

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

IN THE MATTER OF THE CLAIM OF

CHASE MANHATTAN BANK, Successor
Executor of the ESTATE of
JOSEPHINE DOCTOR von HOHENLANGEN, Dec'd
40 Wall Street
New York 5, New York

Claim No. CZ-2,452

Decision No. CZ-3079

Under the International Claims Settlement
Act of 1949, as amended

Counsel for Claimant:

CHAMBERLIN, KAUFER, WILDS & JUBE
120 Broadway
New York 5, New York

ORDER AND FINAL DECISION

The Commission issued a Proposed Decision on this claim on February 21, 1962 granting an award to ADOLPH SUEHSDORF, Jr., Executor of the ESTATE of JOSEPHINE DOCTOR von HOHENLANGEN, Deceased, in the amount of \$60,000 plus interest. No objections have been filed to the Proposed Decision and on March 7, 1962 the same was entered as the Commission's Final Decision.

Subsequently, the Commission was advised that Adolph Suehsdorf, Jr. died on January 5, 1961 and that under the provisions of the Last Will of Josephine Doctor von Hohenlangen the Chase Manhattan Bank of New York was appointed Successor Executor of her estate. In view of the foregoing, the Commission has set aside its action of March 7, 1962 which entered the Proposed Decision as the Final Decision on the claim, and has substituted the CHASE MANHATTAN BANK of New York as party claimant in the capacity of Successor Executor of the ESTATE of JOSEPHINE DOCTOR von HOHENLANGEN in lieu and instead of ADOLPH SUEHSDORF, Jr.

Since no objections have been raised to the Proposed Decision, it is hereby

ORDERED that the Proposed Decision No. CZ-3079 of February 21, 1962 as modified hereinabove be entered as the Final Decision on Claim No. CZ-2,452, and that the award as restated below be certified for payment to the Secretary of the Treasury.

A W A R D

An award is hereby made to the CHASE MANHATTAN BANK, Successor Executor of the ESTATE OF JOSEPHINE DOCTOR von HOHENLANGEN, Deceased, in the principal amount of Sixty Thousand Dollars (\$60,000) plus interest thereon at the rate of 6% per annum from December 21, 1949 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Thirty-one Thousand Sixty-nine Dollars and Eighty Cents (\$31,069.80) for a total award of Ninety-one Thousand Sixty-nine Dollars and Eighty Cents (\$91,069.80), said award to be exclusively for the use and benefit of those beneficiaries under the Will of the said JOSEPHINE DOCTOR von HOHENLANGEN and of the trust created thereby who were nationals of the United States when their rights under the said will and trust vested.

Dated at Washington, D. C.

JUL 18 1962

Edward S. He
Theodore Jaffe
Lavern R. Diweg

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

ADOLPH SUEHSDORF, JR., Executor of the
Estate of JOSEPHINE DOCTOR von HOHENLANGEN,
Deceased

16 Norman Road
Upper Montclair, New Jersey

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-2,452

Decision No. CZ- 3079

GPO 942329

Counsel for Claimant:

Oscar J. Heig, Esq.
120 Broadway
New York, New York

PROPOSED DECISION

This is a claim in the amount of \$127,500.00 against the Government of Czechoslovakia under Section 404 of Title IV of the International Claims Settlement Act of 1949, as amended, by ADOLPH SUEHSDORF, JR., Executor of the Estate of JOSEPHINE DOCTOR von HOHENLANGEN, for the nationalization or other taking of property in Czechoslovakia.

Section 404 of the Act provides, inter alia, for the determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein, owned at the time by nationals of the United States.

JOSEPHINE DOCTOR von HOHENLANGEN was a national of the United States from April 11, 1944, the date of her naturalization, to her death on February 16, 1946. Under her will, admitted to probate in the Surrogate's Court of the County of New York in the State of New York on June 6, 1946, claimant was named executor, and this claim is based upon property in Czechoslovakia formerly owned by the said JOSEPHINE DOCTOR von HOHENLANGEN.

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The main part of the claim concerns a textile weaving and finishing business in Mittel-Langenau (Prostredni Lanov) known as Mittellangenauer Mechanische Weberei und Appretur Moritz Doctor. The Commission has made an independent investigation of this claim and it reveals that the subject textile business was owned by the late JOSEPHINE DOCTOR von HOHENLANGEN; that in 1940 the business was "sold" by a German "trustee" to one Rudolf Bohnisch; that the business included real estate and equipment as well as factory inventory and machinery. Such investigation also shows that the factory had been idle since 1933 and the looms which could be used had been sold before Bohnisch took over.

The Statement of Claim avers that the subject textile factory was "taken over (by the Government of Czechoslovakia) in the summer of 1946", but no further evidence of nationalization or other taking has been presented to us. In view of the circumstances already described, the probability is that the textile business was confiscated from Bohnisch as so-called enemy property by the Government of Czechoslovakia pursuant to Law 108/45 Sb.

"Sales" of the kind described above, by a German "trustee" in 1940, were made for the most part under the pressure of national, racial or political persecution by the German puppet regime then in control of Czechoslovakia. These transactions were invalidated in 1945 by the post-war Czech Government, but no provision for automatic restoration of the former owners' title was made. ^{1/} A subsequent law (Decree No. 128/46 Sb.) provided a remedy by restitution proceedings whereby the rightful owners could recover their property. However, in some cases such persons, for various reasons, did not seek restitution of their property. The Commission has studied this problem and has concluded that where property was transferred under duress during the wartime occupation of Czechoslovakia and the rightful owners have not sought restitution, as in the instant claim, the property

^{1/} Law 5/45 Sb.

shall be considered as having been taken by the Government of Czechoslovakia on December 21, 1949.^{2/}

Claimant asserts that before World War II the textile business under discussion had a value of 3 to 4 million crowns. The decedent, JOSEPHINE DOCTOR von HOHENLANGEN, filed a form TFR-500 with the Treasury Department in 1943 in which she gave the value of the subject textile company as \$119,000.00. However, no supporting evidence has been submitted to substantiate these figures.

The German "sale" in 1940 is reported to have brought a "price" equivalent to about \$17,000.00; but this was for a stripped factory which had not operated since 1933, and to a friendly "purchaser".^{3/} The investigation, referred to above, also reveals that Bohnisch, the "purchaser", overhauled or reconditioned some of the remaining looms and resumed operation of the business. (The factory had 237 weaving looms, 95-108 cm. wide, and 5 weaving looms, 229 cm. wide.)

On the basis of all the evidence and data of record, the Commission finds that the value of the subject textile business was \$60,000.00, and claimant is entitled to compensation in that amount plus interest for such taking under Section 404 of the Act.

It is also claimed that on June 28, 1946 the textile business had a balance of 210,470 crowns in the Bohmische Union Bank in Prague. Although claimant has submitted a copy of the registration form filed in 1945 pursuant to Law 95/45 Sb. which required registration of bank deposits, it is alleged that the said bank balance was confiscated on June 28, 1946 for failure to register. However, since this bank account was admittedly an asset of the textile business, only the business could claim it. Accordingly, we consider the bank account as part of the company's assets and

^{2/} Restitution actions not already concluded were ordered to be suspended on or about December 21, 1949.

^{3/} These so-called "purchasers" were usually of ethnic German nationality.

have included it in our evaluation of the textile business in the preceding paragraph of this Proposed Decision.

It is noted that some of the remaindermen under the will of JOSEPHINE DOCTOR von HOHENLANGEN and some of the beneficiaries of the trust created thereby are nonnationals of the United States. Section 404 of the Act was enacted for the benefit of nationals of the United States only, and claimant, as Executor under said will and sole trustee of said trust, is adjured to disburse the proceeds of any award flowing from this Proposed Decision to none other than United States nationals.

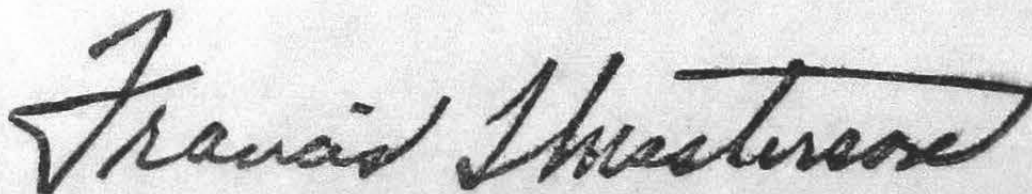
A W A R D

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to ADOLPH SUEHSDORF, JR., Executor of the Estate of JOSEPHINE DOCTOR von HOHENLANGEN, in the principal amount of Sixty Thousand Dollars (\$60,000.00) plus interest thereon at the rate of 6% per annum from December 21, 1949 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Thirty-one Thousand Sixty-nine Dollars and Eighty Cents (\$31,069.80) for a total award of Ninety-one Thousand Sixty-nine Dollars and Eighty Cents (\$91,069.80), said award to be exclusively for the use and benefit of those beneficiaries under the will of the said JOSEPHINE DOCTOR von HOHENLANGEN and of the trust created thereby who were nationals of the United States when their rights under the said will and trust vested.

Dated at Washington, D. C.

BY DIRECTION OF THE COMMISSION:

FEB 21 1962



Francis T. Masterson
Clerk of the Commission

Handwritten initials and signatures on the right margin, including "ST", "2 RB", and "J".

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON MAR 7 1962



Clerk of the Commission