

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579**

IN THE MATTER OF THE CLAIM OF

MELVILLE H. MANSON
and
HELEN P. MANSON

Claim No. CU - 0645

Decision No. CU - 4265

**Under the International Claims Settlement
Act of 1949, as amended**

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amended amount of \$66,170.00, was presented by MELVILLE H. MANSON and HELEN P. MANSON based upon the asserted loss of certain real and personal property in Cuba. Claimants, who are husband and wife, have been nationals of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The evidence establishes and the Commission finds that claimants jointly owned certain real and personal property in the Isle of Pines, Cuba, further described hereinafter.

On December 6, 1961, the Cuban Government published Law 989, which confiscated all real property, personal property, rights, shares, stocks, bonds, securities and bank accounts of persons who had left the country. The Commission finds that this law applied to claimants, who had left Cuba prior to that date, and that their interests in the property claimed were taken by the Government of Cuba on December 6, 1961 pursuant to Law 989. The Commission further finds that as a result of said action claimants sustained a loss of property within the meaning of Title V of the Act. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

Real Property

The evidence includes a copy of a letter, dated June 11, 1965, from claimants to the United States Internal Revenue Service, concerning claimants' Cuban losses accompanied by copies of letters from individuals with personal knowledge of the facts; a report from abroad; and statements of claimants to the Commission. On the basis of the foregoing evidence, the Commission finds that claimants jointly owned 32 acres of land in the Isle of Pines, Cuba, acquired in 1957 and 1958. The property was improved by orange, grapefruit and other fruit groves, two residential homes, a workshop and storage structure, a road, a bridge, a well for irrigation, a waterway and a dam.

Upon consideration of the entire record, the Commission finds that claimants' improved real property had the following value on December 6, 1961, the date of loss:

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28 acres, citrus and residential land, with waterway and concrete dam	\$14,000.00
4 acres of fruit groves	2,850.00
Road and cement bridge	1,500.00
Pine trees	750.00
Well	1,200.00
House with 2 bedrooms, 2 bathrooms, 2 terraces, living room, dining room, kitchen, laundry, storage and garage	20,000.00
Caretaker's house	3,000.00
Workshop	<u>600.00</u>
Total	<u>\$43,900.00</u>

Personal Property

Based upon the evidence of record, the Commission finds that claimants owned a tractor and mower as well as an automobile, maintained on the said real property, and furniture and furnishings situated in their home. The record shows that the furniture and home furnishings included valuable Spanish, Italian and Chinese antiques, sterling silverware, oriental dinnerware, oil paintings, expensive rugs and related furnishings.

On the basis of statements from individuals who had personal knowledge of the facts and a detailed description of the items of personal property, the Commission finds that the tractor, mower and automobile after appropriate depreciation had an aggregate value of \$1,750.00, and that the furniture and home furnishings after appropriate depreciation of utensils and appliances had an aggregate value of \$19,905.00, on December 6, 1961 the date of loss.

Accordingly, the Commission concludes that claimants jointly sustained a loss in the aggregate amount of \$65,555.00, as follows:

Improved real property	\$43,900.00
Tractor, mower and automobile	1,750.00
Furniture and home furnishings	<u>19,905.00</u>
Total	<u>\$65,555.00</u>

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act

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of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that MELVILLE H. MANSON AND HELEN P. MANSON, jointly suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Sixty-Five Thousand Five Hundred Fifty-Five Dollars (\$65,555.00) with interest at 6% per annum from December 6, 1961 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

DEC 10 1969

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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