

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

IN THE MATTER OF THE CLAIM OF

FLORENCE F. MILLER and HELENE M. DEITZ,  
Executors of the Estate of  
JAMES S. MILLER, deceased  
c/o Henry C. Schragger  
223 East Hanover Street  
Trenton, New Jersey

Claim No. SOV-41,109

Decision No. SOV-1552

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for Claimants:

GPO 942329

HENRY C. SCHRAGGER  
223 East Hanover Street  
Trenton, New Jersey

SUPPLEMENTAL FINAL DECISION

The Commission, by Amended Final Decision dated July 13, 1959, allowed this claim and made an award in favor of the claimants in the amount of \$246.54.

Such award was based upon the finding that claimants were the owners of One hundred forty-one (141) 5½% Imperial Russian Government Short Term War Loan Bonds of 1916 in the aggregate face amount of 14,100 rubles, and of Fifty (50) 4% Imperial Russian Government State Income ("Rentes") Bonds of 1894 in the aggregate face amount of 10,000 rubles, and that they were entitled to an award of \$246.54 based upon \$10.23 per 1,000 rubles.

Subsequent reexamination of the claim revealed that the claimants are, in fact, the owners of One hundred forty-one (141) 5½% Imperial Russian Government Short Term War Loan Bonds of 1916 in the aggregate face amount of 123,000 rubles, and of Fifty (50) 4% Imperial Russian Government State Income ("Rentes") Bonds of 1894 in the aggregate face amount of 10,000 rubles, the total aggregate face amount of all the bonds being 133,000 rubles, and not 24,100 rubles, as stated in the Amended Final Decision. Accordingly, claimants are entitled to an award in the sum of \$1,360.59. In view of the foregoing, it is hereby

ORDERED that the Commission's Amended Final Decision, dated July 13, 1959, be affirmed in all respects except that the amount of the award contained therein be increased from \$246.54 to \$1,360.59, and as so revised be entered as the Commission's Supplemental Final Decision on this claim.

A W A R D

On the above evidence and grounds, this claim is allowed and an award is hereby made jointly to FLORENCE F. MILLER and HELENE M. DEITZ, Executors of the Estate of JAMES S. MILLER, deceased, claimants herein, in the amount of One thousand three hundred sixty dollars and fifty-nine cents (\$1,360.59).

Payment of the award herein, in whole or in part, shall not be construed to have divested claimants herein, or the Government of the United States on their behalf, of any rights against the Government of the Soviet Union for the unpaid balance, if any, of the claim. It is

ORDERED that the award granted by this Supplemental Final Decision be substituted in place and stead of the award set forth in the Amended Final Decision, dated July 13, 1959. It is further

ORDERED that the award granted pursuant to this Supplemental Final Decision be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

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mgs

JUL 31 1959

*Whitney Hillland*  
*Paul ...*  
*Robert L. Kunzig*

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

FLORENCE F. MILLER and  
HELENE M. DEITZ, Executors of the  
Estate of JAMES S. MILLER, deceased  
c/o Henry C. Schragger  
223 East Hanover Street  
Trenton, New Jersey

Claim No. SOV-41,109

Decision No. SOV-1552

Under the International Claims Settlement  
Act of 1949, as amended

SPC 16-72120-1

Counsel for Claimant:

HENRY C. SCHRAGGER  
223 East Hanover Street  
Trenton, New Jersey

AMENDED FINAL DECISION

The Commission, by Proposed Decision dated March 16, 1959, and Final Decision, dated May 4, 1959, denied this claim for the reason that claimant had failed to submit sufficient evidence to establish the claim. Claimant's attorney, by letter dated June 18, 1959, requested the Commission to consider reopening its Final Decision on the ground that certain evidence heretofore not available had been located among the papers in the Estate of James S. Miller, deceased. Such additional evidence was submitted among which evidence were one hundred ninety-one (191) Imperial Russian Government Bonds, upon which part of the claim is based, and letters testamentary indicating the appointment of Florence F. Miller and Helene M. Deitz, as Executors of the Estate of James S. Miller, deceased.

Good cause appearing, the Commission hereby grants the afore-mentioned request for reconsideration of its Final Decision and Florence F. Miller and Helene M. Deitz, Executors of the Estate of James S. Miller, deceased, are hereby substituted as claimants in place of the Estate of James S. Miller, deceased.

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On the basis of all evidence and data of record, the Commission finds that James S. Miller, deceased, a national of the United States since his naturalization on March 21, 1898, was the owner of the following one hundred forty-one (141) 5½% Imperial Russian Government Short Term War Loan Bonds of 1916, numbered Series I - 022799, 022800, 030719, 030722, 086561, 144126, 225801, 225802, 253832, 253833, 253977 to 253982, incl., 267803 to 267806, incl., 269783, 269787 to 269796, incl., 269798 to 269800, incl., 273028, 286865, 286869 to 286872, incl., 286874, 290531 to 290554, incl., 322903, 331653, 331655 to 331658, incl., 331665, 331680, 331681, 331700, each in the amount of 1,000 rubles; 037380 and 242501, each in the amount of 500 rubles; Series II - 140155 to 140157, incl., 143351, 163999, 180625, 192288, 205083 to 205086, incl., 210920 to 210924, incl., 281231, 298396, 298397, 302001, 302698, 304594, 325200, 352594, 352685 to 352693, incl., 352695 to 352698, incl., and 388577, each in the amount of 1,000 rubles; 083233, 083243, 088951, 088952, 103955 to 103957, incl., 289224 to 289232, incl., each in the amount of 500 rubles; 652970, 707801 to 707805, incl., 662484 to 662487, incl., each in the amount of 100 rubles, in the aggregate face amount of 14,100 rubles, and of the following fifty (50) 4% Imperial Russian Government State Income ("Rentés") Bonds of 1894, numbered Series 75 - 03772, 03773, 03775, 03776, 03785, 03784, 03787 to 03789, incl., 04112, 04113, 04328, 04414 to 04416, incl., 08842; Series 77 - 00071 to 00073, incl., Series 80 - 00378, Series 81 - 02403, 02405 to 02411, incl., Series 82 - 03413, Series 83 - 02857, 17396, Series 84 - 07296, 07297, Series 85 - 03699 to 03701, incl., 03729, 08267, Series 87 - 03402 to 03410, incl., 03691, 03696 and Series 88 - 01978, each in the amount of 200 rubles, and in the aggregate face amount of 10,000 rubles; that the decedent purchased the said securities sometime during the period from 1919 to 1930, inclusive; that on February 10, 1918, the bonds were formally repudiated by the Soviet Government; that James S. Miller died on July 3, 1957; and that claimants, acting in their capacity as Executors

of the Estate of James S. Miller, deceased, have a valid claim for compensation under Section 305(a)(2) of the Act.

The identity and nationality of the owners of the bonds from February 10, 1918, until the date the decedent acquired them are unknown. The Commission has ascertained that bonds of the type owned by claimants were traded on the market in the United States in large quantities prior to February 10, 1918. In the absence of any evidence to the contrary, the Commission concludes that the bonds upon which this claim is based have been owned continuously from February 10, 1918, by nationals of the United States .

Section 307 of the Act provides that any award made on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

This claim did not originally accrue in favor of the claimants. Since the last purchase of the securities on which this claim is based was made during the period from February 10, 1918 to December 31, 1952, inclusive, the award must be limited to the amount of the consideration last paid.

Claimants have no record of the actual consideration paid for the securities. However, statistics available to the Commission disclose that the average price of such securities during the period from 1919 to 1930, inclusive, was \$10.23 per 1,000 rubles. In the absence of evidence to establish the actual consideration paid, the Commission finds that claimants are entitled to an award in the amount of the average cost of such securities during the aforementioned period. Therefore, the Commission concludes that claimants are entitled to an award of \$246.54.

In view of the foregoing, it is hereby

ORDERED that the Commission's Proposed Decision, dated March 16, 1959, and its Final Decision of May 4, 1959, be amended in accordance with the

above findings, including the award shown below, and as so amended be entered as the Commission's Final Decision on this claim.

A W A R D

On the above evidence and grounds, this claim is allowed and an award is hereby made jointly to FLORENCE F. MILLER and HELENE M. DEITZ, Executors of the Estate of JAMES S. MILLER, deceased, claimants herein, in the amount of two hundred forty-six dollars and fifty-four cents (\$246.54).

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

It is further

ORDERED that the award granted pursuant to this Amended Final Decision be certified to the Secretary of the Treasury.

Washington 25, D. C.

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*[Signature]*

JUL 13 1959

*Whitney Hilliland*  
*Pearl Pace*  
*Robert L. Kungig*

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

Estate of JAMES SOLOMON MILLER,  
deceased  
c/o Henry C. Schragger  
223 East Hanover Street  
Trenton, New Jersey

Claim No. SOV- 41,109

Decision No. SOV-1552

Under the International Claims Settlement  
Act of 1949, as amended

epo 16-72120-1

Counsel for Claimant:

HENRY C. SCHRAGGER  
223 East Hanover Street  
Trenton, New Jersey

FINAL DECISION

The Commission issued its Proposed Decision on this claim on  
March 16, 1959 , 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.

Washington 25, D. C.

MAY 4 1959

*Whitney Hilliland*

*Paul Pace*  
*Robert L. Kunzig*  
COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

Estate of JAMES SOLOMON MILLER,  
deceased  
c/o Henry C. Schragger  
223 East Hanover Street  
Trenton, New Jersey

Claim No. SOV-41,109

Decision No. SOV-1552

Under the International Claims Settlement  
Act of 1949, as amended

gpo 16-72120-1

Counsel for Claimant:

HENRY C. SCHRAGGER  
223 East Hanover Street  
Trenton, New Jersey

AMENDED PROPOSED DECISION

This claim under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, is based upon the asserted ownership of Imperial Russian Government Bonds and Austrian Bonds.

That part of the claim based upon Austrian Bonds must be denied for the reason that the Commission has no jurisdiction to entertain claims against the Austrian Government and or its subdivisions.

The Commission, on March 13, 1957, issued its Proposed Decision No. SOV-1552 denying the claim for the reasons set forth in Proposed Decision No. SOV-230, In the Matter of the Claim of Charles D. Siegel. Pursuant to further consideration and on May 9, 1957, the Commission (Mr. Clay, then a member of the Commission, dissenting) set aside its Proposed Decision No. SOV-230 and held that claims based on securities payable in currency other than United States dollars, issued by predecessors of the Soviet Government, are (subject to the establishment of eligibility in other respects) within the purview of Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended.



Section 305(a)(2) of the Act provides for the receipt and determination by the Commission, in accordance with applicable substantive law including international law, of the validity and amounts of claims arising prior to November 16, 1933, of nationals of the United States against the Soviet Government.

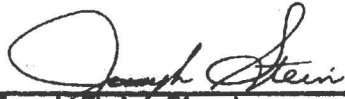
The burden of proof in establishing a claim rests on claimant. The requisite evidence to meet such burden did not accompany the Statement of Claim herein, nor has such evidence been filed subsequent to that time, although claimant was invited to do so by the Commission.

Since the claimant has thus failed to establish the claim, it must be, and hereby is, denied.

Dated at Washington, D. C.

MAR 16 1959

FOR THE COMMISSION:

  
Joseph Stein, Director  
Soviet Claims Division

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mgs*

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

IN THE MATTER OF THE CLAIM OF

JAMES SOLOMON MILLER  
1904 Yardley Road  
Morrisville, Pennsylvania

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. SOV-41,109

Decision No. *100-1552*

gpo 16-73120-1

PROPOSED DECISION

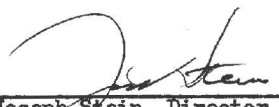
This claim is based upon the loss allegedly sustained by claimant as the owner of bonds, payable in currency other than United States dollars, issued by a predecessor of the Soviet Government.

For the reasons specified in the attached Proposed Decision, No. SOV-230, In the Matter of the Claim of Charles D. Siegel (SOV-40,017), this claim is denied. Other elements bearing upon eligibility have not been considered.

Dated at Washington, D. C.

MAR 13 1957

FOR THE COMMISSION:

  
Joseph Stein, Director  
Soviet Claims Division

*Handwritten initials and signatures:*  
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