

GRUBNAU BROS., INC., AND ATLANTIC MUTUAL INSURANCE
COMPANY (UNITED STATES) *v.* AUSTRIA AND HUNGARY*(May 25, 1928. Pages 74-76.)*

From the record it appears that in 1914 Carl Grübnau & Son (a co-partnership composed at all material times of American nationals) sold 42 bales of

wool to J. Ginzkey, of Maffersdorf, Austria, for which the purchaser agreed to pay on December 31, 1914, the sum of \$4,569.60. On October 2, 1914, the wool in question while in transit was seized at Trieste by the Austro-Hungarian military authorities under circumstances rendering Austria and Hungary liable under the Treaties of Vienna and Budapest. The wool was insured by the Atlantic Mutual Insurance Company, an American corporation, which paid Carl Grünau & Son the sum of \$3,677 under circumstances operating as an assignment of this claim to the extent of the amount so paid.

Grünau Bros, Incorporated, an American corporation, has, with respect to this claim, succeeded to all of the rights of the former partnership of Carl Grünau & Son and acquired all of the interests of Carl Grünau & Son.

Since this claim was filed there has been paid through the Austrian Clearing Office to the claimant the sum of \$387.61.

The Commissioner finds that the claimant Grünau Bros., Incorporated, is entitled to an award of \$892.60 with interest thereon at the rate of 5 per cent per annum from December 31, 1914, which interest is to be credited with the aforesaid amount of \$387.61, and that the claimant Atlantic Mutual Insurance Company is entitled to an award of \$3,677 with interest thereon at the rate of 5 per cent per annum from December 31, 1914, of which awards 63.6 per cent will be borne by Austria and 36.4 per cent will be borne by Hungary (see Administrative Decision No. I, page 10.)¹

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 Grünau Bros, Incorporated, the sum of five hundred sixty-seven dollars sixty-nine cents (\$567.69) with interest at the rate of 5 per cent per annum from September 6, 1923, and Atlantic Mutual Insurance Company the sum of two thousand three hundred thirty-eight dollars fifty-seven cents (\$2,338.57) with interest at the rate of 5 per cent per annum from December 31, 1914, 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 Grünau Bros., Incorporated, the sum of three hundred twenty-four dollars ninety-one cents (\$324.91) with interest at the rate of 5 per cent per annum from September 6, 1923, and Atlantic Mutual Insurance Company the sum of one thousand three hundred thirty-eight dollars forty-three cents (\$1,338.43), with interest at the rate of 5 per cent per annum from December 31, 1914.
