

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

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In the Matter of the Claim of	:	
	:	
EDWARD EIS	:	
1082 Eastern Parkway	:	
Brooklyn, New York	:	
	:	
PHILIP EIS	:	
130-16 226th Street	:	
Laurelton, New York	:	Claim No. SOV-42,185
	:	
MOLLY EIS KREIDMAN	:	
210 Webster Avenue	:	Decision No. SOV-3007
New York, New York	:	
	:	
ANNA EIS as Administratrix of the	:	
Estate of HARRY EIS, deceased	:	
55 Riverdale Avenue	:	
Brooklyn, New York	:	
	:	
Under the International Claims Settlement	:	
Act of 1949, as amended	:	

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Counsel for Claimants:

GETTINGER & GETTINGER  
1407 Broadway  
New York 18, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on March 2, 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, and it is further

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

Washington 25, D. C.

APR 20 1959

*Whitney Hilliland*

*Leah Pace*

*Robert L. Kunzig*

COMMISSIONERS

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*[Handwritten initials]*

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Under the International Claims Settlement  
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Claim No. SOV-42,185

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Counsel for Claimants:

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New York 18, New York

PROPOSED DECISION

This is a claim for \$45,000 against the Soviet Government under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended.

Claimants assert, in substance, that the claim originally arose in September 1915 in favor of Eisig Eis as the result of the destruction by Russian troops of hotel property situated in the Town of Lutowska, County of Lisko, Province of Lvov, then located in Austria, and the confiscation by said troops of a large supply of wines and liquors, jewelry, currency and other valuables.

Claimants compute the value of the aforementioned property as follows:

Real property	\$ 15,000.00
Personal property	20,000.00
Other property	<u>10,000.00</u>
Total	<u>\$ 45,000.00</u>

The record discloses that Eisig Eis and Rebecca Eis, his wife, owned improved real property in Lutowska consisting of a 16-room furnished inn, barns and shed. For a number of years prior to September 26, 1914, Rebecca Eis operated said inn and conducted a wholesale and retail liquor business on the premises. On September 26, 1914, shortly after the Russian Government entered World War I, a patrol of Imperial Russian Cossack troops in command of their officers entered Lutowska, evidently on their way to combat the Austro-Hungarian forces. Upon entering Lutowska they pillaged and sacked that town. They entered the Eis inn by force, and although apprised by Rebecca Eis that her husband was an American citizen, they nevertheless ransacked the entire premises, took and carried away a quantity of liquors, and other personal property contained therein and on the person of Rebecca Eis, and before their departure wantonly demolished the inn, destroyed some livestock and burned the barns.

Eisig Eis became a United States national by naturalization on June 1, 1912. By virtue thereof, his wife Rebecca Eis and their four children (then minors), namely, Harry, Edward, Mollie and Philip, obtained United States nationality by derivation.

Eisig Eis died intestate on December 13, 1952. Rebecca Eis died, likewise intestate, on July 31, 1954. They left them surviving, as sole heirs and next of kin, their four above-named children. No administrator has been appointed in their respective estates. One child (Harry) died intestate on January 23, 1958 and his widow, Anna Eis, has been duly appointed as administratrix of his estate.

The record discloses that the pillaging, taking and destruction described above did not come about or result from an incident to the proper conduct of military operations. Under the circumstances, the government is responsible for the acts of its troops. In Borchard, Diplomatic Protection of Citizens Abroad, we find the following statements:

"Soldiers may be considered authorities rendering the state liable for their acts when they are under command of their officers." (Page 193)

"The Government is liable for violations of the rules of war and particularly for wanton pillage . . . of neutral property by Government soldiers." (Page 233)

"The destruction of private property in war where no military end is served is illegitimate." (Page 261)

To the same effect, see Hackworth, Digest of International Law, Vol. V, page 683.

On July 28, 1919, the Soviet Government decreed that "all claims against the State in connection with the Imperialist War of 1914-1918 shall be annulled." The Commission finds that the instant claim which originally arose against the Imperial Russian Government was arbitrarily annulled by said decree and that claimants have a valid claim against the Soviet Government under Section 305(a)(2) of the Act.

Value of Property Taken and/or Destroyed

As heretofore stated, claimants fix the value of the real property at \$15,000.00. However, it appears that such valuation included the land on which the buildings were erected. Since the property was located in the center of the town it is evident that the land was of substantial value. The Commission finds that the value of the buildings (inn, barn and shed) was \$10,000.00.

Claimants value the remaining property, designated as "Personal Property" and "Other Property" (which apparently refers to the furniture and furnishings in the inn, livestock, wines and liquors, jewelry, cash and other personal belongings) at \$30,000.00. The Commission having given due consideration to the evidence of record bearing on values of these items, is of the opinion that the amount claimed is excessive and fixes the value of such property at \$10,000.00.

Accordingly, the Commission finds that claimants are entitled to a consolidated award (under Section 310(d) of the Act) in the total amount of \$20,000.00, with interest thereon at the rate of 6% per annum from July 28, 1919 to November 16, 1933, the date of the Litvinov Assignment (Section 301(6) of the Act) in the amount of \$17,163.32.

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On the above grounds, and upon the entire record, and pursuant to Section 310(d) of the Act, a consolidated award in the principal amount of Twenty thousand dollars (\$20,000.00), plus interest thereon in the amount of Seventeen thousand one hundred sixty-three dollars and thirty-two cents (\$17,163.32) is hereby made to claimants (1) EDWARD EIS, (2) PHILIP EIS, (3) MOLLY EIS KREIDMAN, and (4) ANNA EIS as Administratrix of the Estate of HARRY EIS, deceased, their respective interests in such consolidated award being as follows:

	<u>Principal</u>	<u>Interest</u>
Edward Eis	\$ 5,000.00	\$ 4,290.83
Philip Eis	5,000.00	4,290.83
Molly Eis Kreidman	5,000.00	4,290.83
Anna Eis as Administratrix of the Estate of Harry Eis, deceased	5,000.00	4,290.83

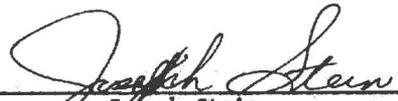
Payment of the award herein, in whole or in part, shall not be construed to have divested claimants herein, or the Government of the United States on their behalf, of any rights against the Government of the Soviet Union for the unpaid balance, if any, of the claim.

Dated at Washington, D. C.

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FOR THE COMMISSION:

  
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 Joseph Stein  
 Director, Soviet Claims Division