

GRIFF GLOVER (UNITED STATES) *v.* AUSTRIA AND
OESTERREICHISCHER-LLOYD

(June 9, 1927. Pages 50-51.)

On behalf of the claimant in case styled and numbered as above¹ it is alleged that in July, 1914, the claimant, an American national, purchased from the Oesterreichischer-Lloyd three tickets for passage on its steamship *Thalia* from Amsterdam to Norway and return; that the sailing of the *Thalia* was cancelled on August 3, 1914, whereupon claimant demanded of the Oesterreichischer-Lloyd's representative a refund of the purchase price of said tickets, 2,740 kronen; that this amount was, without claimant's authority, transmitted in October, 1915, by the Oesterreichischer-Lloyd to L. & G. Halphen in Vienna; that claimant instructed the Halphen firm to transmit said amount in dollar currency to him in the United States, but these instructions were never complied with; and that the said Oesterreichischer-Lloyd is still indebted to the claimant in the sum of 2,740 kronen valorized at the pre-war rate of exchange, or \$257.56, with interest thereon at the rate of 5 per cent per annum from August 3, 1914. It is further alleged that the failure of the said Oesterreichischer-Lloyd and the said Halphen firm to transmit these funds to claimant was due to the existence of exceptional war measures promulgated and enforced by the Austrian Government.

The Commissioner finds:

(1) That the principal office of the Oesterreichischer-Lloyd was in July, 1914, and still is at Trieste;

(2) That the principal office of L. & G. Halphen and its successor was in July, 1914, and still is at Prague;

(3) That upon the coming into effect of the Treaty of St. Germain on July 16, 1920, Trieste became Italian territory and Prague became Czechoslovakian territory; and

(4) That upon the coming into effect of the Treaty of St. Germain the Oesterreichischer-Lloyd became an Italian national with the name Lloyd-Triestino and the proprietor of L. & G. Halphen became a Czechoslovakian national.

It follows that the claimant has failed to discharge the burden resting on him to prove that on July 2, 1921, the debt declared upon was owing to him by a national of the Republic of Austria as then and now existing.

The Commissioner further finds that there is no evidence in this record of any exceptional war measure taken by the former Austrian Government or any other Government which interfered with the transmission to claimant of funds claimed by him.

¹ Original report: United States of America on behalf of Griff Glover, claimant, *v.* Austria and Oesterreichischer-Lloyd, *Impleaded*, docket No. 9.

Applying the rules announced in Administrative Decision No. II to the facts as disclosed by the record herein, the Commission decrees that under the Treaty of Vienna the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of the claimant herein.
