

INDIAN MOTOCYCLE COMPANY (UNITED STATES) *v.* AUSTRIA  
AND HUNGARY*(May 25, 1928. Pages 77-78.)*

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While the evidence adduced in the above captioned case is meager and unsatisfactory, the Commissioner finds:

(1) That on July 18, 1914, the Hendee Manufacturing Company, an American corporation, forwarded a shipment of Indian motorcycles and parts by steamship *Belvedere* consigned to Odessa, Russia, via Trieste, Austria, covered by shipper's order bill of lading notify F. Zorn, Odessa, and at the same time drew on Zorn for the invoice value of the shipment, \$402.

(2) On October 26, 1923, the corporate name of the Hendee Manufacturing Company was changed to Indian Motorcycle Company.

(3) This shipment was seized by the Austro-Hungarian military authorities at Trieste. On the representations of the claimant through the American Department of State and the American Consul at Trieste, the austro-Hungarian military authorities recognized the shipment as the property of an American national and delivered it to the American Consul for account of claimant.

(4) On account of some of the parts being missing from the shipment at the time it was surrendered by the military authorities and sold, the net proceeds of the sale were only \$240.20, which amount was paid to the shipper on May 25, 1915.

(5) The Commissioner finds that the claimant has been damaged by the acts of the Austro-Hungarian military authorities in the sum of \$161.80 with interest thereon at the rate of 5 per cent per annum from May 25, 1915, of which 63.6 per cent will be borne by Austria and 36.4 per cent by Hungary.

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 the Indian Motorcycle Company the sum of one hundred two dollars ninety cents (\$102.90) with interest thereon at the rate of 5 per cent per annum from May 25, 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 the Indian Motorcycle Company the sum of fifty-eight dollars ninety cents (\$58.90) with interest thereon at the rate of 5 per cent per annum from May 25, 1915.

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