

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

IN THE MATTER OF THE CLAIM OF

Estate of EDWARD BOROWY, Deceased

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU 0748

Decision No. CU 3

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by Mrs. J. Borowy, mother of EDWARD BOROWY, for an unknown amount, based upon the asserted ownership and loss of personalty. EDWARD BOROWY is said to have been a national of the United States since his birth in the United States. He died March 28, 1964, in New Jersey.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988) the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section 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

(a) . . . 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 claim is based on a package in a depository in Cuba, the package being said to contain various items of personalty, including among other things several pieces of jewelry.

However, the property was placed in the custody of a private depository as distinguished from a deposit made in a bank existing under and subject to the laws of the Government of Cuba.

There is no evidence of record that this property has been taken by the Government of Cuba nor has any Cuban law been cited as affecting this property. It is clear, therefore, that the record in this case does not establish that the property upon which this claim is based has been nationalized, expropriated, intervened or taken by the Government of Cuba.

Accordingly, for the reasons stated above, this claim is denied.

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

17 AUG 1966

CERTIFICATION .

This is a true and correct copy of the decision of the Commission which was entered as the final decision on 11-14-66

Travis M. ...
Clerk of the Commission

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 20 days after service or receipt of notice of this Proposed Decision upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) (1964))