

KARL KLEIN (UNITED STATES) *v.* AUSTRIA

(March 8, 1928. Pages 61-62.)

This claim is asserted by the United States on behalf of Karl Klein, an American national through naturalization in 1906, against Austria for 384 German marks, the aggregate amount of thirty-two coupons detached from bonds acquired by claimant in the year 1916 and since owned by him. These coupons matured by their terms November 1, 1919, May 1, 1920, November 1, 1920, and May 1, 1921, so that ninety-six marks became payable on each of these four dates. The bonds from which the coupons were detached constitute a "portion of the debt of the former Austrian Government which is specifically secured on railways . . . and which was in existence on July 28, 1914" dealt with in article 203 of the Treaty of St. Germain. In pursuance of the provisions of that article the Reparation Commission decided that as from July 1, 1919, Austria should be held liable for 20.023 per cent of this debt and Czechoslovakia for 79.977 per cent thereof.

The Austrian Agent contends that Austria is not liable for coupons maturing on or after July 1, 1919; while the American Agent contends that so far as American-owned bonds are concerned Austria is liable for all interest which matured on or before July 2, 1921, when the state of war came to an end.

For the reasons set out in the opinion of this Commission of January 6, 1928, in docket No. 1147, Henry Neugass, claimant, and in the decision of the Anglo-Hungarian Mixed Arbitral Tribunal in the case of the North British and Mercantile Insurance Company, Limited, *v.* the Hungarian Government, III Dec. M. A. T. 788 *et seq.*, and in the decision of the Anglo-Austrian Mixed Arbitral Tribunal in the case of the North British and Mercantile Insurance Company, Limited, *v.* the Austrian Government, IV Dec. M. A. T. 292 *et seq.*, the Commissioner holds that Austria is liable as for a debt on each of the coupons which matured on or before July 16, 1920, the date of the coming into force of the Treaty of St. Germain, but not liable for the coupons which matured subsequent to that date.

It follows that the United States on behalf of the claimant herein is entitled to an interlocutory judgment against Austria for 192 German marks, which will be entered in accordance with the rules of procedure announced in Administrative Decision No. II at page 35.<sup>1</sup> This judgment will decree the dismissal of the balance of the claim, amounting to 192 German marks.

Leave is hereby granted the American Agent to withdraw from the record herein all coupons which matured subsequent to July 16, 1920, in order that

<sup>1</sup> This volume, p. 227 *supra*.

they may be returned to the claimant, who may desire to present them to the Succession States liable therefor under the terms of the Treaty of St. Germain.

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