

MRS. JULIUS BIRO (UNITED STATES) *v.* HUNGARY

(April 12, 1927. Pages 47-48.)

On behalf of Mrs. Julius Biro, claimant in case styled and numbered as above,¹ it is alleged that she is an American citizen; that in 1920 her late husband visited Hungary and while there the Hungarian authorities, purporting to act in pursuance of Hungarian law, seized \$700.00 in American currency belonging to him which was never returned; and that the claimant as the surviving spouse of her husband is entitled to receive all property and enforce all claims belonging to her husband during his life.

The record indicates that claimant's husband, being in Hungary, crossed the frontier ostensibly to visit his mother, who resided in that part of Czechoslovakia which lately was embraced within the territorial limits of Hungary; that he had several times previously crossed the Hungarian frontiers; that on or about May 13, 1920, he was arrested by the Hungarian authorities in Hungarian territory, charged with being a money smuggler in violation of Hungarian laws, at which time the \$700 in cash found on his person was seized and retained by the Hungarian authorities. There is nothing in the record indicating or even suggesting that the act complained of was in any sense an exceptional war measure as that term is defined in the economic clauses of the Treaty of Budapest. On the contrary, the arrest was made and the funds seized by the Hungarian civil authorities 18 months after the signing of the Armistice. It is not within the competency of this Commission to adjudicate the rights, if any, which claimant may have arising under Hungarian municipal law (not partaking of the nature of war measures), administered by Hungarian domestic tribunals, or arising under international law and espousable diplomatically by the United States, when as in this case the claim does not fall within the terms of the Treaty of Budapest.

Wherefore the Commission decrees that under the Treaty of Budapest the Government of Hungary is not obligated to pay to the Government of the United States any amount on behalf of the claimant, Mrs. Julius Biro, on account of the acts herein complained of.
