

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

BENJAMIN H. GOODKIN
36 Woodbine Terrace
Auburndale, Newton
Massachusetts

Claim No. SOV-40,243

Decision No. SOV-2791

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimant:

BINGHAM, DANA & GOULD
1 Federal Street
Boston 10, Massachusetts

ORDER

Upon consideration of petition of Counsel for allowance of fees of fifteen percent (15%) of the amount of payment of any award issued to claimant pursuant to the Act, and it appearing to the Commission that there exist special circumstances of unusual hardship which warrant payment in excess of the maximum otherwise permitted for services rendered in connection with this claim, it is

ORDERED that a fee in the amount of fifteen percent (15%) of the award paid be allowed Counsel and the same is hereby granted.

Dated at Washington, D. C.

FOR THE COMMISSION:

JUL 13 1959

Whitney Hilliland
Chairman

Paul Pace
Commissioner

Arthur Z. Kempig
Commissioner

This is certified to be a true
and correct copy of the original.

By
Administrative Officer of the Commission

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

BENJAMIN H. GOODKIN
36 Woodbine Terrace
Auburndale, Newton
Massachusetts

Claim No. SOV-40,243

Decision No. SOV-2791

Under the International Claims Settlement
Act of 1949, as amended

gpo 16-79128-1

Counsel for Claimant:

BINGHAM, DANA & GOULD
1 Federal Street
Boston 10, Massachusetts

FINAL DECISION

The Commission issued its Proposed Decision on this claim on August 13, 1958, a copy of which was duly served upon the claimant. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim, and it is further

ORDERED that the award granted pursuant thereto be certified to the Secretary of the Treasury.

Washington 25, D. C.

OCT 1 1958

Whitney Gilliland
Earl Carter Pace

COMMISSIONERS

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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
Washington 25, D. C.

In the Matter of the Claim of

Benjamin H. Goodkin

Under the International Claims
Settlement Act of 1949, as amended

C L A I M N o. SOV-40,243
Decision No. SOV-2791

EXECUTIVE DIRECTOR'S STATEMENT

No information of sufficient merit to cast doubt on the accuracy of the Proposed Decision on this claim has been brought to the attention of the Executive Director during the period of general notice provided by posting.

Robert A. Kennedy

Robert A. Kennedy
Executive Director

Dated: Sept. 29, 1958

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

BENJAMIN H. GOODKIN
36 Woodbine Terrace
Auburndale, Newton
Massachusetts

Claim No. SOV-40,243

Decision No. SOV-2791

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

BINGHAM, DANA & GOULD
1 Federal Street
Boston 10, Massachusetts

PROPOSED DECISION

This claim for \$10,265.27 against the Soviet Government under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, was originally filed by John E. Eaton as administrator with the will annexed to the estate - n/a/a of Frederick B. Early, deceased. The evidence discloses that said John E. Eaton died on February 18, 1957. By Order of the Commission dated October 25, 1957, an application by Benjamin H. Goodkin to be substituted as party claimant was granted. Accordingly, Benjamin H. Goodkin is hereinafter referred to as "claimant".

The claim is based on the loss of a bank deposit in the amount of 75,000 rubles made in the Russian Commercial and Industrial Bank, Petrograd, Russia (hereinafter referred to as "Russian Bank"), plus 1,039.07 rubles which claimant asserts was credited as interest on said deposit.

The evidence of record, insofar as deemed pertinent to this decision, discloses the following:

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On December 26, 1916, and for some time prior thereto, the United Casing Company was a corporation organized and existing under and by virtue of the laws of the Commonwealth of Massachusetts. Said corporation's name was changed to Early & Moor, Inc. on March 8, 1917, and that name changed to Blackstone Realty Co. on August 24, 1937. The Blackstone Realty Co. was dissolved as of January 3, 1939.

On or about December 26, 1916, the United Casing Company purchased 75,000 rubles which were deposited, on or about January 5, 1917, in the Russian Bank to the credit of the account of the Chase National Bank of New York, for the benefit of and at the entire risk of said Corporation. No part thereof was withdrawn.

The Russian Bank was nationalized by the Soviet Government by decree dated December 27, 1917. The entire issued and outstanding capital stock in the aforementioned Corporation was then owned, in equal shares, by Frederick B. Early and Emil Moor. From that date until the Corporation was dissolved, Frederick B. Early continued to own at least 50% of such capital stock.

Frederick B. Early was a native born national of the United States. Emil Moor was born in Switzerland and never became a United States national.

Frederick B. Early died testate on January 29, 1943. Under his last will and testament, which was duly admitted to probate on or about December 29, 1943, he devised and bequeathed all of his property, aside from two specific bequests of \$10.00 each, to his wife, Florence I. Early.

Florence I. Early, a native born United States national, died intestate on November 25, 1943, leaving her surviving as sole heir at law and next of kin, her brother, the claimant herein, who is, likewise, a native born United States national. Claimant was duly appointed

administrator of his said sister's estate on December 29, 1943 and filed his first and final account as such administrator on or about May 16, 1945. The account was allowed by the probate court; the property of said estate has been distributed, and the administration completed.

The Commission finds:

- (1) That the aforementioned 75,000 rubles deposited in the Russian Bank was the property of the United Casing Company and was taken by the Soviet Government, without compensation, on December 28, 1917.
- (2) That on the aforementioned date the United Casing Company did not qualify as a national of the United States as defined by Section 301(2)(B) of the Act.
- (3) That claimant inherited the claim herein which belonged to Frederick B. Early during the latter's lifetime.
- (4) That the Commission has authority to act on this claim in accordance with Section 311(b) of the Act.
- (5) That the exchange rate of the ruble on the New York market was 13 cents per ruble as of December 28, 1917.
- (6) That claimant is entitled to an award for 50% of the market value (as of December 28, 1917) of the aforementioned 75,000 ruble deposit, with interest thereon at the rate of 6% per annum from December 28, 1917, the date of taking, to November 16, 1933, the date of the Litvinov Assignment (Section 301(6) of the Act).

Claimant has failed to establish that the Russian Bank credited the deposit with interest in the amount of 1,039.07 rubles. Consequently, this item is disallowed, as part of the principal of the award.

A W A R D

On the above evidence and grounds, and upon the entire record, this claim is allowed and an award is hereby made to BENJAMIN H. GOODKIN, in the amount of Four thousand eight hundred seventy-five dollars (\$4,875.00), plus interest thereon at the rate of 6% per annum in the amount of Four thousand six hundred forty-five dollars and eighty-seven cents (\$4,645.87).

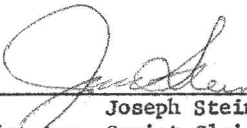
Payment of this award, in whole or in part, shall not be construed to have divested claimant, or the Government of the United States in his behalf, of any rights against the Government of the Soviet Union for the unpaid balance, if any, of the claim.

Dated at Washington, D. C.

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in file
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AUG 13 1958

FOR THE COMMISSION:



Joseph Stein
Director, Soviet Claims Division

D I S S E N T

Commissioner Clay dissents from the proposed award recommended upon the grounds that, under established practices in settlement of international claims, bank accounts are not a proper subject of espousal and as such should not be considered here by the Commission.