

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

In the Matter of the Claim of

AMERICAN SECURITY AND TRUST COMPANY  
Trustee Under the Will of CARL F. JEANSEN  
15th and Pennsylvania Avenue  
Washington, D. C.

Under Section 303 of the International  
Claims Settlement Act of 1949, as amended

Claim No. HUNG-20,540

Decision No. HUNG-51

FINAL DECISION

The Commission issued its Proposed Decision on this claim on January 30, 1957 , a certified copy of which was duly served upon the claimant(s). 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.

Dated at Washington, D. C.

MAR 20 1957

W. M.  
W. B.  
D. B.

Whitney Killian  
Lance Racer  
Henry J. Clay  
COMMISSIONERS



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Against the Government of Hungary under  
the International Claims Settlement Act  
of 1949, as Amended.

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PROPOSED DECISION

This is a claim under the provisions of Section 303(3) of the International Claims Settlement Act of 1949, as amended, against the Government of Hungary by AMERICAN SECURITY AND TRUST COMPANY, Trustee Under the Will of CARL F. JEANSEN for the failure of the said government to meet its contractual obligations.

Section 303(3) of the Act provides that the Commission shall receive and determine the validity and amounts of claims of nationals of the United States against the Governments of Bulgaria, Hungary and Rumania resulting from failure to meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to September 1, 1939, in the case of Hungary, and which became payable prior to September 15, 1947.

It is clear that the national character of a claim must be tested by the nationality of the individuals holding a beneficial interest therein rather than by the nationality of the nominal or record holder of the claim. Precedents for the foregoing well settled proposition are so numerous that it is not deemed necessary to document it with a long list of authorities who have expressed views which coincide with



the following which represents the thinking of the Mixed Claims Commission, United States and Germany:

It follows from the very nature of the proceedings before this Commission that, to secure continuous American nationality of a claim, it is not sufficient that this claim was "American-owned" at the time it was presented but that - so to speak - the redress to be awarded must also be and remain "American-owned." In other words, up to the last moment of its activities, the Commission remains concerned with the question on whose behalf the claim is prosecuted and to whom the proceeds of an award will flow. If the facts, whenever they arose or became known to the Commission before rendering judgment, show that the beneficiary of the award is not an American national but a foreigner, the claim would not, in my opinion, be within the jurisdiction of the Commission.

That this conclusion conforms with general principles of international law is evidenced by various rulings of international tribunals. 1/ (underscoring supplied)

In addition, when faced with a similar problem under Title I of the Act, this Commission in a claim by one Binder, the owner of record of shares of corporate stock stated:

The Commission, therefore, views this claim as one by the real or beneficial owners of the Etexco shares and not as a claim by Binder on his own behalf. Claim of Edwin A. Binder, Docket No. Y-1036. (Decision No. 1535) (1954)

The record shows that the cestuis que trust for whose benefit claimant is acting in this claim are not nationals of the United States.

Accordingly, this claim is denied for the reason that it is not the claim of a national or nationals of the United States, within the meaning of Section 303 of the Act. The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

**JAN 30 1957**

FOR THE COMMISSION:

*Donald G. Benn*  
Donald G. Benn, Director  
Balkan Claims Division

1/ Decisions and Opinions at p. 164