

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

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IN THE MATTER OF THE CLAIM OF

JAMES M. DOYLE and MARIE G. DOYLE
c/o John B. Wright, Esquire
P. O. Box 628
Annapolis, Maryland

Claim No. IT-10,192

Decision No. IT-354

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72128-1

Attorney for Claimants:

JOHN B. WRIGHT, Esquire
P. O. Box 628
Annapolis, Maryland

FINAL DECISION

The Commission issued its Proposed Decision on this claim on October 24, 1957, a certified copy of which was duly served upon the claimants. Full consideration having been given to the objections and the evidence and arguments presented at a hearing held on January 22, 1958 at 10:00 A. M., 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

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

Washington 25, D. C.

MAR 6 1958

Whitney Tilliland

Paul Pace

Henry T. Clay

COMMISSIONERS

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In the Matter of the Claim of

JAMES M. DOYLE AND MARIE G. DOYLE
c/o John B. Wright, Esquire
P. O. Box 628
Annapolis, Maryland

Claim No. IT-10,192

Decision No. IT- 354

Under Section 304 of the International
Claims Settlement Act of 1949, as amended

Attorney for Claimants:

JOHN B. WRIGHT, Esquire
P. O. Box 628
Annapolis, Maryland

PROPOSED DECISION

This is a claim for \$17,071.50 jointly filed by James Madison Doyle, a citizen of the United States since his birth on June 22, 1886 at Philadelphia, Pennsylvania, and his wife, Marie Gregory Doyle, a citizen of the United States since her birth on July 28, 1885 at Woburn, Massachusetts, and is for real property damages and personal property losses sustained in Shanghai, China, as a result of the war in which Italy was engaged from June 10, 1940 to September 15, 1947.

The records of the Commission establish that the claimants are the owners of real property located at 149 Tunsin Road and 226 Hungjao Road in the International Settlement of Shanghai, China, and personal properties located therein, for which claim is made.

It is further established by the records of the Commission that claimants are seeking compensation for \$13,897.00 for the loss of rent. A lease agreement by and between the claimants, their agent, and the Government of Italy was entered into prior to the war in which Italy was engaged and therefore a private contractual relationship existed and any breach of said contract or damages arising therefrom does not give rise

to a compensable claim under Section 304 of the Act which relates solely to claims arising out of the war in which Italy was engaged. Therefore, this portion of the claim is denied.

It is further established by the records of the Commission that the damage resulting from the occupancy by representatives of the Italian Government to the residences at 149 Tunsin Road and 226 Hungjao Road, and the losses of the personal property located in said residences is deemed to have occurred on or about December 7, 1941 as a consequence of the acts of the Italian Government.

The Commission finds, on the basis of the evidence and data before it, that the fair and reasonable value of the damages to the real property and the losses of personal property was \$3,174.50.

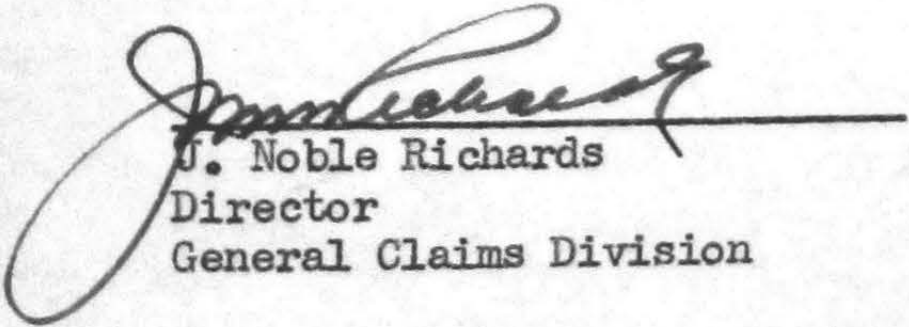
AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to the claimants, James Madison Doyle and Marie Gregory Doyle, in the principal amount of \$3,174.50 plus interest in the amount of \$1,214.23 thereon, being 6% per annum from December 7, 1941, the date of loss, to April 23, 1948, the date of payment by the Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1947.

Dated at Washington, D. C.

FOR THE COMMISSION:

OCT 24 1957


J. Noble Richards
Director
General Claims Division