to be ceded by Hungary to Czecho-Slovakia. In these special cases the Arbitrator will consider, on application of any of the interested parties, and on due hearing, any modifications of the specifications and procedure which will simplify the steps which are to be taken in order to effectuate the final result of the Arbitrator's Determination.

Article 300 of the Treaty of St. Germain provides:

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.

A provision to the same effect is contained in Article 284 of the Treaty of Trianon.

It, therefore, follows that it will be necessary for Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania, upon the tender by Austria and Hungary of such tugs, barges and other vessels, and before taking possession thereof, to make compensation therefor (or, in appropriate cases, give due credit therefor), in accordance with the Arbitrator's Determination to be hereafter made, as to such compensation.

It also follows that those who were the owners on October 15th, 1918, of the tugs, barges and other vessels herein above specified for cession by

Austria and Hungary are entitled to have a hearing as to their rights arising by virtue of the Treaty provisions last above referred to.

For the purposes of the provisions last referred to of the Treaties of St. Germain and Trianon the Arbitrator will have a hearing of the delegates of the interested countries, and of those claiming to be interested as owners of such boats, at Vienna on the 22nd day of August, 1921.

A copy of the portion of this Determination relating to the sessions to Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania will be delivered to the corporations which, on October 15th, 1918, owned the tugs and other vessels specified for cession. The question will be considered at such hearing as to whether any compensation made for tugs and other vessels belonging to the Süd-Deutsche Company should not be regarded as reverting as of October 15th, 1918, to Austria; and as to whether a proportion of any compensation made for tugs and other vessels belonging to the M. F. T. R. Company should not be regarded as reverting as of October 15th, 1918, to Hungary.

At the hearing to be given as above fixed at Vienna on the 22nd day of August, 1921, the Arbitrator will hear the views of Czecho-Slovakia and of Germany as to the lump sum value to be fixed by him pursuant to Article 339 of the Treaty of Versailles in respect of the barges to be ceded, as herein before provided, by Germany to Czecho-Slovakia.

#### PERMANENT ALLOCATION OF MATERIAL FOR REGULARIZATION WORK.

Article 300 of the Treaty of St. Germain provides that Austria shall cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilization of the Danube. Provisions to substantially the same effect are contained in Article 284 of the Treaty of Trianon and Article 339 of the Treaty of Versailles.

The question arises as to the extent to which material pertaining to Germany, Austria and Hungary, respectively, and designed and used for the regularization and improvement work along the river ought to be ceded to the Allied and Associated Powers concerned.

The territorial changes effectuated pursuant to the Peace Treaties have not affected the territorial extent of Germany and of Austria along the Danube. Each of those countries has the same territorial extent on the Danube as before the War. None of the parties has claimed that either of these countries has more material for regularization and improvement work on the Danube than is requisite to meet the legitimate needs of those countries. The Arbitrator, therefore, determines that no part of the material, for regularization and improvement work, pertaining to Germany or Austria shall be ceded to any other Power.

The territory of Hungary along the Danube has been materially changed as a result of the Peace Treaties. The new territories along the Danube acquired by Roumania and Serb-Croat-Slovene Kingdom have been taken from what was the territory of the Hungarian Monarchy prior to the War, and the same is true of the territory of Czecho-Slovakia along the Danube.

In these circumstances it is appropriate that portions of the material pertaining to the Hungarian Monarchy for regularization and improvement work on the Danube shall be ceded to Czecho-Slovakia, Serb-Croat-

Slovene Kingdom and Roumania, respectively, due regard being had to the legitimate needs of those countries and of Hungary.

The Arbitrator is advised by Hungary that the material now in existence which prior to the termination of hostilities pertained to Hungary, for regularization and improvement work on the Danube and the present location of such material, are as shown in Annex XXV hereto attached.

The Arbitrator is advised by Roumania that the regularization material in its possession (not including any which is shown in Annex XXV just referred to) is as shown in Annex XXVI and is advised by Serb-Croat-Slovene Kingdom that the regularization material in its possession (not including any of the material shown in Annex XXV) is as shown in Annex XXVI, and that Czecho-Slovakia has no regularization material (except so far as a portion of the regularization material shown in Annex XXV may be in Czecho-Slovakia).

In order to form a correct idea as to the legitimate needs of Hungary, Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania, respectively, in respect of Hungarian regularization material the Arbitrator will have a hearing of the representatives of those four countries at Vienna on the 22nd day of August, 1921, and will thereafter make a decision on the subject.

The Arbitrator requests the representatives of said four countries to consider particularly whether it would not be just and reasonable to proceed upon the general principle that Hungarian regularization material which prior to the War was used in portions of the river now constituting parts of Czecho-Slovakia, Serb-Croat-Slovene Kingdom and Roumania, respectively, should be ceded to those countries, respectively.

#### DISPOSITION OF CABLE-BOAT "VASKAPU".

No sufficient showing has yet been made before the Arbitrator as to what disposition should be made of the cable-boat *Vaskapu*, which before the War was in use at the Iron Gates and which now appears to be at Budapest. The Arbitrator will reserve this question for consideration at the hearing to be held at Vienna on the 22nd day of August, 1921.

#### SUNK BOATS.

The question has been raised before the Arbitrator as to the rights of the various Danube countries to the wrecks of boats which were sunk in the river during the War. These wrecks cannot, in the Arbitrator's opinion, be regarded as vessels within the meaning of that term as employed in Article 300 of the Treaty of St. Germain or Article 284 of the Treaty of Trianon. The Arbitrator is, therefore, of opinion that disputes which may arise as to the ownership of these wrecks are not within his competency as Arbitrator. At this time such wrecks have been at the bottom of the river for nearly three years.

#### CONCLUSION.

The close contact which the Arbitrator has had during the past year with the questions relating to the Danube has inspired in him the greatest

possible interest in this river, an interest which is all the greater by reason of his previous experience in matters pertaining to transportation. Having disposed of the questions submitted for his determination, the Arbitrator now ventures to express two thoughts which are outside of his functions as Arbitrator, but which he regards as of great importance to all the countries upon the Danube.

The first of these thoughts is that, generally speaking, the development of transportation on the Danube is dependent upon the development of commerce among the various riverain States on the Danube. Annex XX shows that of the total traffic therein indicated for the Danube more than one-half consists of traffic from one riverain State to another, and that, aside from Roumania (whose proportion of internal traffic is exceptionally great), about three-fourths consists of traffic from one riverain State to another.

The Arbitrator believes that normally more than two-thirds of the work of the Danube fleets will consist of carrying traffic from one riverain State to another; and that this figure will be more than three-fourths in respect of all the traffic other than that of interest to Roumania. Therefore, it can be expected that the navigation on the Danube will develop principally in proportion to the increase in the commerce among the various riverain States.

The other thought which the Arbitrator wishes to express is the following: it is evident that each of the Nations situated on the Danube naturally and properly desires to enlarge its fleet upon the Danube. The only purpose of increasing the fleet is to increase the amount of traffic that can be carried. The amount of traffic that can be carried can be increased by an increase in the efficiency of the vessels as well as by an increase in the number of vessels. For example, computations made by the Arbitrator on the basis of the information furnished to him indicate that an average saving of four days in each round trip of a barge (as for example, through shortening the time held for loading and unloading, or the time held at frontiers) would amount to adding about 200,000 tons to the barge capacity on the Danube. To build additional vessels means the raising of new capital and the assumption of new burdens for paying interest upon the new capital. But an increase in the efficiency of the fleet will not involve the necessity for raising any new capital. The Arbitrator has derived the impression from his visits to the Danube that the opportunity exists for important savings of time and takes this opportunity of suggesting that such savings of time in the handling of vessels constitute an important means of increasing the serviceability of the fleets, and that, to the extent it can be accomplished, it will have the same effect as increasing the size of the fleet, or rather will be better, because it will not involve the burdens incident to raising new capital.

In conclusion, the Arbitrator extends his cordial thanks to the delegations of all the Nations interested in the Danube for the co-operation which they have manifested to him and his Assistants, for the strikingly successful efforts which they have made to agree upon the factors necessary to ascertain the number of vessels requisite to handle the traffic, and for their invariable courtesy on all occasions.

As a final word to all the delegates of the interested Nations who have associated themselves so cordially with the Arbitrator in the difficult task which has confronted them and him, the Arbitrator calls attention to the very great desirability of completing as rapidly as possible, and, wherever

possible, in advance of the dates above specified for such completion, all the steps which are specified in this Determination. Each of these States has important plans for the further development of its Danube fleet and the plans of each State will, of course, be carried forward more confidently and more effectively when the steps indicated by this Determination shall have been taken. The Arbitrator and his Executive Assistant hold themselves in readiness to co-operate heartily in expediting in every possible way the completion of these matters.

NOTE.

Each of the Annexes herein above referred to bears an identification note signed by Brice Clagett, Executive Assistant to the Arbitrator.

Paris, August 2nd, 1921.

*By the Arbitrator:*  
(Signed) Brice CLAGETT,  
Executive Assistant.

(Signed) Walker D. HINES,  
*Arbitrator.*

ANNEX I.

VESSELS DELIVERED UNDER THE MILITARY CONVENTION OF NOVEMBER 13TH, 1918, AND WHOSE NATIONALITY AND OWNERSHIP ARE CONFIRMED TO THE SERB-CROAT-SLOVENE KINGDOM.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Passenger Boats.</i>				
1	DDSG	Drau.	—	450
2	"	Gisela.	—	600
3	"	Maros.	—	250
4	"	Tausig.	—	710
5	"	Vesta.	—	520
6	"	Elisabeth.	—	650
7	MFTR	Algyo.	—	200
8	"	Leanfaly.	—	300
9	"	Margit.	—	350
10	"	Ferezez Josef.	—	650 4,680
<i>Tugs.</i>				
1	DDSG	Atlas.	—	900
2	"	Kereskedes.	—	480
3	"	Magyar.	—	700
4	SD	Helene.	—	350
5	"	Ludwig.	—	750
6	MFTR	Badacsony.	—	400
7	"	Pusztaszer.	—	800
8	MBR	Alfold.	—	400
9	ZTL	Vag.	—	350
10	GD	Leontine.	—	600 5,730
<i>Barges.</i>				
1	DDSG	6554	651	—
2	"	85	471	—
3	"	245	395	—
4	"	67231	661	—
5	"	23	458	—
6	SD	80	727	—
7	DDSG	93	391	—
8	"	65131	651	—
9	"	6770	661	—
10	"	67105	661	—
11	"	67186	661	—
12	"	25	459	—
13	"	267	341	—
14	"	6702	661	—
15	"	6715	661	—
16	"	6717	661	—
17	"	67221	661	—
18	"	10014	1,000	—
19	"	65110	651	—
20	"	6718	661	—
21	"	6713	661	—

ANNEX I (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Barges (Cont'd).</i>				
22	DDSG	65120	651	—
23	"	48	458	—
24	"	6598	651	—
25	"	10008	1,000	—
26	"	444	351	—
27	"	6579	651	—
28	SD	117	750	—
29	"	58	657.5	—
30	"	76	675	—
31	"	86	727	—
32	MFTR	305	300	—
33	"	699	667.5	—
34	"	404	450	—
35	"	366	426	—
36	"	412	500	—
37	"	362	445	—
38	"	419	500	—
39	"	514	630.5	—
40	"	314	500	—
41	"	513	630.5	—
42	"	755	667.5	—
43	"	686	667.5	—
44	MBR	937	727.5	—
45	"	Orszag.	765	—
46	MFTR	359 (539 Serb-Croat-Slovene designation).	432	—
47	BL	101	729	—
48	"	135	729	—
49	"	150	727	—
50	"	1026	1,000	—
51	St. K.	4	479	—
52	ZTL	121	600	—
53	"	127	600	—
54	MFTR	(1) 649	667	—
55	DDSG	(1) 67208	661	—
56	"	(2) 118	456	—
57	"	(2) 425	438	—
58	"	(2) 6551	651	—
59	"	(2) 7004	479	—
60	GD	(3) 15 (S. D. 15 Serb-Croat-Slovene designation).	670	36,571

(1) Ex-Enemy Powers list as lost by seizure. (2) Serb-Croat-Slovene Kingdom lists as seized. (3) Regularization material.

Identified as Annex I, attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.



ANNEX II.

FORMER Z. T. L. AND CERTAIN OTHER VESSELS CONTROLLED BY THE SAME PRINCIPLES WHOSE NATIONALITY AND OWNERSHIP ARE CONFIRMED TO THE SERB-CROAT-SLOVENE KINGDOM ON THE GROUND OF SEIZURE.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian.</b>				
<i>Tugs.</i>				
1	SDDG	Slavonia.	—	350
2	"	Aniela.	—	500
3	"	Deutschland.	—	800
4	"	Ister.	—	1,100
5	DDSG	Banhans.	—	640
6	"	Bloksberg.	—	50
7	"	Europa.	—	680
8	"	Josef.	—	440
9	"	Petofi.	—	600
10	"	Salzach.	—	140
11	"	Schabatz.	—	50
12	"	Torok-Becse.	—	350
13	"	Temesvar.	—	120
14	"	Braila.	—	400
15	"	Ordody.	—	100
16	"	Inn.	—	320
17	"	Hungaria.	—	300
18	"	Millenium.	—	680
19	"	Traun.	—	320
20	"	Traisen.	—	320
21	"	Kamp.	—	320
22	"	Bacs Bodrog.	—	570 9,150
<i>Barges.</i>				
1	SD	64	677	—
2	"	98	727	—
3	"	118	750	—
4	"	5	580	—
5	"	6	580	—
6	"	20	720	—
7	"	22	720	—
8	"	26	720	—
9	"	28	720	—
10	"	30	720	—
11	"	32	720	—
12	"	35	720	—
13	"	36	706	—
14	"	38	700	—
15	"	39	700	—
16	"	41	650	—
17	"	44	650	—

## ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
18	SD	47	650	—
19	"	48	650	—
20	"	49	650	—
21	"	51	650	—
22	"	53	657.5	—
23	"	55	670	—
24	"	56	657.5	—
25	"	57	657.5	—
26	"	59	657.5	—
27	"	60	650	—
28	"	61	650	—
29	"	63	677	—
30	"	65	677	—
31	"	66	677	—
32	"	70	703.4	—
33	"	75	675	—
34	"	77	675	—
35	"	81	727	—
36	"	83	677	—
37	"	84	677	—
38	"	85	677	—
39	"	87	727	—
40	"	90	727	—
41	"	95	717.5	—
42	"	100	727	—
43	"	102	520	—
44	"	103	727	—
45	"	111	727	—
46	"	115	727	—
47	"	120	750	—
48	"	121	750	—
49	"	123	727.2	—
50	"	124	727.2	—
51	"	126	727.2	—
52	"	130	727.2	—
53	"	131	727.2	—
54	"	138	735	—
55	"	139	735	—
56	"	140	735	—
57	DDSG	B	501	—
58	"	C	393	—
59	"	44	448	—
60	"	46	475	—
61	"	EL 67	141	—
62	"	78	481	—
63	"	92	395	—

ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
64	DDSG	EL 102	380	—
65	"	114	471	—
66	"	EL 115	127	—
67	"	116	455	—
68	"	153	392	—
69	"	168	371	—
70	"	198	388	—
71	"	204	390	—
72	"	206	391	—
73	"	215	405	—
74	"	226	356	—
75	"	229	412	—
76	"	235	427	—
77	"	237	400	—
78	"	244	344	—
79	"	247	409	—
80	"	257	396	—
81	"	263	344	—
82	"	287	340	—
83	"	290	396	—
84	"	292	339	—
85	"	304	366	—
86	"	305	408	—
87	"	308	402	—
88	"	321	346	—
89	"	326	391	—
90	"	327	416	—
91	"	328	402	—
92	"	330	392	—
93	"	336	396	—
94	"	341	363	—
95	"	342	348	—
96	"	346	397	—
97	"	353	345	—
98	"	355	398	—
99	"	356	344	—
100	"	360	395	—
101	"	370	344	—
102	"	371	404	—
103	"	377	398	—
104	"	379	341	—
105	"	388	400	—
106	"	429	486	—
107	"	432	438	—
108	"	435	463	—
109	"	448	370	—

## ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
110	DDSG	459	317	—
111	"	460	316	—
112	"	461	310	—
113	"	465	339	—
114	"	471	356	—
115	"	3203	325	—
116	"	3213	325	—
117	"	3214	325	—
118	"	3218	325	—
119	"	3220	325	—
120	"	3224	325	—
121	"	3225	325	—
122	"	5003	497	—
123	"	5005	505	—
124	"	5011	505	—
125	"	5013	522	—
126	"	5021	522	—
127	"	5702	569	—
128	"	5704	564	—
129	"	5707	562	—
130	"	5708	556	—
131	"	5712	566	—
132	"	5720	565	—
133	"	5729	574	—
134	"	5734	566	—
135	"	5736	573	—
136	"	5804	587	—
137	"	5807	573	—
138	"	5810	573	—
139	"	5811	567	—
140	"	6503	651	—
141	"	6505	651	—
142	"	6508	655	—
143	"	6509	655	—
144	"	6510	655	—
145	"	6514	655	—
146	"	6516	655	—
147	"	6522	655	—
148	"	6523	655	—
149	"	6524	655	—
150	"	6529	651	—
151	"	6531	651	—
152	"	6533	651	—
153	"	6537	651	—
154	"	6539	651	—
155	"	6541	651	—

ANNEX II (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> ( <i>Cont'd</i> ).				
<i>Barges</i> ( <i>Cont'd</i> ).				
156	DDSG	6545	651	—
157	„	6546	651	—
158	„	6548	651	—
159	„	6549	651	—
160	„	6550	651	—
161	„	6556	651	—
162	„	6557	651	—
163	„	6560	651	—
164	„	6561	651	—
165	„	6562	651	—
166	„	6565	651	—
167	„	6568	651	—
168	„	6569	651	—
169	„	6570	651	—
170	„	6573	651	—
171	„	6576	651	—
172	„	6577	651	—
173	„	6578	651	—
174	„	6580	651	—
175	„	6581	651	—
176	„	6583	651	—
177	„	6585	651	—
178	„	6587	651	—
179	„	6589	651	—
180	„	6591	651	—
181	„	6593	651	—
182	„	6594	651	—
183	„	6596	651	—
184	„	6704	661	—
185	„	6712	661	—
186	„	6716	661	—
187	„	6720	661	—
188	„	6721	661	—
189	„	6723	661	—
190	„	6728	661	—
191	„	6735	661	—
192	„	6739	661	—
193	„	6748	661	—
194	„	6749	661	—
195	„	6754	661	—
196	„	6756	661	—
197	„	6760	661	—
198	„	6764	661	—
199	„	6766	661	—
200	„	6767	661	—
201	„	6769	661	—

## ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
202	DDSG	6778	661	—
203	"	6782	661	—
204	"	6784	661	—
205	"	6787	661	—
206	"	6789	661	—
207	"	6790	661	—
208	"	6793	661	—
209	"	6795	661	—
210	"	6796	661	—
211	"	6798	661	—
212	"	7101	796	—
213	"	7402	504	—
214	"	7801	762	—
215	"	8203	813	—
216	"	10002	1,000	—
217	"	10003	1,000	—
218	"	10004	1,000	—
219	"	10007	1,000	—
220	"	10012	1,000	—
221	"	10015	1,000	—
222	"	65107	651	—
223	"	65108	651	—
224	"	65112	651	—
225	"	65114	651	—
226	"	65116	651	—
227	"	65117	651	—
228	"	65118	651	—
229	"	65124	651	—
230	"	65125	651	—
231	"	65127	651	—
232	"	65129	651	—
233	"	65133	651	—
234	"	65135	651	—
235	"	65138	651	—
236	"	65140	651	—
237	"	65143	651	—
238	"	65145	651	—
239	"	65149	651	—
240	"	65154	651	—
241	"	65155	651	—
242	"	65156	651	—
243	"	65157	651	—
244	"	65159	651	—
245	"	65160	651	—
246	"	65163	651	—
247	"	65166	651	—

ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
248	DDSG	65168	651	—
249	"	65169	651	—
250	"	65175	651	—
251	"	65178	651	—
252	"	65179	651	—
253	"	65181	651	—
254	"	65182	651	—
255	"	65183	651	—
256	"	65185	651	—
257	"	65186	651	—
258	"	65187	651	—
259	"	65188	651	—
260	"	65192	651	—
261	"	65193	651	—
262	"	65194	651	—
263	"	65196	651	—
264	"	65197	651	—
265	"	65207	651	—
266	"	65209	651	—
267	"	65211	651	—
268	"	65212	651	—
269	"	65213	651	—
270	"	65218	651	—
271	"	65219	651	—
272	"	65222	651	—
273	"	65223	651	—
274	"	65227	651	—
275	"	65228	651	—
276	"	65231	651	—
277	"	65232	651	—
278	"	65236	651	—
279	"	65237	651	—
280	"	65240	651	—
281	"	65243	651	—
282	"	65247	651	—
283	"	65251	651	—
284	"	65253	651	—
285	"	65254	651	—
286	"	67101	661	—
287	"	67102	661	—
288	"	67104	661	—
289	"	67107	661	—
290	"	67110	661	—
291	"	67115	661	—
292	"	67117	661	—
293	"	67121	661	—

ANNEX II (*Cont'd.*)

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> ( <i>Cont'd.</i> )				
<i>Baiges</i> ( <i>Cont'd.</i> )				
294	DDSG	67122	661	—
295	„	67126	661	—
296	„	67127	661	—
297	„	67130	661	—
298	„	67133	661	—
299	„	67134	661	—
300	„	67147	661	—
301	„	67149	661	—
302	„	67150	661	—
303	„	67152	661	—
304	„	67155	661	—
305	„	67157	661	—
306	„	67161	661	—
307	„	67162	661	—
308	„	67164	661	—
309	„	67166	661	—
310	„	67171	661	—
311	„	67172	661	—
312	„	67174	661	—
313	„	67176	661	—
314	„	67183	661	—
315	„	67184	661	—
316	„	67188	661	—
317	„	67189	661	—
318	„	67190	661	—
319	„	67196	661	—
320	„	67197	661	—
321	„	67198	661	—
322	„	67199	661	—
323	„	67200	661	—
324	„	67203	661	—
325	„	67209	661	—
326	„	67213	661	—
327	„	67216	661	—
328	„	67215	661	—
329	„	67217	661	—
330	„	67218	661	—
331	„	67226	661	—
332	„	67235	661	—
333	„	67236	661	—
334	„	67238	661	—
335	SD	52	657.5	—
336	„	101	520	—
337	„	127	727.2	—
338	DDSG	317	347	—
339	„	6757	661	—



ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
340	DDSG	6559	651	—
341	„	65200	651	—
342	„	65173	651	—
343	„	65241	651	—
344	„	67118	661	—
345	„	67120	661	—
346	„	Lajos (MBR on SCS List).	789	—
347	„	254	404	211,265.6
<i>Tanks.</i>				
1	„	IV	681	—
<i>Iron pontoons.</i>				
1	„	34	—	—
2	„	39	—	—
3	„	52	—	—
4	„	55	—	—
5	„	118	—	—
6	„	165	—	—
7	„	173	—	—
8	„	291	—	—
9	„	142	—	—
<b>Hungarian.</b>				
<i>Tugs.</i>				
1	MFTR	Aranka.	—	280
2	„	Bakony.	—	400
3	„	Baross.	—	500
4	„	Hegyalja.	—	250
5	„	Kinizsi.	—	380
6	„	Marianna.	—	150
7	„	Medye.	—	380
8	„	Mohacs.	—	400
9	„	Rabcza.	—	470
10	„	Tisza Kalman.	—	160
11	„	Torontal.	—	475
12	„	Wilhelm.	—	380
13	„	Bodrogkoz.	—	250
14	MBR	Csongrad.	—	400
15	„	Futar.	—	90
16	„	Lehel.	—	400
17	„	Namset.	—	500
18	„	Sebes.	—	168
19	„	Siraly.	—	370
20	„	Vezer.	—	280
21	MERT	Apostag.	—	84
22	„	Ezsak.	—	70 6,837

## ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian</b> (Cont'd).				
<i>Barges.</i>				
1	MFTR	Mav. 1.	70	—
2	"	214	297	—
3	"	DSt. W-5.	250	—
4	"	307	300	—
5	"	312	300	—
6	"	317	300	—
7	"	318	300	—
8	"	351	465	—
9	"	352	465	—
10	"	360	432	—
11	"	361	445	—
12	"	365	426	—
13	"	371	334	—
14	"	373	450	—
15	"	381	398.6	—
16	"	384	398.6	—
17	"	387	398.6	—
18	"	391	398.6	—
19	"	402	450	—
20	"	406	450	—
21	"	414	500	—
22	"	417	500	—
23	"	418	500	—
24	"	432	462	—
25	"	435	478.7	—
26	"	437	475	—
27	"	438	469.9	—
28	"	439	469.9	—
29	"	446	466.9	—
30	"	501	641	—
31	"	505	637.8	—
32	"	506	637.8	—
33	"	507	634	—
34	"	508	634	—
35	"	511	626.2	—
36	"	515	630.5	—
37	"	519	557	—
38	"	521	557	—
39	"	554	500	—
40	"	602	700	—
41	"	603	669	—
42	"	613	650	—
43	"	618	650	—
44	"	624	667	—
45	"	627	667	—
46	"	629	667	—

ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
47	MFTR	631	667	—
48	"	632	667	—
49	"	635	667	—
50	"	636	667	—
51	"	637	667	—
52	"	639	667	—
53	"	640	667	—
54	"	645	667	—
55	"	646	667	—
56	"	650	667	—
57	"	653	667	—
58	"	656	667	—
59	"	657	667	—
60	"	659	667	—
61	"	662	667	—
62	"	663	667	—
63	"	664	667	—
64	"	675	667	—
65	"	676	667	—
66	"	681	667.5	—
67	"	685	667.5	—
68	"	689	667.5	—
69	"	694	667.5	—
70	"	697	667.5	—
71	"	707	714	—
72	"	715	714	—
73	"	717	714	—
74	"	719	714	—
75	"	726	714	—
76	"	723	714	—
77	"	738	667.5	—
78	"	741	667.5	—
79	"	743	667.5	—
80	"	744	667.5	—
81	"	745	667.5	—
82	"	748	667.5	—
83	"	750	667.5	—
84	"	751	750	—
85	"	759	667.5	—
86	"	767	667.5	—
87	"	768	667.5	—
88	"	773	674	—
89	"	782	674	—
90	"	810	820	—
91	"	814	820	—
92	"	816	820	—

## ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
93	MFTR	819	820	—
94	"	820	820	—
95	"	1,002	1,000	—
96	"	1,003	1,000	—
97	MERT	MERT 1	120	—
98	"	" 2	120	—
99	"	" 3	80	—
100	"	" 4	80	—
101	"	" 5	80	—
102	"	" 6	80	—
103	"	" 7	100	—
104	"	" 8	138	—
105	"	" 9	134	—
106	MBR	Anny.	727.5	—
107	"	Bator.	727.5	—
108	"	Bimbo.	765	—
109	"	Biro.	725.8	—
110	"	Drave.	140	—
111	"	Dune.	130	—
112	"	Forras.	140	—
113	"	Gusztav.	727.2	—
114	"	Janos.	727.5	—
115	"	Koros.	520.8	—
116	"	Maros.	100	—
117	"	Miczi.	727.5	—
118	"	Paula.	727.2	—
119	"	Piroska.	727.2	—
120	"	Pista.	727.2	—
121	"	Stefi.	400	—
122	"	Szava.	676	—
123	"	Szikla.	680	—
124	"	Vitez.	802	—
125	"	Zsazsa.	130	—
126	"	901	727.5	—
127	"	906	727.5	—
128	"	907	727.5	—
129	"	933	727.5	—
130	"	934	727.5	—
131	"	938	727.5	—
132	"	939	727.5	—
133	"	Balaton.	765	—
134	"	Kato.	727.5	—
135	Water Bldg	GD 4	670	—
136	"	" 5	670	—
137	"	" 8	670	—
138	"	" 10	670	—

ANNEX II (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**Hungarian** (Cont'd).

*Barges* (Cont'd).

139	Water Bldg	GD 11	670	—
140	"	" 12	670	—
141	"	" 13	670	—
142	"	" 14	670	—
143	Deut Vilms	DV 2	392	—
144	MFTR	12 E	Not given.	—
145	"	13 E	"	—
146	"	15 E	"	—
147	"	16 E	"	—
148	ZTL	(No number)	"	—
149	"	4	"	—
150	"	10	"	—
151	"	13	"	—
152	"	14	"	—
153	"	39	"	—
154	"	43	"	—
155	MFTR	208 (Mav. 208.)	220	—
156	"	209 (Mav. 209.)	220	—
157	"	691 (D. 691.)	667.5	—
158	"	698 (D. 698.)	667.5	—
159	MERT	Szava 62.	676	—
160	MFTR	MFTR 682.	667.5	—
161	"	" 711.	714	—
162	"	" 737.	667.5	—
163	MBR	900	727.5	—
164	"	Nusi Tolnai.	727.5	87,796
			(11 Not given.)	—

*Tanks.*

1	MFTR	789	727.5	—
2	"	813	820	—
3	"	821	820	—
4	"	Regensburg I.	660.18	—
5	"	Regensburg II.	660.18	3,687.86

*Pontoons.*

1	"	40	—	—
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Identified as Annex II attached to and made a part of the Arbitrator's Determination which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX III.

Z. T. L. VESSELS WHOSE NATIONALITY AND OWNERSHIP ARE  
CONFIRMED TO ROUMANIA ON THE GROUND OF SEIZURE.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian.</b>				
<i>Tugs.</i>				
1	DDSG	Croatia.	—	580
2	"	Haladas.	—	380
3	"	Sarajevo.	—	450
4	"	Svovetseg.	—	480
5	"	Vindobona.	—	700
6	"	Giurgiu.	—	400
7	"	Nyil.	—	180
8	"	Sistov.	—	350
				3,520
<i>Barges.</i>				
1	SD	21	720	—
2	"	62	577	—
3	"	73	703.4	—
4	"	108	727	—
5	"	112	727	—
6	"	122	727.2	4,281.6
1	DDSG	F (Slep Hopital).	513	—
2	"	Maria.	755	—
3	"	74	428	—
4	"	274	414	—
5	"	443	369	—
6	"	5711	567	—
7	"	5732	567	—
8	"	6526	651	—
9	"	6534	651	—
10	"	6536	651	—
11	"	6552	651	—
12	"	6567	651	—
13	"	6574	651	—
14	"	6592	651	—
15	"	6595	651	—
16	"	6599	651	—
17	"	6705	661	—
18	"	6722	661	—
19	"	6765	661	—
20	"	10013	1,000	—
21	"	65106	651	—
22	"	65136	651	—
23	"	65137	651	—
24	"	65148	651	—
25	"	65198	651	—

ANNEX III (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
26	DDSG	65199	651	—
27	”	65225	651	—
28	”	65226	651	—
29	”	65245	651	—
30	”	67124	661	—
31	”	67129	661	—
32	”	67136	661	—
33	”	67144	661	—
34	”	67151	661	—
35	”	67175	661	—
36	”	67204	661	—
37	”	67207	661	—
38	”	67230	661	—
39	”	67234	661	—
40	”	5739 (3739 Roumanian designation).	571	—
41	”	67182	661	—
42	”	32	454	—
43	”	67177	661	27,271

**Hungarian.**

<i>Tugs.</i>				
1	MFTR	Czobancz.	—	400
2	”	Huba.	—	650
3	”	Latorcza.	—	280 1,330
<i>Barges.</i>				
1	”	416	500	—
2	”	425	500	—
3	”	426	500	—
4	”	436	475	—
5	”	516	630.5	—
6	”	551	513	—
7	”	611	650	—
8	”	614	650	—
9	”	680	667.5	—
10	”	740	667.5	—
11	”	747	667.5	—
12	”	780	674	—
13	”	403	450	—
14	”	428	500	—
15	”	510	630.5	—
16	”	607	650	—
17	”	609	650	—
18	”	630	667	—

## ANNEX III (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian</b> (Cont'd).				
<i>Barges</i> (Contd').				
19	MFTR	692	667.5	—
20	„	701	667.5	—
21	„	718	714	—
22	MBR	Peter.	727.2	—
23	„	René.	727.5	—
24	MFTR	600	593	14,739.2

Identified as Annex III attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.



ANNEX IV.

Z. T. L. VESSELS WHOSE NATIONALITY AND OWNERSHIP ARE  
 CONFIRMED TO FRANCE ON THE GROUND OF SEIZURE.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian.</b>				
<i>Tugs.</i>				
1	DDSG	Kalocsa.	—	570
2	"	Bela.	—	500
3	"	Glanz.	—	700
4	"	Sulina.	—	350
5	"	Turn-Severin.	—	400 2,520
<i>Barges.</i>				
1	SD	88	727	—
2	"	27	720	—
3	"	33	720	—
4	"	136	735	—
5	"	107	727	—
6	"	104	727	—
7	"	46	650	—
8	DDSG	188	398	—
9	"	240	383	—
10	"	5715	577	—
11	"	5716	565	—
12	"	5738	562	—
13	"	6501	651	—
14	"	6519	655	—
15	"	6543	651	—
16	"	6558	651	—
17	"	8205	813	—
18	"	6572	651	—
19	"	65105	651	—
20	"	65152	651	—
21	"	65184	651	—
22	"	65191	651	—
23	"	65210	651	—
24	"	65220	651	—
25	"	65239	651	—
26	"	65252	651	—
27	"	6730	661	—
28	"	6741	661	—
29	"	67138	661	—
30	MFTR	693	667.5	—
31	DDSG	65101	651	—
32	"	65177	651	—
33	"	6738	661	21,384.5 —

ANNEX IV (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian.</b>				
<i>Tugs.</i>				
1	MFTR	Trinitas.	—	305
2	"	Boos.	—	380
3	"	Garam.	—	280
4	"	Hernad.	—	280 1,245
<i>Barges.</i>				
1	"	315	300	—
2	"	411	500	—
3	"	633	667	—
4	"	655	667	—
5	"	670	667	—
6	"	677	675	—
7	"	502	641	—
8	"	504	637.8	—
9	"	812	820	—
10	"	DSt. W. 405 (later 448).	487	—
11	"	706	714	—
12	"	764	667.5	—
13	"	770	667.5	—
14	"	509	630.5	8,741.3 —

Identified as Annex IV attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX V.

NON-Z. T. L. VESSELS IN THE POSSESSION OF SERB-CROAT-SLOVENE KINGDOM, THE NATIONALITY OF WHICH IS CONFIRMED TO AUSTRIA AND HUNGARY, RESPECTIVELY, AND THE OWNERSHIP OF WHICH IS CONFIRMED OT THEIR AUSTRIAN OR HUNGARIAN PRIVATE OWNERS, RESPECTIVELY.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian.</b>				
<i>Passenger Boats.</i>				
1	DDSG	Arad.	—	250
2	„	Fecske.	—	330
3	„	Hattyu.	—	330
4	„	Radetzky.	—	470 1,380
<i>Tugs.</i>				
1	„	Tolna.	—	300
2	„	Verseny.	—	230
3	„	Lokal Boat IV.	—	160 690
<i>Barges.</i>				
1	„	56	437	—
2	„	E. L. 62	141	—
3	„	80	477	—
4	„	31	485	—
5	„	82	489	—
6	„	87	502	—
7	„	113	457	—
8	„	117	456	—
9	„	119	496	—
10	„	174	403	—
11	„	182	397	—
12	„	217	352	—
13	„	218	353	—
14	„	223	343	—
15	„	227	393	—
16	„	251	390	—
17	„	296	405	—
18	„	302	361	—
19	„	303	407	—
20	„	309	408	—
21	„	310	360	—
22	„	338	402	—
23	„	348	344	—
24	„	383	430	—
25	„	384	391	—
26	„	417	342	—
27	„	420	446	—
28	„	431	431	—
29	„	475	329	—
30	„	629	275	—

## ANNEX V (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
31	DDSG	638	280	—
32	”	3201	325	—
33	”	3208	325	—
34	”	3211	325	—
35	”	3215	325	—
36	”	3219	325	—
37	”	3222	325	—
38	”	5004	491	—
39	”	5007	505	—
40	”	5022	522	—
41	”	5706	564	—
42	”	5726	566	—
43	”	5801	594	—
44	”	5808	573	—
45	”	5809	573	—
46	”	6515	655	—
47	”	6758	661	—
48	”	6792	661	—
49	”	6794	661	—
50	”	7003	479	—
51	”	7007	474	—
52	”	7008	487	—
53	”	7401	528	—
54	”	65121	651	—
55	”	67116	661	—
56	”	67225	661	—
57	”	A-11	455	—
58	”	Karoly (MBR Karoly, SCS designation).	820	—
59	”	462	308	—
60	”	7006	486	—
61	”	5705	567	27,735
<i>Iron pontoons.</i>				
1	”	28	—	—
2	”	32	—	—
3	”	38	—	—
4	”	42	—	—
5	”	50	—	—
6	”	60	—	—
7	”	61	—	—
8	”	63	—	—
9	”	73	—	—
10	”	75	—	—
11	”	76	—	—
12	”	78	—	—

ANNEX V (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**Austrian** (Cont'd).

*Iron pontoons* (Cont'd).

13	DDSG	79	—	—
14	„	82	—	—
15	„	85	—	—
16	„	89	—	—
17	„	95	—	—
18	„	96	—	—
19	„	97	—	—
20	„	111	—	—
21	„	131	—	—
22	„	135	—	—
23	„	137	—	—
24	„	143	—	—
25	„	148	—	—
26	„	150	—	—
27	„	156	—	—
28	„	167	—	—
29	„	170	—	—
30	„	287	—	—
31	„	290	—	—
32	„	299	—	—
33	„	98	—	—
34	„	162	—	—
35	„	164	—	—
36	„	279	—	—
37	„	16	—	—
38	„	62	—	—
39	„	127	—	—

*Cylinder pontoons.*

1	„	V	—	—
2	„	XXVII	—	—
3	„	XXXIII	—	—

*Miscellaneous.*

1	„	Floating Loading Place No. 9 Elevator.		
2	„	Steam Pump "Greiben".		

**Hungarian.**

*Tugs.*

1	MFTR	Csaba.	—	120
2	„	Del (MFTR Hungarian designation).	—	120 240

*Barges.*

1	„	Mav. 3.	150	—
2	„	113	170	—

## ANNEX V (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian (Cont'd).</b>				
<i>Barges (Cont'd).</i>				
3	MFTR	118	203	—
4	„	202	240	—
5	„	213	297	—
6	„	217	250	—
7	„	218	250	—
8	„	301	300	—
9	„	311	300	—
10	„	316	300	—
11	„	320	300	—
12	„	405	487	—
13	„	429	500	—
14	„	443	466.9	—
15	„	447	487	—
16	„	449	450	—
17	MBR	Buda.	727.2	—
18	„	IX.	138	—
19	MERT	33	338	—
20	„	34	354	—
21	„	44	353	—
22	Atlantica.	A. 2984.	295	—
23	„	3028	331.85	—
24	MFTR	DSTW 16.	180	—
25	MBR	Baber.	357.2	—
26	„	Beton.	400	—
27	„	Balvany.	427.3	—
28	„	Budafok.	600	—
29	„	Erno.	500	—
30	„	Irmina.	170	—
31	„	Karbella.	180	—
32	„	Matyas.	740	—
33	„	Mimoza.	150	—
34	„	Miklos.	444	—
35	„	Tibor.	310	—
36	Atlantica.	A. 2746.	224.3	—
37	„	2841	283	—
38	„	5050	489.2	—
39	„	5251	440	—
40	„	5652	409.2	—
41	„	4656	460	—
42	MFTR	221	250	—
43	„	220 (DSTW 6).	250	—
44	„	340 (DSTW 402).	487	—
45	MERT	28	353	—
46	„	30	390	—
47	„	31	400	—
48	„	35	390	—

ANNEX V (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian</b> (Cont'd).				
<i>Barges</i> (Cont'd).				
49	MERT	39	451	—
50	„	40	349	—
51	„	42	333	—
52	„	46	355	—
53	„	61	126	—
54	GD(MKFM HSCS designation).	1	200	—
55	„	5	200	—
56	„	8	350	—
57	„	12	350	—
58	„	39	451	20,137.15 —
<i>Pontoons.</i>				
1	MFTR	4	—	—
2	„	6	—	—
3	„	32	—	—
4	„	34	—	—
5	„	39	—	—
6	„	43	—	—
7	„	46	—	—
8	„	79	—	—
9	„	83	—	—
10	„	88	—	—
11	„	103	—	—
12	„	3	—	—
13	„	21	—	—
14	„	31	—	—
15	„	50	—	—
16	„	51	—	—
17	„	62	—	—
18	„	125 Mav.	—	—
19	„	24	—	—
20	„	38	—	—
21	„	42	—	—
22	„	49	—	—

Identified as Annex V attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX VI.

NON-Z. T. L. VESSELS IN POSSESSION OF ROUMANIA, THE NATIONALITY OF WHICH IS CONFIRMED TO AUSTRIA AND HUNGARY, RESPECTIVELY, AND THE OWNERSHIP OF WHICH IS CONFIRMED TO THEIR AUSTRIAN AND HUNGARIAN PRIVATE OWNERS, RESPECTIVELY.

Item.	Group.	Name or Number.	Tonnage.
<b>Austrian.</b>			
<i>Barges.</i>			
1	DDSG	197	341
2	„	65238	651
3	„	13001	1,300 2,292
<i>Iron pontoons.</i>			
1	DDSG	E P 6	—
2	„	9	—
3	„	113	—
4	„	280	—
<i>Miscellaneous.</i>			
1	DDSG	Floating Workshop.	—
<b>Hungarian.</b>			
<i>Barges.</i>			
1	MBR	Gedeon.	?
2	„	Szt. Gyorgy.	?
3	Unknown.	Valeria.	?
4	Wolfinger & Reich.	Marczi.	762
5	„	Szofia.	1,005
6	„	Erno (DDSG Roumanian designation).	743 2,510

Identified as Annex VI attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.



ANNEX VII.

BULGARIAN VESSELS TAKEN INTO THE POSSESSION OF ALLIED FORCES AFTER THE BULGARIAN ARMISTICE AND NOW IN POSSESSION OF A FRENCH COMPANY, THE OWNERSHIP AND NATIONALITY OF WHICH ARE CONFIRMED TO BULGARIA.

Item.	Name.	Old Name.	Tonnage.
<i>Barges.</i>			
1	Ida.	Hanover.	25 T. R.
2	Carry.	Carry.	1,000 T. M.
3	Velico Firnovi.	Azriel.	1,175 "
4	Maritza.	Maritza.	600 "
5	Solontcha.	Solontcha.	600 "
6	Presenti.	Presenti.	324 "
7	Dounone Ni.	—	670 "

Identified as Annex VII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX VIII.

BULGARIAN VESSELS TAKEN INTO POSSESSION OF ALLIED FORCES AND IN POSSESSION OF THE SERB-CROAT-SLOVENE KINGDOM, THE OWNERSHIP AND NATIONALITY OF WHICH IS CONFIRMED TO BULGARIA.

Item.	Name.	Tonnage.
<i>Barges.</i>		
1	Dounone N 1.	207 T. M.
2	" N 2.	303 "
3	" N 3.	306 "
4	" N 4.	306 "
5	" N 5.	314 "
6	" N 6.	359 "
7	" N 8.	409 " 2,204

Identified as Annex VIII attached to and made a part of the Arbitrator's Determination which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX IX.

VESSELS NOW OF HUNGARIAN OWNERSHIP BUT IN THE POSSESSION OF CZECHOSLOVAKIA, THE OWNERSHIP AND NATIONALITY OF WHICH ARE CONFIRMED TO HUNGARY.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Passenger Boats.</i>				
1	MFTR	XXVI	—	50
2	„	XXXII	—	40
3	„	Rakoczy.	—	100 190
<i>Tugs.</i>				
1	MFTR	Ferto.	—	400 400
<i>Barges.</i>				
1	MFTR	101	127	—
2	„	210	220	—
3	„	222	250	—
4	„	306	300	—
5	„	213	300	—
6	„	353	445	—
7	„	364	426	—
8	„	410	500	—
9	„	415	500	—
10	„	430	500	—
11	„	431	500	—
12	„	445	466.9	—
13	„	601	700	—
14	„	606	650	—
15	„	626	667	—
16	„	660	667	—
17	„	673	667	—
18	„	690	667.5	—
19	„	703	667.5	—
20	„	710	714	—
21	„	756	667.5	—
22	„	DSTW 15.	150	—
23	„	6	350	—
24	„	11	350	11,452.4 —
<i>Tanks.</i>				
1	Apollo.	1	600	—
2	„	11	320	—
3	MFTR	801	806	—
4	„	807	820	—
5	„	811	820	3,366. —
<i>Pontoons.</i>				
1	MFTR	53	—	—
2	„	56	—	—

ANNEX IX (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Barges (Cont'd).</i>				
3	MFTR	68	—	—
4	„	87	—	—
5	„	133	—	—
6	„	(1) 123	—	—
7	„	(1) 128	—	—
8	„	(1) 134	—	—
9	„	(1) 136	—	—
10	„	(1) (without number).	—	—

(1) Iron-bridge.

Identified as Annex IX attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX X.

VESSELS WHOSE NATIONALITY IS CONFIRMED TO THE SERB-CROAT-SLOVENE KINGDOM, BECAUSE THEIR OWNERS ARE NOW NATIONALS THEREOF.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Tugs.</i>				
1	GF	Aladar.	—	220
2	„	Lajta.	—	130
3	„	Nera.	—	180
4	Schultz.	Gyuri.	—	350
5	R. Turcich.	Hrvat.	—	240
6	Neuschloss.	Hermann.	—	175
7	Fr. Canal.	Pannonia.	—	65
8	Jovanovic.	Ferko.	—	175
9	Hung. Fin. Dir.	Jolanka.	—	80
10	„	Imre.	—	30
11	„	Rozsa.	—	20
12	Piss. Co.	Palanka-Ilok.	—	35
13	„	Livius.	—	18
14	Fr. Canal.	Turr Istvan (Passenger).	—	24
15	„	Egyetertes.	—	180
16	Foherceglak.	Belye.	—	70
17	„	Apatin (No. 1).	—	60
18	Fr. Canal.	Vacs.	—	240 2,292
<i>Motor Boats.</i>				
1	Hung. M. Nav.	Torontal.	—	30 30
<i>Barges.</i>				
1	GF	I.	370	—
2	„	III.	400	—
3	„	IV.	430.8	—
4	„	VI.	352	—
5	„	XI.	402.4	—
6	„	XII.	396.6	—
7	„	XIX.	375	—
8	„	XV.	354	—
9	„	XXIII.	350	—
10	„	V.	385.8	—
11	„	VII.	290	—
12	„	VIII.	380	—
13	„	IX.	389.7	—
14	„	X.	393.5	—
15	„	XIV.	180	—
16	„	XVII.	417	—
17	„	XVIII.	405	—
18	„	XXII.	350	—
19	„	106	130	—
20	„	1	370	—
21	„	5	80	—

ANNEX X (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Barges (Cont'd).</i>				
22	GF	6	80	—
23	"	104	122.2	—
24	"	St. Istvan.	250	—
25	Schultz.	XII.	500	—
26	"	XIV.	500	—
27	"	XV.	500	—
28	"	XVI.	500	—
29	"	Erzsi.	727.5	—
30	"	Jozsi.	727.5	—
31	"	Margit.	727.5	—
32	"	Ilka.	727.5	—
33	"	Vilma.	727.5	—
34	"	Sch. S. (S. 2).	50	—
35	"	Henrick (Hinko).	200	—
36	"	Szabadsag (Sloboda).	400	—
37	"	Sch. XI.	400	—
38	Kurlander.	Julcza.	727.5	—
39	Strasser and Konig.	Stk. 2.	533.2	—
40	"	Stk. 3.	418.6	—
41	"	Stk. 7.	602	—
42	Jovanovic.	VI.	408	—
43	"	VII.	408	—
44	"	VIII.	340	—
45	"	Vera.	490	—
46	"	Szamos.	250	—
47	"	Montenegro.	385	—
48	"	Ivan.	266	—
49	"	Odeon I.	340	—
50	"	Odeon II.	220	—
51	"	Sebesfok.	600	—
52	"	Alkatmany.	320	—
53	"	Elvira.	620	—
54	"	Elsa.	610	—
55	"	Bodrog.	300	—
56	Turcich.	Irma.	220	—
57	"	Borislav.	480	—
58	"	Milan.	350	—
59	"	Vlado.	150	—
60	"	Berto.	300	—
61	"	Sokol.	450	—
62	Braun Test.	Etelka.	470	—
63	"	Menyhert.	460	—
64	"	Frigyes.	322	—
65	"	Honka.	280	—
66	Schultz.	Zsuzsi.	727.5	—
67	Turcich.	Toto.	150	—
68	"	Dado.	650	—
69	"	Bajam.	520	—

ANNEX X (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Barges (Cont'd).</i>				
70	Turcich.	Tone.	150	—
71	"	Mehla.	300	—
72	"	Roza.	500	—
73	"	Diana.	350	—
74	"	Ziza.	600	—
75	Jovanovic.	Mari.	450	—
76	"	Vida.	120	—
77	"	Gyorgy.	450	—
78	"	Dusan.	180	—
79	"	Platte I.	30	—
80	"	Platte II.	30	—
81	"	Platte III.	20	—
82	GF	Kalman.	260	—
83	"	8	(Not given.)	—
84	"	12	(Not given.)	—
85	Nasic Co.	Grete.	820	—
86	"	Lily.	670	—
87	"	Antal.	400	—
88	"	Martha.	420	—
89	"	Franz Josef.	500	—
90	"	Bacska.	300	—
91	"	Herkules.	300	—
92	"	Johann.	300	—
93	"	Maria.	320	—
94	"	Nasic.	420	—
95	"	Peter.	440	—
96	Fr. Canal.	Chariton.	50	—
97	GF	(1) 11	347	—
98	ZTL	(1) 126	600	—
99	"	(2) 129	600	—
100	J. Smekal.	Klara.	285	—
101	"	Bandi.	291	—
102	"	Vukovar.	195	—
103	"	Essek.	185	—
104	"	Ferencza Torna.	230	—
105	Janos Klem.	Klarika.	150 (2 not given.)	—
106	Kurlander.	Zsigi.	727.5 39,699.8	—

(1) Serb-Croat-Slovene Kingdom claims delivered under the Military Convention of November 13th, 1918.

(2) Ex-Enemy Power claims delivered under the Military Convention of November 13th, 1918.

Identified as Annex X attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XI.

VESSELS WHOSE NATIONALITY IS CONFIRMED TO ROUMANIA BECAUSE THEIR OWNERS ARE NOW NATIONALS THEREOF.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Tugs.</i>				
1	A.-M. Temesvar.	Lenke.	—	80
2	„	Pali.	—	60
3	„	Bega.	—	40 180
<i>Barges.</i>				
1	Alfred Lowenbach.	Bertha.	700	—
2	„	Irma.	700	—
3	„	Rozza.	700	—
4	„	Ilunka.	700	—
5	„	Evi.	700	—
6	„	Cecil.	700	—
7	„	Olga.	700	4,900 —

Identified as Annex XI, attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XII.

NON-Z. T. L. VESSELS IN POSSESSION OF SERB-CROAT-SLOVENE KINGDOM BUT WHOSE OWNERS ARE NOW ROUMANIAN NATIONALS AND WHOSE NATIONALITY IS CONFIRMED TO ROUMANIA.

Item.	Group.	Name or Number.	Tonnage.
<i>Barges.</i>			
1	A.-M. Temesvar.	II	285
2	„	III	285
3	„	IV	100
4	„	V	100 770

Identified as Annex XII, attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XIII.

VESSELS WHICH AUSTRIA AND HUNGARY CLAIM TO HAVE LOST BUT WHICH NEITHER SERB-CROAT-SLOVENE KINGDOM, ROUMANIA NOR FRANCE CLAIM TO HAVE SEIZED.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Hungarian.</b>				
<i>Tugs.</i>				
1	Hung. Sp. B.	Sello.	—	120
2	Mohacs.	II Lajos.	—	120
3	„	Mohacs Margitta.	—	80
4	D. Szekcsó.	Liget.	—	40 360
<i>Barges.</i>				
1	MFTR	DSTW 14.	150	—
2	„	368	419	—
3	„	407	500	—
4	„	649	667	—
5	„	766	667.5	—
6	MBR	Marko.	860	—
7	„	Ferencz Josef.	280	—
8	TKH	Ipar.	100	—
9	„	Tiborcz.	250	—
10	Szob. Tegh.	Roza.	—	—
11	„	11	—	—
12	„	12	—	—
13	„	16	—	—
14	Hung. Min. Ag.	AM 9.	—	—
15	MAV	121	100	—
16	MFTR	683	667.5	—
17	MERT	78	—	—
18	„	8	—	—
19	„	50	139	—
20	„	53	136	—
21	„	60	137 (7 not given.)	—
22	GD	4	200 5,273	—
<i>Pontoons.</i>				
1	MFTR	EP 17.	—	—
2	„	4	—	—
3	„	14	—	—
4	„	26	—	—
5	„	45	—	—
6	„	69	—	—
7	„	1	—	—
8	„	7	—	—
9	„	2	—	—
10	„	9	—	—
11	„	16	—	—



ANNEX XIII (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**Hungarian** (Cont'd).

*Pontoons* (Cont'd).

12	MFTR	22	—	—
13	„	25	—	—
14	„	33	—	—
15	„	37	—	—
16	„	52	—	—
17	„	59	—	—
18	„	61	—	—
19	„	64	—	—
20	„	70	—	—
21	„	75	—	—
22	„	76	—	—
23	„	77	—	—
24	„	85	—	—
25	„	30	—	—
26	„	60	—	—
27	„	72	—	—
28	„	89	—	—
29	„	105	—	—
30	„	108	—	—
31	„	126	—	—
32	„	127	—	—
33	„	44	—	—
34	„	5	—	—
35	„	23	—	—
36	„	26	—	—

**Austrian.**

*Barges.*

1	DDSG	Clara.	1,050	—
2	„	6727	661	—
3	„	6520	655	—
4	„	192	413	—
5	„	440	337	—
6	„	7403 B	743	—
7	SD	99	727	—
8	„	125	727.2	—
9	DDSG	349	344	—
10	„	45	468	—
11	„	270	385	—
12	„	394	421	—
13	„	5724	567	7,498.2

*Pontoons.*

1	„	80	—	—
2	„	83	—	—
3	„	84	—	—
4	„	112	—	—

## ANNEX XIII (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Austrian</b> (Cont'd).				
<i>Pontoons</i> (Cont'd).				
5	DDSG	119	—	—
6	"	122	—	—
7	"	154	—	—
8	"	33	—	—
9	"	36	—	—
10	"	51	—	—
11	"	74	—	—
12	"	104	—	—
13	"	153	—	—
14	"	158	—	—
15	"	163	—	—
16	"	289	—	—
17	"	297	—	—
18	"	7	—	—
19	"	149	—	—
20	"	126	—	—
21	"	145	—	—
<i>Pontoons</i> (Cylinder).				
1	"	VI	—	—
2	"	VII	—	—
3	"	IX	—	—
4	"	XVI	—	—
5	"	XVII	—	—
6	"	XIX	—	—
7	"	XXII	—	—
8	"	XXV	—	—
9	"	XXIX	—	—
10	"	XXX	—	—
11	"	XXXIV	—	—
12	"	XXXVIII	—	—
13	"	XLVI	—	—
14	"	XLVIII	—	—
15	"	LI	—	—
16	"	LIII	—	—
<i>Miscellaneous.</i>				
1	"	Coal Flat Boat 3.	—	—
2	"	War Bridge Pontoon.	—	—

Identified as Annex XIII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) BRICE CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XIV.

VESSELS WHICH SERB-CROAT-SLOVENE KINGDOM CLAIMS TO POSSESS BUT WHICH NEITHER AUSTRIA NOR HUNGARY CLAIM TO HAVE LOST.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
		<i>Tugs.</i>		
1	A	Vandor.	—	75
2	ZTL	Almas.	—	750 825
		<i>Barges.</i>		
1	DDSG	5726	563	—
2	„	Jenny.	—	—
3	„	368	351	—
4	„	231	—	—
5	„	260	—	—
6	„	332	—	—
7	„	375	—	—
8	„	404	—	—
9	„	407	—	—
10	„	Irma.	—	—
11	MERT	79	—	—
12	„	Bega.	—	—
13	„	Szombor.	—	—
14	MBR	X.	137	—
15	„	Ipar.	—	—
16	„	Rabeza.	—	—
17	MFTR	732	—	—
18	SD	14	—	—
19	(1) DDSG	406	—	—
20	„	766	—	—
21	Rosenthal	Olga.	—	—
22	S	7	—	—
23	SAB	62	—	—
24	„	63	—	—
25	MERT	12	178	—
26	„	43	250	—
27	GD	17	— (22 not given.)	—
			— 1,479	
		<i>Pontoons.</i>		
1	ZTL	5	—	—
2	„	6	—	—
3	„	26	—	—
4	„	(without number).	—	—
5	„	„	—	—
6	„	„	—	—
7	„	„	—	—
8	„	„	—	—
9	MFTR	41	—	—

(1) Serb-Croat-Slovene Kingdom claims delivered under the Military Convention of November 13, 1918.

## ANNEX XIV (Cont'd.)

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Pontoons (Cont'd.)</i>				
10	MFTR	82	—	—
11	"	36	—	—
12	"	71	—	—
13	"	(Without number.)	—	—
14	"	"	—	—
15	"	"	—	—
16	"	"	—	—
17	"	"	—	—
18	"	"	—	—
19	"	"	—	—
20	"	"	—	—
21	"	"	—	—
22	DDSG	13	—	—
23	"	20	—	—
24	"	93	—	—
25	"	136	—	—
26	"	186	—	—
27	"	189	—	—
28	"	195	—	—
29	"	221	—	—
30	"	260	—	—
31	"	25	—	—
32	"	46	—	—
33	"	53	—	—
34	"	58	—	—
35	"	64	—	—
36	"	65	—	—
37	"	67	—	—
38	"	120	—	—
39	"	(Without number.)	—	—
40	"	"	—	—
41	"	"	—	—
42	"	"	—	—
43	"	"	—	—
44	"	"	—	—
45	"	"	—	—
46	"	"	—	—
<i>Pontoons (Cylinder).</i>				
1	"	II	—	—
<i>Miscellaneous.</i>				
1	"	Fregatte (Floating Workshop.)	—	—

Identified as Annex XIV attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XV.

VESSELS WHICH ROUMANIA CLAIMS TO POSSESS BUT WHICH NEITHER AUSTRIA  
NOR HUNGARY CLAIM TO HAVE LOST.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Tugs.</i>				
1	E. Hoffmann.	Ernesti.	—	300
2	„	Hedwig.	—	300
3	„	Lotte.	—	336
4	—	Sella.	—	250
5	—	Lory.	—	500
6	—	Amalie.	—	200
7	—	Elisabeth Frisch.	—	300
8	—	Irene Muelhlon.	—	230
9	—	Theodor.	—	145
10	—	Martha.	—	200
11	—	Emilie.	—	238
12	—	Tereza.	—	266
13	—	Luigi.	—	300 3,565
<i>Motor Boats.</i>				
1	—	Ellsa.	—	Not given.
2	—	N° 18 Sanitara.	—	„
3	—	Velte.	—	„
4	—	Alba mijlocie.	—	„
5	—	Sertvatz.	—	„
6	—	Salupa mica.	—	„
7	—	S. N° 2.	—	„
8	—	Hella.	—	„
9	—	S. N° 17.	—	„
10	—	N° 532.	—	„
11	—	N° 16.	—	„
12	—	Rose Maris S. 19.	—	„
13	—	Providenta.	—	„
14	—	Libelle.	—	„
15	—	Elli.	—	„
16	—	S. 14.	—	„
17	—	Dora (S. 1).	—	„
18	—	C. R. 174.	—	„
19	—	N° 13.	—	„
20	—	N° 42.	—	„
21	—	Mavrodok.	—	„
22	—	N° 23.	—	„
<i>Barges.</i>				
1	—	Minie.	1250	—
2	—	Emmanuel.	1175	—
3	DDSG	6530	650	—
4	„	—	670	—
5	SD	12	650	—

## ANNEX XV (Cont'd.)

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Barges (Cont'd.)</i>				
6	SAB	5	500	—
7	"	96 (Lefcaori) (1).	750	—
8	"	Nora (1).	1,425	—
9	"	47 (Achille) (2).	927	—
10	"	44 (Augusto) (2).	950	—
11	"	39	1,150	—
12	"	16	500	—
13	"	33	1,400	—
14	"	11	500	—
15	"	37	1,000	—
16	"	45	1,350	—
17	"	10	500	—
18	MFTR	14	1,500	—
19	"	19	1,500	—
20	"	9	1,500	—
21	"	20	1,500	—
22	ZTL	Jos.	1,100	—
23	"	25 (Ecaterina).	500	—
24	"	11	—	—
25	"	37 (Esnesta).	900	—
26	"	Puica.	550	—
27	"	101	250	—
28	"	140	500	—
29	"	203 (Philipomini).	1,325	—
30	"	6 (Cornelia).	1,400	—
31	"	15	750	—
32	"	18	500	—
33	—	Natalie.	1,500	—
34	—	Uziel.	1,175	—
35	—	Orion.	1,500	—
36	—	Rozza.	330	—
37	—	Dunai N° 8.	650	—
38	—	Josefina.	1,350	—
39	—	Tuch Lisach.	250	—
40	—	Willi.	950	—
41	—	—	500	—
42	—	—	500	—
43	—	—	500	—
44	—	—	500	—
45	—	—	500	—
46	GD	1135	650	—
47	"	9	650	40,627

(1) C. P. state were under Greek flag and used by Germany.

(2) C. P. state were under Roumanian flag and used by Germany.

ANNEX XV (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Pontoons.</i>				
1	MR	8	—	—
2	„	47	—	—
3	„	9	—	—
4	„	11	—	—
5	DDSG	Ponton Atelier (Workshop).	—	—
6	„	No Number.	—	—
7	„	„	—	—
8	„	„	—	—
9	AEG	1	—	—
10	„	2	—	—
11	—	N° 1.	—	—
12	—	Ponton de lemm.	—	—
13	—	Ponton en zinc.	—	—
14	—	„	—	—
15	—	„	—	—
16	—	Ponton mic ou accessorii.	—	—

Identified as Annex XV attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XVI.

VESSELS WHICH FRANCE CLAIMS TO POSSESS, BUT WHICH NEITHER AUSTRIA  
NOR HUNGARY CLAIM TO HAVE LOST.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<i>Motor Boats.</i>				
1	—	17 (512).	—	—
2	—	Gefios.	—	—
3	—	C. R. 168.	—	—
4	—	C. R. 167.	—	—
<i>Barges.</i>				
1	—	Clara Ungaru.	700	—
2	—	Marcu Ungaru.	700	—
3	—	Tutrakan.	600	—
<i>Tank.</i>				
1	—	Knaz Kyril.	900	—
<i>Pontoons.</i>				
1	—	M. R. W. 2.	—	—
2	—	M. R. W. 6.	—	—
3	—	M. R. W. 103.	—	—
4	—	M. R. W. 1.	—	—
<i>Miscellaneous.</i>				
1	—	Drava (ferry).	—	—
2	—	S. A. B. 4 (caïque).	—	—

Identified as Annex XVI attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.



ANNEX XVII.

GERMAN VESSELS SEIZED BY SERB-CROAT-SLOVENE KINGDOM, ROUMANIA  
AND FRANCE.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Serb-Croat-Slovene Kingdom.</b>				

Z. T. L.

*Tugs.*

1	BL	D-1.	—	350
2	"	Ems.	—	500
3	"	Havel.	—	330
4	"	Main.	—	430
5	"	Mosel.	—	380
6	"	Save.	—	500
7	"	Spree.	—	350
8	"	Weichsel.	—	500
9	"	Weser.	—	500
10	"	Donau.	—	500 4,340

*Barges.*

1	"	108	729.8	—
2	"	109	729.8	—
3	"	116	729.8	—
4	"	134	680.5	—
5	"	142	727.2	—
6	"	148	734.2	—
7	"	149	727.2	—
8	"	158	727.2	—
9	"	1,008	1,054.7	—
10	"	1,014	1,054.7	—
11	"	1,021	1,000	—
12	"	104	729.8	—
13	"	124	692.5	—
14	"	141	727.2	—
15	"	1,012	1,054.7	—
16	"	1,015	1,054.7	13,154 —

*Tanks.*

1	"	1	1,033	—
2	"	2	1,033	—
3	"	4	714	—
4	"	6	667.8	—
5	"	7	667.8	—
6	"	8	773.3	—
7	"	9	773.3	—
8	"	10	773.3	—
9	"	11	773.3	—
10	"	13	773.3	—

## ANNEX XVII (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Serb-Croat-Slovene Kingdom (Cont'd).</b>				

## Z. T. L.

*Tanks (Cont'd).*

11	BL	14	773.3	—
12	"	15	1,132.4	—
13	"	16	1,132.4	—
14	"	17	773.3	—
15	"	18	773.3	—
16	"	19	773.3	—
17	"	20	773.3	—
18	"	21	1,022.8	—
19	"	25	773.3	—
20	DEA	DEA 3.	743	—
21	"	DEA 5.	792	—
22	"	DEA 6.	792	—
23	MWRT	MWRT 1.	770	—
24	"	MWRT 2.	770	—
25	"	MWRT 3.	770	—
26	"	MWRT 4.	770	—
27	DAPG	DAPG 1.	750	—
28	"	DAPG 2.	750	22,816.5

## NON-Z. T. L.

*Barges.*

1	BL	Anka.	500	—
2	"	Zlata.	480	980

**Roumania.**

## Z. T. L.

*Tugs.*

1	BL	Kronprinz Rupprecht.	—	1,000
2	"	Lahn.	—	350
3	DTG	Memel.	—	150
4	BL	Salzer.	—	150
5	"	Werra.	—	130
				1,780

AT THE DISPOSAL OF GERMAN SALVAGE COMMAND  
OR OTHER GERMAN AUTHORITIES.

*Tugs.*

1	DTG	Alster.	—	175
2	"	Brigach.	—	150
3	"	Lech.	—	175
4	"	Pregel.	—	150
5	"	Ruhr.	—	150
6	"	Saale.	—	150
				950

ANNEX XVII (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**Roumania** (*Cont'd*).

Z. T. L.

AT THE DISPOSAL OF GERMAN SALVAGE COMMAND  
OR OTHER GERMAN AUTHORITIES (*Cont'd*).

*Barges.*

1	BL	147	734	—
2	„	159	727	—
3	„	160	727.2	—
4	„	131	680.5	—
5	„	132	680	—
6	„	133	680	—
7	„	137	727	—
8	„	162	727.2	5,682.9

Non-Z. T. L.

*Tug.*

1	DTG	Ahr.	—	150
---	-----	------	---	-----

*Barges.*

1	BL	107	730	—
2	„	112	730	—
3	„	115	730	—
4	„	121	693	—
5	„	122	693	—
6	„	138	727	4,303

*Tanks.*

1	BL	27	773	—
2	MWRT	MWRT 5.	770	1,543

**France.**

Z. T. L.

*Tug.*

1	BL	Czar Ferdinand.	—	750
---	----	-----------------	---	-----

*Barge.*

1	BL	129	692	—
---	----	-----	-----	---

*Tank.*

1	BL	26	773	—
---	----	----	-----	---

ANNEX XVII (*Cont'd*).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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AT THE DISPOSAL OF GERMAN SALVAGE COMMAND  
OR OTHER GERMAN AUTHORITIES.

*Motor Boat.*

1	BL	Sandomoni.	—	—
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Identified as Annex XVII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XVIII.

VESSELS WHICH GERMANY CLAIMS TO HAVE LOST AND WHICH NEITHER  
SERB-CROAT-SLOVENE KINGDOM, ROUMANIA NOR FRANCE CLAIM  
TO POSSESS.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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*Non-Z.T.L. Tugs.*

1	Demerang.	Gott mit Uns .....	—	75
2	„	Fraucken.....	—	81
3	BL	Naab .....	—	175
4	„	T.S. II .....	—	17
5	„	S.I. ....	—	28
6	„	Eider .....	—	150 526

*Motor Boats*

1	B.u.T.	B.u.T. 7 .....	—	—
2	„	B.u.T. 9 .....	—	—
3	„	B.u.T. Franz .....	—	—

*Barges.*

2	BL	118 .....	737	—
2	„	119 .....	737 1,474	—

*Z.T.L. Barges.*

1	„	161 .....	727	—
2	„	1009.....	1,054 1,781	—

Identified as Annex XVIII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XIX.

VESSELS WITH GERMAN DESIGNATION WHICH SERB-CROAT-SLOVENE KINGDOM, ROUMANIA OR FRANCE CLAIMS TO POSSESS BUT WHICH GERMANY DOES NOT CLAIM TO HAVE LOST.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
<b>Serb-Croat-Slovene Kingdom.</b>				
<i>ζ.T.L. Tug.</i>				
1	BL	Aller .....	—	350
<i>Non-ζ.T.L. Barge.</i>				
1	BL	168 .....	—	—
<b>Roumania.</b>				
<i>ζ.T.L. Barge.</i>				
1	BL	125 .....	650	—
<i>Non-ζ.T.L. Barges.</i>				
1	BL	126 .....	—	—
2	ZEG	11 .....	650	—
3	„	12 .....	650	—
4	„	13 .....	650	—
5	„	14 .....	650 (1 not given)	—
			2,600	
<b>France.</b>				
<i>Tug.</i>				
1	ZEG	.....	—	100
<i>Tank.</i>				
1	BL	26 .....	750	—

Identified as Annex XIX attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XX.

DANUBE TRAFFIC (IN TONS) FOR 1911, CLASSIFIED ACCORDING TO NATIONAL BOUNDARIES AS DEFINED IN THE TREATIES OF PEACE.

From	To	Germany.	Austria.	Hungary.	Serb-Croat-Slovene Kingdom.	Roumania.	Bulgaria.	Czecho-Slovakia.	Total.
Germany .....		16,000	49,000	40,000	15,000	20,000	3,000	1,233	—
Austria.....		30,000	204,000	300,000	143,000	25,000	20,000	19,000	—
Hungary .....		42,000	580,000	378,000	266,000	15,000	5,000	37,000	—
Serb-Croat-Slovene Kingdom .....		111,000	280,000	657,000	(1) 500,000	144,000	50,000	19,000	—
Roumania .....		51,000	37,000	57,000	69,000	(2) 1,948,000	163,000	7,827	—
Bulgaria .....		1,415	6,000	17,000	6,164	(3) 345,000	27,000	1,000	—
Czecho-Slovakia .....		11,000	30,000	19,000	29,000	1,000	1,000	6,000	—
TOTALS .....		262,415	1,186,000	1,468,000	1,028,164	2,498,000	269,000	91,060	6,802,639

(1) Serb-Croat-Slovene Kingdom claims an additional 200,000 tons of traffic on the Save.

(2) Includes 500,000 tons for exportation by sea.

(3) Includes 220,000 tons for exportation by sea.

Identified as Annex XX, attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XXI.

DANUBE TRAFFIC (IN TONS) INCLUDING RECTIFICATIONS ALLOWED,  
CLASSIFIED ACCORDING TO NATIONAL BOUNDARIES AS DEFINED IN THE TREATIES OF PEACE.

From	To Germany.	Austria.	Hungary.	Serb-Croat-Slovene Kingdom.	Roumania.	Bulgaria.	Czecho-Slovakia.	Total.
Germany .....	16,000	49,000	40,000	50,000	(2) 75,000	3,000	1,233	—
Austria.....	30,000	204,000	233,000	71,500	(1) 74,000	15,000	19,000	—
Hungary .....	42,000	555,000	378,000	250,040	44,100	4,700	62,000	—
Serb-Croat-Slovene Kingdom .....	115,000	264,000	617,580	500,000	(12) 147,000	50,000	70,420	—
Roumania .....	51,000	(4) 102,000	(3) 103,580	(5) 74,000	(6)(7) 1,958,000	163,000	(10) 71,247	—
Bulgaria .....	1,415	6,000	15,980	6,164	(8)(9) 345,000	27,000	2,020	—
Czecho-Slovakia .....	11,000	30,000	96,000	80,960	(11) 49,900	6,300	6,000	—
TOTALS .....	206,415	1,210,000	1,474,140	1,033,164	2,693,000	269,000	231,920	7,177,639

(1) Includes	55,000 tons of overseas traffic.	Forwarded.	348,000
(2) "	55,000 "	(8) Includes	43,000 tons of overseas traffic.
(3) "	50,000 "	(9) "	128,700 "
(4) "	67,000 "	(10) "	58,000 "
(5) "	5,000 "	(11) "	42,000 "
(6) "	106,000 "	(12) "	3,000 "
(7) "	10,000 "		
Forward . . .	348,000		622,700

Identified as Annex XXI, attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

QUESTIONS ARISING AS TO DANUBE SHIPPING

## ANNEX XXII.

VESSELS TO BE CEDED TO CZECHO-SLOVAKIA BY AUSTRIA, HUNGARY  
AND GERMANY TO MEET THE LEGITIMATE NEEDS OF CZECHO-SLOVAKIA  
DETERMINED BY THE ARBITRATOR.

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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## I.

**By Austria.***Passenger Vessels now in possession of Austria.*

1	—	Aggstein.	—	365
2	—	Wachau.	—	365
3	—	Wien.	—	710
TOTAL .....				1,440

*Tugs now in possession of Austria.*

1	SD	Wien.	—	850
2	"	Munchen.	—	600
3	"	Bayern.	—	500
4	"	Irene.	—	350
5	"	Wittelsbach.	—	500
TOTAL .....				2,800

1. *Barges now in possession of Austria.*

1	SDG	8	603	—
2	"	23	720	—
3	"	24	720	—
4	"	25	720	—
5	"	29	720	—
6	"	31	720	—
7	"	34	720	—
8	"	40	650	—
9	"	42	650	—
10	"	43	650	—
11	"	54	670	—
12	"	82	677	—
13	"	67	677	—
14	"	69	700	—
15	"	71	703	—
16	"	72	703	—
17	"	74	675	—
18	"	78	675	—
19	"	79	675	—
20	"	89	727	—
21	"	91	727	—
22	"	92	718	—
23	"	93	718	—
24	"	94	718	—
25	"	96	718	—



ANNEX XXII (*Cont'd.*)

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**By Austria** (*Cont'd.*)

1. *Barges now in Possession of Austria* (*Cont'd.*)

26	SDG	97	718	—
27	"	105	727	—
28	"	109	727	—
29	"	110	727	—
30	"	114	727	—
31	"	116	750	—
32	"	119	750	—
33	"	18	727	—
34	"	19	727	—
35	"	128	727	—
36	"	129	727	—
37	"	132	727	—
38	"	133	727	—
39	"	134	727	—
40	"	135	727	—
41	"	137	735	—
42	"	141	735	—
43	DDSG	6797	661	—
44	"	6799	661	—
45	"	67125	661	—
46	"	67131	661	—
47	"	67132	661	—
48	"	67137	661	—
49	"	67123	661	—
50	"	67112	661	—
51	"	67119	661	—
52	"	67111	661	36,376

2. *Barges to be returned to Austria by Serb-Croat-Slovene Kingdom.*

53	DDSG	3201	325	—
54	"	3208	325	—
55	"	3211	325	—
56	"	3215	325	—
57	"	3219	325	—
58	"	3222	325	—
59	"	6515	665	—
60	"	7003	479	—
61	"	7007	474	—
62	"	7008	487	—
63	"	7401	528	—
64	"	5004	491	—
65	"	5007	505	—
66	"	65121	651	—
67	"	217	352	—
68	"	A-11	455	—

## ANNEX XXII (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**By Austria** (Cont'd).2. *Barges to be returned to Austria by Serb-Croat-Slovene Kingdom* (Cont'd).

69	DDSG	117	456	—
70	"	119	496	—
71	"	218	353	—
72	"	310	360	—
73	"	5022	522	—
74	"	5808	573	—
75	"	5809	573	—
76	"	6768	661	—
77	"	6792	661	—
78	"	6794	661	—
79	"	67116	661	—
80	"	67225	661	13,665

3. *Barges to be returned to Austria by Roumania.*

81	DDSG	65238	651	<u>651</u>	—
TOTAL .....				50,692	

## II.

**By Hungary.***Tugs now in possession of Hungary.*

1	MFTR	Magyorsza.	—	1,200
2	Atlantica.	Bajtars.	—	<u>450</u>
TOTAL .....				1,650

*Barges already in possession of Czecho-Slovakia.*

1	MFTR	364	426	—
2	"	353	445	—
3	"	210	220	—
4	"	606	650	—
5	"	626	667	—
6	"	660	667	—
7	"	673	667	—
8	"	690	667.5	—
9	"	703	667.5	—
10	"	601	700	—
11	"	101	127	—
12	"	306	300	—
13	"	313	300	—
14	"	410	500	—
15	"	415	500	—

ANNEX XXII (Cont'd).

Item.	Group.	Name or Number.	Tonnage.	Horse-Power.
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**By Hungary** (Cont'd).

*Barges already in possession of Czecho-Slovakia* (Cont'd).

16	”	430	500	—
17	”	431	500	—
18	”	445	466.9	—
19	”	710	714	—
20	”	756	667.5	—
			TOTAL .....	10,352.4

*Barges to be returned to Hungary by Roumania.*

21	Wolfinger & Reich.	Szofia.	1,005	—
22	”	Marczi.	762	—
			TOTAL .....	1,767

*Barges to be returned to Hungary by Serb-Croat-Slovene Kingdom.*

23	MBR	Buda	727	—
24	MFTR	447	487	—
25	”	405	487	—
26	”	320	300	—
27	”	443	466	—
28	”	429	500	—
			TOTAL .....	2,967
			TOTAL .....	15,086.4

III.

**By Germany.**

*Barges now in possession of Germany.*

1	BL	BL 143	734	—
2	”	BL 144	734	—
3	”	BL 145	734	—
4	”	BL 146	734	—
5	”	BL 125	693	—
6	”	BL 151	727	—
7	”	BL 152	727	—
			TOTAL .....	5,083

Identified as Annex XXII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XXIII.

VESSELS TO BE CEDED TO SERB-CROAT-SLOVENE KINGDOM BY AUSTRIA  
TO MEET THE LEGITIMATE NEEDS OF THE SERB-CROAT-SLOVENE KINGDOM,  
AS DETERMINED BY THE ARBITRATOR.

Item.	Name or Number.	Horse-Power.
	<i>Passenger Vessels.</i>	
1	Budapest.	710
2	Schonbrunn.	710
	TOTAL .....	1,420

Identified as Annex XXIII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XXIV.

VESSELS TO BE CEDED TO ROUMANIA BY AUSTRIA TO MEET THE LEGITIMATE  
NEEDS OF ROUMANIA AS DETERMINED BY THE ARBITRATOR.

Item.	Name or Number.	Horse-Power.
	<i>Passenger Vessels.</i>	
1	Hohenberg.	740
2	Iris.	520
3	Laudon.	470
4	Tegethoff.	520
5	Osijek.	420
6	Ellen.	515
	TOTAL .....	3,185

Identified as Annex XXIV attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XXV.

MATERIAL NOW IN EXISTENCE WHICH PRIOR TO THE TERMINATION OF HOSTILITIES PERTAINED TO HUNGARY FOR REGULARISATION AND IMPROVEMENT WORK ON THE DANUBE.

NOTE. — This is based on information supplied by Hungary.

Item Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse-power.	Present location.	Remarks.
			At present.	Before the War.				
1	Radvány.	Wheel Steamer.	GD (1)	GD (1)	140	380	Budapest.	
2	Deveny.	Screw Steamer.	"	"	50	240	"	
3	Komarom.	Elevator.	"	"	100	70	"	
4	Csallokoz.	Ladder Dredge.	"	"	150	260	"	
5	Csepel.	"	"	"	—	53	? (Sisak.)	In Yugo-Slavia.
6	Duna.	Suction Dredge.	"	"	150	200	Budapest.	
7	O. V. I. I.	Annex Boat of Dredge „Duna”.	"	"	525	—	"	
8	Drava.	Ladder Dredge.	"	"	—	—	? (Osijek).	
9	G. D. 1.	Iron Barge.	"	"	670	—	? (Giurgiu.)	In Roumania.
10	G. D. 2.	"	"	"	670	—	Budapest.	
11	G. D. 3.	"	"	"	670	—	"	
12	G. D. 4.	"	"	"	670	—	? (Ujvidek.)	In Yugo-Slavia.
13	G. D. 5.	"	"	"	670	—	"	
14	G. D. 6.	"	"	"	670	—	Budapest.	"
15	G. D. 7.	"	"	"	670	—	"	
16	G. D. 8.	"	"	"	670	—	? (Mouth of Drava.)	"
17	G. D. 9.	"	"	"	670	—	? (Braila.)	In Roumania.
18	G. D. 10.	"	"	"	670	—	? (Ujvidek.)	In Yugo-Slavia.
19	G. D. 11.	"	"	"	670	—	"	"
20	G. D. 12.	Iron Barge for Stone Transport.	"	"	670	—	? (Borovo.)	"

(1) — National Direction of Water Service.

## ANNEX XXV (Cont'd).

200

Item-Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse-power.	Present location.	Remarks.
			At present.	Before the War.				
21	G. D. 13.	Iron Barge for Stone Transport.	GD (1)	GD (1).	670	—	? (Lompalanka.)	In Roumania.
22	G. D. 14.	"	"	"	670	—	? (Ujvidek.)	In Yugo-Slavia.
23	G. D. 16.	"	"	"	670	—	Budapest.	"
24	1	Wooden Barge for Stone trans.	"	"	350	—	?	"
25	2	"	"	"	350	—	? (Banovce.)	"
26	4	"	"	"	350	—	? (Baracska.)	"
27	5	"	"	"	350	—	? (Belgrad.)	"
28	6	"	"	"	350	—	? (Poszony.)	In Czecho-Slovakia.
29	7	"	"	"	350	—	Budapest.	"
30	8	"	"	"	350	—	? (Ujvidek.)	In Yugo-Slavia.
31	9	"	"	"	350	—	Budapest.	"
32	10	"	"	"	350	—	"	"
33	11	"	"	"	350	—	? (Komarom.)	In Czecho-Slovakia.
34	12	"	"	"	350	—	? (Belgrad.)	In Yugo-Slavia.
35	Ilonka.	House Boat.	"	"	150	—	Budapest.	"
36	Vagduna.	"	"	"	150	—	? (Komarom.)	In Czecho-Slovakia.
37	Bos.	"	"	"	150	—	"	"
38	Bodak.	"	"	"	150	—	"	"
39	Avany.	"	"	"	150	—	"	"
40	Tejfalu.	"	"	"	150	—	"	"
41	Szeged.	Wheel Steamer.	"	"	82	80	Tape (Szeged.)	"
42	Vihar.	Screw Steamer.	"	"	86	53	"	"
43	Szabadsag.	"	"	"	20	22	"	"
44	Bodrog.	Ladder Dredge.	"	"	—	50	"	"
45	Tisza.	"	"	"	—	40	"	"

(1) National Direction of Water Service.

QUESTIONS ARISING AS TO DANUBE SHIPPING

## ANNEX XXV (Cont'd).

Item Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse- power.	Present location.	Remarks.
			At present.	Before the War.				
46	Caroly	Ladder Dredge.	GD (1)	GD (1)	—	40	Tape (Szeged).	
47	Duna.	"	"	"	—	53	"	
48	Maros.	"	"	"	—	53	Budapest.	
49	Koros.	"	"	"	—	53	? (Ujvidek.)	In Yugo-Slavia.
50	Bekes.	"	"	"	—	16	Tape (Szeged.)	
51	Torontal.	"	"	"	—	48	—	
52	Bega.	"	"	"	—	16	Canal Bega.	In Yugo-Slavia.
53	1	Wooden Lighter.	"	"	20	—	Tape (Szeged.)	
54	2	"	"	"	20	—	"	
55	3	"	"	"	20	—	"	
56	4	"	"	"	20	—	"	
57	5	"	"	"	20	—	"	
58	6	"	"	"	20	—	? (Ujvidek.)	In Yugo-Slavia.
59	7	"	"	"	20	—	"	"
60	9	"	"	"	20	—	Budapest.	
61	10	"	"	"	20	—	"	
62	11	House Boat.	"	"	110	—	Tape (Szeged.)	
63	12	"	"	"	65	—	"	
64	15	Wooden Lighter.	"	"	60	—	"	
65	1	Wooden Barge for Stone Transport.	"	"	200	—	"	
66	2	"	"	"	200	—	"	
67	3	"	"	"	200	—	"	
68	4	"	"	"	200	—	? (Torokbecse.)	In Yugo-Slavia.
69	5	"	"	"	200	—	? (Zenta.)	"
70	6	"	"	"	200	—	Tape (Szeged.)	
71	7	Iron Lighter.	"	"	50	—	"	
72	8	"	"	"	50	—	"	

(1) National Direction of Water Service.

## ANNEX XXV (Cont'd).

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Item Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse- power	Present location.	Remarks.
			At present.	Before the War.				
73	9	Iron Lighter.	GD (1).	GD (1).	50	—	Tape (Szeged.)	
74	10	"	"	"	50	—	"	
75	11	"	"	"	50	—	"	
76	12	"	"	"	50	—	"	
77	1	"	"	"	30	—	? (Torokbecse.)	In Yugo-Slavia.
78	2	"	"	"	30	—	Tape (Szeged.)	
79	3	"	"	"	30	—	"	
80	4	"	"	"	30	—	? (Ujvidek.)	In Yugo-Slavia.
81	5	"	"	"	30	—	Tape (Szeged.)	
82	6	"	"	"	30	—	? (Ujvidek.)	In Yugo-Slavia.
83	13	"	"	"	30	—	"	"
84	14	"	"	"	30	—	"	"
85	15	"	"	"	30	—	Tape (Szeged.)	
86	17	"	"	"	30	—	? (Ujvidek.)	In Yugo-Slavia.
87	19	"	"	"	30	—	Tape (Szeged.)	
88	20	"	"	"	30	—	"	
89	21	"	"	"	30	—	"	
90	22	"	"	"	30	—	"	
91	23	"	"	"	30	—	"	
92	24	"	"	"	30	—	? Torokbecse.	In Yugo-Slavia.
93	25	"	"	"	30	—	Tape (Szeged.)	
95	26	"	"	"	30	—	"	
96	27	"	"	"	30	—	"	
96	28	"	"	"	30	—	"	
97	29	"	"	"	30	—	? (Ujvidek.)	In Yugo-Slavia.
98	30	"	"	"	30	—	Tape (Szeged.)	
99	31	"	"	"	30	—	Budapest.	
100	32	"	"	"	30	—	Tape (Szeged.)	

(1) National Direction of Water Service.

QUESTIONS ARISING AS TO DANUBE SHIPPING



## ANNEX XXV (Cont'd).

Item. Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse- power.	Present location.	Remarks.
			At present.	Before the War.				
101	33	Iron Lighter.	GD (1).	GD (1).	30	—	Tape (Szeged.)	
102	34	"	"	"	30	—	"	
103	35	"	"	"	20	—	"	
104	36	"	"	"	30	—	"	
105	38	"	"	"	30	—	"	
106	39	"	"	"	30	—	"	
107	7	Wooden Lighter.	"	"	30	—	"	
108	13	"	"	"	30	—	"	
109	14	"	"	"	30	—	"	
110	16	"	"	"	30	—	"	
111	17	"	"	"	30	—	Budapest.	
112	23	"	"	"	30	—	Tape (Szeged.)	
113	25	"	"	"	30	—	? (Ujvidek.)	In Yugo-Slavia.
114	83	"	"	"	15	—	Tape (Szeged.)	
115	84	"	"	"	15	—	"	
116	85	"	"	"	15	—	"	
117	86	"	"	"	15	—	"	
118	87	"	"	"	15	—	"	
119	88	"	"	"	15	—	"	
120	89	House Boat.	"	"	15	—	"	
121	90	"	"	"	15	—	"	
122	1	"	"	"	40	—	"	
123	2	"	"	"	40	—	"	
124	3	"	"	"	40	—	? (Ujvidek.)	In Yugo-Slavia.
125	6	"	"	"	40	—	Tape (Szeged.)	
126	7	"	"	"	40	—	"	
127	8	"	"	"	40	—	"	
128	9	"	"	"	40	—	"	

(1) National Direction of Water Service.

## ANNEX XXV (Cont'd).

Item. Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse- power.	Present location.	Remarks.
			At present.	Before the War.				
129	10	House Boat.	GD (1)	GD (1)	40	—	Tape (Szeged.)	
130	12	"	"	"	40	—	"	
131	13	"	"	"	40	—	"	
132	Without Name.	"	"	"	—	—	Mouth of the Bodrog.	
133	Gajari Odon.	Wheel Steamer.	MERT (2).	MERT (2).	156	360	Budapest.	
134	Kelet.	"	"	"	48	120	Apostag.	
135	Nyugot.	"	"	"	44	110	Budapest.	
136	Del.	"	"	"	26	65	? (Samac.)	In Yugo-Slavia.
137	Ida.	Screw Steamer.	"	"	20	80	Budapest.	
138	Mars.	Ladder Dredge.	"	"	130	—	? Guravoj.	In Roumania.
139	Vulkan.	"	"	"	130	—	Apostag.	
140	Neptun.	"	"	"	147	—	Budapest.	
141	Pluto.	"	"	"	147	—	? Baracska.	In Yugo-Slavia.
142	Goliat.	Elevator.	"	"	216	—	Apostag.	
143	Simson.	"	"	"	240	—	Budapest.	
144	Theseus.	"	"	"	274	—	"	
145	Hercules.	"	"	"	280	—	? (Samac.)	In Yugo-Slavia.
146	MERT 10.	Iron Barge for Elevator.	"	"	149	—	Apostag.	
147	MERT 11.	"	"	"	147	—	Budapest.	
148	MERT 12.	"	"	"	178	—	"	
149	MERT 13.	"	"	"	181	—	"	
150	MERT 14.	"	"	"	192	—	Apostag.	
151	MERT 15.	"	"	"	194	—	Budapest.	
152	MERT 16.	"	"	"	141	—	"	
153	MERT 17.	"	"	"	222	—	"	

(1) National Direction of Water Service.

(2) MERT. Magyar Epito Reszveny-Tarsulat (Hungarian Society Limited for Construction).

ANNEX XXV (Cont'd).

Item Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse-power.	Present location.	Remarks.
			At present.	Before the War.				
154	MERT 19.	Iron Barge for Elevator.	MERT (1).	MERT (1).	200	—	Budapest.	
155	MERT 20.	„	„	„	200	—	Apostag.	
156	MERT 21.	„	„	„	200	—	„	
157	MERT 22.	„	„	„	200	—	„	
158	MERT 23.	„	„	„	260	—	„	
159	MERT 24.	„	„	„	250	—	„	
160	MERT 25.	„	„	„	186	—	„	
161	MERT 26.	„	„	„	185	—	Budapest.	
162	MERT 28.	Iron Barge for Stone Transport.	„	„	353	—	? (Bezdan.)	In Yugo-Slavia.
163	MERT 29.	„	„	„	377	—	Budapest.	
164	MERT 30.	„	„	„	390	—	? (Bezdan.)	In Yugo-Slavia.
165	MERT 31.	„	„	„	400	—	„	„
166	MERT 32.	„	„	„	342	—	„	„
167	MERT 35.	„	„	„	390	—	„	„
168	MERT 36.	„	„	„	372	—	Apostag.	
169	MERT 37.	„	„	„	432	—	Budapest.	In Yugo-Slavia.
170	MERT 39.	„	„	„	451	—	? (Belgrad.)	
171	MERT 40.	„	„	„	349	—	? (Bezdan.)	„
172	MERT 41.	„	„	„	292	—	Apostag.	
173	MERT 43.	„	„	„	250	—	„	
174	MERT 44.	„	„	„	353	—	? (Titel.)	In Yugo-Slavia.
175	MERT 45.	„	„	„	475	—	Budapest.	
176	MERT 46.	„	„	„	355	—	? (Bezdan.)	„
177	MERT 48.	„	„	„	290	—	Apostag.	
178	MERT 50.	„	„	„	139	—	? (Titel.)	In Yugo-Slavia.

(1) MERT. Magyar Epito Reszveny-Tarsulat (Hungarian Society Limited for Construction).

QUESTIONS ARISING AS TO DANUBE SHIPPING

## ANNEX XXV (Cont'd).

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Item. Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse- power.	Present location.	Remarks.
			At present.	Before the War.				
179	MERT 53.	Iron Barge.	MERT (1).	MERT (1).	136	—	? Titel.	In Yugo-Slavia.
180	MERT 60.	"	"	"	137	—	"	"
181	MERT 61.	"	"	"	126	—	"	"
182	MERT Szava.	House Boat	"	"	238	—	? Baracska.	"
183	Adony.	"	"	"	123	—	Apostag.	"
184	MERT 59.	"	"	"	—	—	"	"
185	MERT 42.	Iron Barge for Stone Transport.	"	"	333	—	? (Bezdan.)	"
186	Hungaria.	Ladder Dredge.	Atlantica (2).	Hofbauer & Lehner contractors.	183	175	Budafok.	
187	Pannonia.	"	"	"	226	60	"	
188	Najad-formerly Neptun.	"	"	Berger & Co. Cons. Wien.	135	40	"	
189	Nimfa-formerly Wotan.	"	"	"	125	40	"	
190	Titan-formerly Sio.	"	"	Gregersen & Sons.	313	80	Ujpest.	
191	Vulkan.	Elevator.	"	Berger & Co. Vienna.	91	60	Budafok.	
192	Nemzet.	Conveyor for Elevator.	"	Hofbauer & Lehner.	405	70	"	
193	Millenium.	"	"	"	—	—	Ujpest.	
194	A. s. 16-22.	Iron Barge for Elevator.	"	"	95	—	Budafok.	

(1) MERT. Magyar Epito Reszveny-Társulat. (Hungarian Society Limited for Construction.)

(2) Atlantica. „Atlantica” tengerhajozasi Resrv. Tars. („Atlantica” Marine Navigation Co. Ltd.)

QUESTIONS ARISING AS TO DANUBE SHIPPING

## ANNEX XXV (Cont'd).

Item Nr.	Name or Number.	Classification.	Owner		Tonnage.	Horse-Power.	Present location.	Remarks.
			At present.	Before the War.				
195	A. s. 16-23.	Iron Barge for Elevator.	Atlantica (1)	Hofbauer & Lehner.	118	—	Budafok.	
196	A. s. 16-25.	"	"	"	118	—	"	
197	A. s. 13-23.	"	"	"	87	—	"	
198	A. s. 7-21.	"	"	"	—	—	"	
199	A. s. 16-24.	"	"	"	—	—	"	
200	Castor.	Ladder Dredge.	UTMRT(2).	UTMRT(2).	65	50	Budapest.	
201	Szent-Janos.	"	"	"	42	20	"	
202	Haza.	Elevator Conveyor.	"	"	156	25	"	
203	Voros Laszlo.	"	"	"	50	25	"	
204	Irma.	Screw Steamer.	BHKRT (3).	BHKRT (3).	46	110	Budapest.	
205	Nina.	"	"	"	29	90	"	
206	Aranka.	Wooden Barge.	"	"	290	—	"	
207	Erzsi.	"	"	"	290	—	"	
208	Karoly.	"	"	"	260	—	"	
209	Irma.	"	"	"	215	—	"	
210	Szidonia.	Wooden Barge for Elevator.	"	"	150	—	"	
211	Laci.	"	"	"	165	—	"	
212	Roza.	"	"	"	150	—	"	
213	Ilus.	"	"	"	150	—	"	
214	Obuda.	Wooden Barge.	"	"	200	—	"	
215	Ujlak.	"	"	"	200	—	"	
216	Peterhegy.	"	"	"	200	—	"	
217	Feri.	"	"	"	180	—	"	

(1) Atlantica, „Atlantica” tengerhajozasi Reszv. Tars. („Atlantica” Marine Navigation Co. Ltd.)

(2) UTMRT, Ujlaki tegla es Mesregeto R. T. („Ujlak” Soc. Ltd.)

(3) BHKRT, Budapesti Homok es Kavicszallito Reszv. Tars. (Sand and Gravel Conveying Society, Ltd.)

## ANNEX XXV (Cont'd).

Item Nr.	Name or Number.	Classification.	Owner.		Tonnage.	Horse- Power.	Present location.	Remarks.
			At present.	Before the War.				
218	Nr. 1.	Iron Barge.	BHKRT (1).	BHKRT (1).	220	—	Budapest.	
219	Nr. 2.	"	"	"	220	—	"	
220	Nr. 3.	"	"	"	250	—	"	
221	Togo.	"	"	"	50	—	"	
222	Tisza.	"	"	"	30	—	"	
223	Eszak.	Screw Steamer.	MERT (2).	MERT (2).	14	70	? (Baracska.)	In Yugo-Slavia.
224	Apostag.	"	"	"	16	84	"	"

(1) BHKRT, Budapesti Homok es Kavicszallito Rescv. Tars. (Sand and Gravel Conveying Society, Ltd.)

(2) MERT, Magyar Epito Reszveny Tarsulat. (Hungarian Society Limited for Construction.)

Note. — In addition to the above there are in Budapest 3 ladder dredges (Budapest, Duna and Miklos), 2 elevators (Eros and Orias), 3 screw steamers (Bagonier, Neptun and Oberon), 6 iron barges for elevators (Nos 1, 2, 3, 4, 5 and 6) and 4 iron barges for coal (Klara, Nos 7, 16, and 20), which belonged previously to the firm „Fleischmann Antal”, but were sold in September, 1918 to Mr. George Yaxley, British subject.

Identified as Annex XXV attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

ANNEX XXVI.

MATERIAL IN THE POSSESSION OF ROUMANIA FOR REGULARIZATION  
AND IMPROVEMENT WORK ON THE DANUBE.

(NOT INCLUDING ANY SHOWN IN ANNEX XXV.)

NOTE. — This is based on information supplied by Roumania.

Item.	Name.	Tonnage.	Horse-Power.
<i>Tugs.</i>			
1	Dunarea.	—	280
2	Maria.	—	130
3	Cetata.	—	130
4	Domnita Florica.	—	100 640
<i>Dredges.</i>			
1	Braila.	—	850
2	Corabia.	—	210
3	Borcea.	—	200
4	Ialomita.	—	150
5	Severin.	—	180 1,590
<i>Chaloupes.</i>			
1	Catina.	—	35
2	Calafat.	—	40 75
<i>Barges.</i>			
1	1	170	—
2	2	170	—
3	3	170	—
4	4	120	—
5	5	120	—
6	6	120	—
7	8	105	—
8	9	160	—
9	10	160	—
10	11	80	—
11	12	80 1,455	—
<i>Tank.</i>			
1	2	60	—
<i>Cranes.</i>			
1	Gruia.	60	—
2	Cioriou.	25 85	—
<i>Pontoons.</i>			
1	1	150	—
2	2	150	—
3	Seagoing type S. H.	—	—
4	River type S. H.	— 300	—

Identified as Annex XXVI attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2nd, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

## ANNEX XXVII.

MATERIAL IN POSSESSION OF SERB-CROAT-SLOVENE KINGDOM  
FOR REGULARIZATION AND IMPROVEMENT WORK ON THE DANUBE.

(NOT INCLUDING ANY SHOWN IN ANNEX XXV.)

NOTE. — This is based on information supplied by Serb-Croat-Slovene  
Kingdom.

Item.	Name.	Tonnage.
<i>Dredges.</i>		
1	No name.	—
2	”	—
3	”	—
4	”	—
5	Regensburg.	—
<i>Barges.</i>		
1	Without number.	350
2	”	350
3	”	350
4	”	350
5	”	350
6	”	350
7	”	350
8	”	350
9	”	350
10	”	350
11	”	350
12	”	320
13	”	320
14	”	320
15	”	320
16	”	320
17	”	320
18	”	100
19	”	100
20	”	100
21	”	320
22	”	320
23	”	320
24	”	300
25	”	100
26	”	100
27	”	100
28	”	100
29	”	100
30	”	100
31	”	100
32	”	100



ANNEX XXVII (Cont'd).

Item.	Name.	Tonnage.
	<i>Barges (Cont'd).</i>	
33	Without number.	100
34	”	100
35	”	100
36	”	100
37	”	100
38	”	100
39	”	100
40	”	100
41	”	80
42	”	150
43	”	150
44	”	150
45	”	150
46	”	150
47	”	150 9,910
	<i>Pontoons.</i>	
1	Without number.	—
	<i>Miscellaneous.</i>	
1	Houseboat without name.	—
2	”	—
3	”	—
4	”	—
5	”	—
6	Z. E. G. Elevator (no number).	—

Identified as Annex XXVII attached to and made a part of the Arbitrator's Determination, which is dated Paris, August 2, 1921.

(Signed) Brice CLAGETT,  
Executive Assistant to the Arbitrator.

AMENDMENT  
(TO ANNEX XXIV)

TO ARBITRATOR'S DETERMINATION HEREIN OF AUGUST 2, 1921.

The Arbitrator's Determination herein is hereby amended by striking out of Annex XXIV, in item 6 thereof, the word "Ellen", and by substituting in place thereof the word "Hebe", with the result that the passenger vessel "Hebe" with 515 horse-power is designated for cession to Roumania by Austria, instead of the passenger vessel "Ellen".

Paris, August 9th, 1921.

(Signed) Walker D. HINES.  
*Arbitrator.*

*By the Arbitrator:*  
(Signed) Brice CLAGETT,  
Executive Assistant.

The foregoing is the official form of the Arbitrator's Determination, the Annexes and Amendment thereto, the same having been made in English.

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