

EMIL F. HELPUP (UNITED STATES) *v.* GERMANY AND
KARL HELPUP, IMPLEADED

(April 25, 1928, pp. 922-923.)

This claim is put forward by the United States on behalf of Emil F. Helpup, born a German but, through naturalization in 1913, an American citizen. It is based on two counts: (1) the existence of an alleged pre-war indebtedness due claimant from his brother, a German national, and (2) for depreciation in claimant's share of his father's estate alleged to have been due to the application of exceptional war measures thereto causing delay in payment to him.

At the request of the claimant, the Government of the United States espoused this claim against Germany prior to April 9, 1923. Thereafter, on May 7, 1925, claimant voluntarily negotiated a compromise ("Vergleich," referred to in Exhibit 9) with his German debtor, realizing thereby more than he would have realized had this part of the claim fallen within the jurisdiction of the Commission and an award been made on his behalf. On this count, therefore, no obligation of Germany could exist, the debt having been discharged by direct action of the private parties.

From a careful examination of the record the Commission finds that the claimant's share of his parent's estate would not have been distributed and forwarded to him during the war period prior to January 11, 1920, had there been no German exceptional war measures in effect applicable to property of American nationals. The claimant therefore was not prevented from receiving the inheritance due him from the estate of his parent as the result of the application thereto of a German exceptional war measure, and hence under the rule laid down in this Commission's Administrative Decision No. IV Germany is not liable for the depreciation in the value of the inheritance as claimed.

Wherefore the Commission decrees that under the Treaty of Berlin of August 25, 1921, and in accordance with its terms the Government of Germany is not obligated to pay to the Government of the United States any amount on behalf of the claimant herein.

Done at Washington April 25, 1928.

Edwin B. PARKER
Umpire

Chandler P. ANDERSON
American Commissioner

W. KIESSELBACH
German Commissioner
