

# **REPORTS OF INTERNATIONAL ARBITRAL AWARDS**

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## **RECUEIL DES SENTENCES ARBITRALES**

**Henry W. Williamson and Others (United States) v. Germany, and Ellen  
Williamson Hodges, Administratrix of the Estate of Charles Francis Williamson,  
Deceased (United States) v. Germany**

21 February 1924

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HENRY W. WILLIAMSON AND OTHERS (UNITED STATES)  
v. GERMANY

ELLEN WILLIAMSON HODGES, ADMINISTRATRIX OF THE  
ESTATE OF CHARLES FRANCIS WILLIAMSON,  
DECEASED (UNITED STATES) v. GERMANY

(February 21, 1924, pp. 364-366.)

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DAMAGES IN DEATH CASES: ACTUAL FINANCIAL CONTRIBUTIONS, DEPENDENTS.

—EVIDENCE: PRESUMPTIONS. Claims for losses suffered by father, sister, brother and nephew of *Lusitania* victim. Application of rules announced in *Lusitania* Opinion, see p. 32 *supra*, and of other decisions. No evidence of decedent's earning capacity or income; inconclusive presumptions of valuable property stored. Damages allowed on behalf of decedent's father and sister, to whom decedent used to make contributions; no damages allowed on behalf of brother and nephew, who were not dependent upon him.

PARKER, *Umpire*, rendered the decision of the Commission.

These two cases, which have been considered and will be disposed of jointly, are before the Umpire for decision on a certificate of the American Commissioner and the German Commissioner <sup>a</sup> certifying their disagreement. A brief statement of the facts as disclosed by the records follows:

Charles Francis Williamson, an American national, 40 years of age, was a passenger on and was lost with the *Lusitania*. He had for a number of years prior to his death been spending most of his time in Paris, France, engaged in business as an art dealer, connoisseur, and commissionaire. The record fails to disclose his earning capacity or his income, and the books of his business can not be located. He lived in apparent affluence and associated with people of wealth, whom he numbered among his clients. In the autumn of 1914 the decedent shipped to New York for sale numerous paintings, tapestries, articles of furniture, and furnishings, which were later appraised at \$92,125.00.

In Docket No. 529 the claim, which is put forward on behalf of the administratrix of the estate of the decedent, is based on the theory that prior to his leaving France the decedent had secretly stored valuable property somewhere outside of Paris to prevent its falling into the hands of the German forces then approaching that city. The argument is pressed that the decedent must have been a man of substantial means because of his ability to borrow large sums of money on his unsecured notes from George J. Gould, Alfred G. Vanderbilt, and other men of great wealth; that since so much of his estate as could be discovered was not sufficient to pay his debts it must follow that he had stored valuable property worth not less than \$75,000, had taken a receipt therefor, had such receipt with him at the time of his death, and the loss of the receipt through Germany's act has resulted in damage to the decedent's estate in the amount of \$75,000 because of the impossibility without such receipt of locating the property in question, for which diligent search has been made without discovering a trace of it. This argument is not convincing. There is no competent evidence in the record that any property was ever stored by the decedent as alleged or any receipt therefor ever executed. In order to support the theory on which this claim is put forward it is necessary to base inconclusive presumptions on inconclusive presumptions, which is not permissible. The

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<sup>a</sup> Dated February 14, 1924.

claim is founded on mere conjecture and is without competent evidence to support it.

No demand is made for the value of the personal effects lost with decedent.

The net assets of the estate aggregated \$140,521.86, which was distributed among the creditors on the basis of 81.32% of the amount of their claims.

The decedent was survived by his father, Henry W. Williamson, then 75 years of age, a sister, Ellen Williamson Hodges, a brother, Harry A. Williamson, then 50 and 35 years of age respectively, and a nephew, John Baseman Williamson, son of a deceased brother (Eugene L. Williamson). In 1901 the father, at the instance of the decedent, retired from the office of Clerk of the Circuit Court of Allegany County, Maryland, and has since that time engaged in no employment, the decedent making regular contributions amounting to about \$700 per annum, sufficient to meet the father's modest needs.

The decedent had been unusually devoted to his sister, Ellen Williamson Hodges, whose husband had long been ill and died in 1916. The decedent not only contributed from time to time substantial amounts to his sister's maintenance but promised her that in the event of her husband's death he would take care of and support her. The care of her aged father now rests principally on Mrs. Hodges, who in order to support herself and father is employed in a Government department at Washington. There is no evidence that the other claimants were to any extent dependent upon the decedent or that he made any contributions to them.

It is apparent from the records in these cases and another case before the Commission that the pecuniary demands upon the decedent were quite heavy, and according to the provisions of his will more than one-half of his estate (had it been solvent) was bequeathed outside of the members of his family. While decedent had he lived would doubtless have continued making modest contributions to his father and sister, it is probable that such contributions would not have been very substantial in amount.

Applying the rules announced in the *Lusitania* Opinion and in other decisions of this Commission to the facts in these cases as disclosed by the records, the Commission decrees that under the Treaty of Berlin of August 25, 1921, and in accordance with its terms the Government of Germany is obligated to pay to the Government of the United States on behalf of (1) Henry W. Williamson the sum of five thousand dollars (\$5,000.00) with interest thereon at the rate of five per cent per annum from November 1, 1923, and (2) Ellen Williamson Hodges the sum of ten thousand dollars (\$10,000.00) with interest thereon at the rate of five per cent per annum from November 1, 1923; and further that the Government of Germany is not obligated to pay to the Government of the United States any amount on behalf of the other claimants herein.

Done at Washington February 21, 1924.

Edwin B. PARKER  
*Umpire*

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HENRY GROVES AND JOSEPH GROVES (UNITED STATES)  
v. GERMANY

(February 21, 1924, pp. 367-369.)

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DAMAGES IN DEATH CASES: ACTUAL FINANCIAL CONTRIBUTIONS, DEPENDENTS.

Claim for losses suffered by brother of *Lusitania* victim. Application of rules