

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

IN THE MATTER OF THE CLAIM OF

ALLIS-CHAIMERS MANUFACTURING COMPANY  
Box 512  
Milwaukee 1, Wisconsin

Claim No. SOV-41,857

Decision No. SOV-2476

Under the International Claims Settlement  
Act of 1949, as amended

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on March 19, 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.

Dated at Washington, D. C.

MAY 14 1958

*Whitney Williland*

*Paul Rice*

*Henry S. Clay*

*logb*  
*mrs*  
*hgs*

COMMISSIONERS

Commissioner Clay dissents.

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PROPOSED DECISION

This claim for \$122,870.40 by the Allis-Chalmers Manufacturing Company against the Soviet Government, under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss by claimant of its bank deposit in the amount of 251,811.74 rubles with the International Bank of Commerce at Petrograd (hereinafter referred to as "Bank"), a former Russian banking institution nationalized by the Soviet Government by decree of December 27, 1917.

The Commission finds that claimant is, and at all times hereinafter mentioned was, a United States national as defined by Section 301(2)(B) of the Act, and that its balance on deposit with the Bank, amounting to 244,814.21 rubles, was taken by the Soviet Government, without compensation, on December 28, 1917. Evidence submitted by claimant covering two items of deposit (6997.53 rubles) comprising part of the claim herein, is insufficient to establish that such items were actually received by the Bank and credited to claimant's account.

Statistics available to the Commission establish that the exchange rate of the ruble on the New York market was 13 cents per ruble as of December 28, 1917.

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 the claimant, ALLIS-CHALMERS MANUFACTURING COMPANY, in the amount of Thirty-one thousand eight hundred twenty-five dollars and eighty-five cents (\$31,825.85), plus 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) in the amount of Thirty thousand three hundred thirty-six dollars and forty cents (\$30,336.40). No determination is made with respect to interest for any period subsequent to November 16, 1933.

Payment of this award, in whole or in part, shall not be construed to have divested claimant, or the Government of the United States on its 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.


MAR 19 1958

FOR THE COMMISSION:

  
Joseph Stein, Director  
Soviet Claims Division

DISSENT

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.

  
Henry J. Clay  
Commissioner