

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

IN THE MATTER OF THE CLAIM OF

CLARA H. LEVINE
c/o Donovan Leisure Newton & Irvine
2 Wall Street
New York, New York

Claim No. IT-10,524

Decision No. IT-259

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Attorneys for Claimant:

DONOVAN LEISURE NEWTON & IRVINE
2 Wall Street
New York, New York

FINAL DECISION

The Commission issued a Decision proposing an award in the principal amount of \$1,517.25 on this claim on June 5, 1957, a certified copy of which was duly served upon the claimant. 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, and it is further

ORDERED that the award granted pursuant thereto, in the principal amount of \$1,517.25 plus interest thereon in the amount of \$581.35, being 6% per annum from December 7, 1941, the date of the 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, be certified to the Secretary of the Treasury.

Washington 25, D. C.

SEP 11 1957

Whitney Gilliland
Henry S. Clay

COMMISSIONERS

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

In the Matter of the Claim of

CLARA H. LEVINE
c/o Donovan Leisure Newton & Irvine
2 Wall Street
New York, New York

Claim No. IT-10,524

Decision No. 259

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

Attorneys for Claimant:

DONOVAN LEISURE NEWTON & IRVINE
2 Wall Street
New York, New York

PROPOSED DECISION

This is a claim for \$4,986.65 by Clara H. Levine, who became a naturalized citizen of the United States on February 16, 1932, Brooklyn, New York, for the loss of cargo requisitioned by the Italian Government, filed under Section 304 of the International Claims Settlement Act of 1949, as amended.

It appears from the record that the claimant acquired title by purchase of 2705 $\frac{1}{4}$ square feet of leather from Tanneries Adolf Vigodni, Budapest, Hungary, at a cost of \$586.25 (U. S.) on October 18, 1939 and placed the leather packed in two cases marked "I. E. & I. C. 913/3-4 Tientsin". This cargo was shipped from Budapest via Hamburg aboard the "S. S. Coburg" bound for Hong Kong. The "S. S. Coburg" took refuge at the port of Massaua, Eritrea when war was declared in September, 1939 and the vessel off-loaded her cargo at Massaua. As a result of the war the cargo was beyond the control of its owner to which it was never returned. The cargo was requisitioned by the Italian Government and thus resulted in a total loss to the claimant.

Section 304 of the Act provides for claims of nationals of the United States against the Government of Italy arising out of the war in which Italy was engaged from June 10, 1940 to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy.

The Commission finds that the cargo consisting of two cases of leather acquired the status of "in transit" to Hong Kong when the claimant committed it to the common carrier for transportation and it is concluded that the loss occurred when the Italian Government requisitioned the cargo which arose out of the war in which Italy was engaged. While the date of loss has not been definitely established by the record, it is deemed to have occurred on or about December 7, 1941. The peace treaty does not provide for losses of property in transit from one foreign port to another.

It is the opinion of the Commission that an award may be made for the costs of the cargo, insurance, distress and freight.

The Commission finds that the fair and reasonable value of the loss was \$1,517.25.

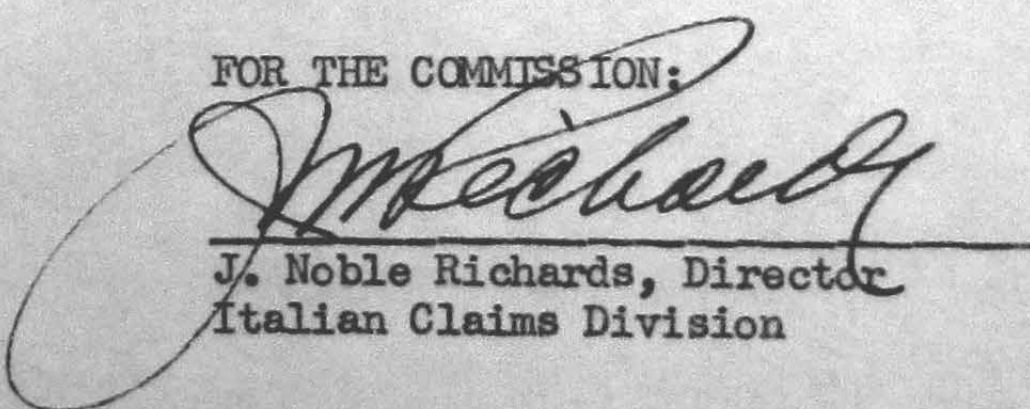
AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby granted to the claimant in the amount of \$1,517.25 with interest thereon at the rate of 6% per annum from December 7, 1941 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, in the amount of \$581.35.

Washington 25, D. C.

JUN 5 1957

FOR THE COMMISSION:


J. Noble Richards, Director
Italian Claims Division

BB