

HENRY GROVES AND JOSEPH GROVES (UNITED STATES)  
v. GERMANY

*(February 21, 1924, pp. 367-369.)*

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This case is before the Umpire for decision on a certificate of the American Commissioner and the German Commissioner <sup>a</sup> certifying their disagreement. A brief statement of the facts as disclosed by the record follows:

The United States asserts this claim on behalf of Henry Groves and Joseph Groves for losses sustained by them resulting from the death of their brother, George Groves, a passenger lost on the *Lusitania*. It is, however, clear from the record that no claim is asserted by Joseph Groves. With respect to the claim of Henry Groves the facts are:

Three brothers, George, Henry, and Joseph Groves, born in Lincolnshire, England, emigrated to the United States many years ago and located in Illinois, operating contiguous farms. All of them became naturalized citizens of the United States. The wife of George died in 1902, after which he spent much of his time with his brother Henry on the latter's farm, although he visited the home of his brother Joseph "and took his meals there a considerable part of the time" and also spent some time in England, just how much is not disclosed by the record. The statement is made by both Joseph and Henry Groves that during the last five years prior to the death of their brother George he presented Henry Groves from time to time, as donations or gifts, sums of money averaging about \$300 per annum, that Henry made no charge against the decedent for room or board during the time the latter lived with him, and that these donations or gifts were not in the nature of payments therefor. Neither Henry nor Joseph Groves were dependent upon their brother George. The latter left a will executed in England March 16, 1915, reciting that he was then a resident of Gainsborough in the County of Lincoln, England. It appears that he was then residing with his widowed sister, Sarah Parkinson. He bequeathed his entire estate to this sister and her children save small bequests made to two other brothers, James and Thomas, all residents of England and citizens of Great Britain. His brothers Henry and Joseph are not mentioned in the will, which was probated in England, his entire estate passing thereunder, his sister, Mrs. Parkinson, and her three children receiving about \$25,000, his brother James about \$2,500, and his brother Thomas about \$1,250.

It is apparent from the record that George Groves, then more than 68 years of age, a widower without children, was residing in England where he was born and where most of his family lived, making his home with his sister, to whom and her children he was devoted. There is no evidence in the record that he left any property in the United States or intended to return here. His brother Henry was in no sense dependent upon him and had no assurance that the gifts estimated at \$300 per annum would continue. On the contrary, the disposition made of his estate by the decedent in his will executed in England less than two months prior to his death negatives the idea that he intended to make any provision for or contributions to his brother Henry.

Applying the rules announced in the *Lusitania* Opinion to the facts as disclosed by the record, the Commission decrees that under the Treaty of Berlin of August 25, 1921, and in accordance with its terms the Government

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<sup>a</sup> Dated February 14, 1924.

of Germany is not obligated to make any payment to the Government of the United States on behalf of either Henry Groves or Joseph Groves.

Done at Washington February 21, 1924.

Edwin B. PARKER  
*Umpire*

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