

HERBERT PAYNE (UNITED STATES) *v.* AUSTRIA AND HUNGARY

(*April 12, 1927. Pages 46-47.*)

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In case styled and numbered as above <sup>1</sup> the claimant, an American national, in July, 1914, was motoring through Europe using an Italian automobile belonging to him. He stored his car at Karlsbad at the outbreak of the World War on or about August 1, 1914, and returned through The Hague to the United States. On or about November 15, 1915, this automobile was seized and requisitioned by the Austro-Hungarian military authorities and although demand for its return to the claimant was made through diplomatic channels it has never been returned to him.

On the record submitted the Commissioner finds that the reasonable market value of this automobile at the time and place of seizure in its then condition was \$3,000.

Wherefore the Commission decrees that under the Treaty of Vienna the Government of Austria is obligated to pay to the Government of the United States on behalf of Herbert Payne the sum of one thousand nine hundred eight dollars (\$1,908.00) with interest thereon at the rate of 5 per cent per annum from November 15, 1915, and that under the Treaty of Budapest the Government of Hungary is obligated to pay to the Government of the United States on behalf of Herbert Payne the sum of one thousand ninety-two dollars (\$1,092.00) with interest thereon at the rate of 5 per cent per annum from November 15, 1915.

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<sup>1</sup> Original report: United States of America on behalf of Herbert Payne, claimant, *v.* Austria and Hungary, docket No. 17.