

In the Matter of the Claim of
 DAVID A. WHEAT
 405 Deady Building
 Salt Lake City, Utah
 Under the Convention between the United
 States and Panama, effective October 11,
 1950 and the International Claims
 Settlement Act of 1949

Document No. Pan-10
 Decision No. 58

PROPOSED RESOLUTION OF THE COMMISSION

That in a claim for \$105,197 by David A. Wheat, a citizen of the United States by birth, on January 26, 1966. The claim is based on the nullification by a judgment of the Supreme Court of the Republic of Panama of claimant's title to approximately 33,099.39 acres of land in the so-called "El Encanto Tract," located in the District of Panama, Province of Colon, Panama.

It is established by evidence before the Commission that:
 1. Claimant purchased 22,933.07 hectares of unimproved land in the El Encanto Tract by deed dated August 31, 1917, recorded on October 25, 1917, in the Office of Registry of Property, Section of Colon, Volume 4, Folio 395, Entry 2895, of the Deeds Record.
 2. Claimant conveyed 5,376.37 hectares of the land by deeds to 60 parties, which were duly recorded.
 3. Claimant deducted from his holdings 4,178.13 hectares of the land which had been sold to 129 additional parties.
 4. Claimant was the record and beneficial owner of the balance of 13,400.97 hectares of unimproved land in the El Encanto Tract, in the District of Panama, Province of Colon, Panama, when such land was declared the property of the Republic of Panama by a judgment of the Supreme Court of Justice of the Republic of Panama, on October 20, 1931.

of the land in the tract was improved or that it varied in value.
No evidence has been filed with the Commission indicating that any
entire tract of approximately 120,000 hectares, or about 29.33 x hectares,
more, in the Commission of October 11, 1950, was 6700,000 for the
property in the El Encanto tract. The tract was fixed by the Commission
that was settlement of all claims of American citizens who had acquired
benefits of the Government of the United States and former for the
groups, entered discussions and negotiations were had between representatives
and others, by the General Claims Commission in 1933, on judicial grounds.
After the denial of the claims of the Mexican Development Company,
more than \$3.00 x hectares.
From 1925 to 1928 at \$11.25 x hectares, and from 1929 to 1932 at a little
for tax purposes from 1925 to 1927 at a little less than \$3.00 x hectares;
hectares, stated by the Mexican Development Company, were assessed
\$2.70 x hectares, etc. It is also shown that approximately 50,000
there is also evidence of sales at \$10.11 x hectares, \$6.50 x hectares,
that some 50 parcels had been sold at that price to individual purchasers.
was valued at \$12.50 x hectares. That value was supported by evidence
117,000 hectares, or approximately 95% of the entire tract, the land
Mexican Development Company and 55 other statements for approximately
Conventions of July 28, 1926 and December 27, 1932) on behalf of the
the General Claims Commission, after review and hearing (under the
is that of value. In the hearings, filed by the United States with
the Commission based upon the taking of land in the El Encanto tract,
The principal issue in this case, and the 66 other claims before
legality of the nationalization.
necessity for this Commission to inquire into the circumstances of
who had acquired land in the El Encanto tract. It is, therefore,
total sum of \$400,000 in settlement of all claims of American citizens
abdication of any liability, agreed to pay to the United States the
Governments of the United States and former, the latter, without
Payment to the Commission dated October 11, 1950, between the

Deputy Clerk of the Commission

D. C. Cole

I hereby certify that the within is a true and correct copy of the original proposed decision on file with this Commission

JUN 11 1954

Dated at Washington, D. C.

\$53,602.28 without interest.

owed to hereby made to David A. Hunt, claimant, in the amount of

On the above evidence and grounds, this claim is allowed and an

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debt to exercise the discretion in this claim.

claimant before this Commission. Even if it had such authority, it would

the form of attorney's fees not been engaged to represent a

The Commission is of the opinion that it is without authority to

attorney's fees for services rendered with respect to such claim.

employed by such claimant, determine and apportion the just and reasonable

upon the request of the claimant or an attorney, executor or beneficiary

pursuant to this act in which no award is made, the Commission may,

provide in part: "In connection with any claim decided by the Commission

Section 4 (2) of the International Claims Settlement Act of 1949

communicated with or appeared before this Commission.

against the Government of Russia. None of the attorneys mentioned have

power of attorney, signed by claimant, with respect to this claim

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

In the Matter of the Claim of

DAVID A. WEST

105 Dooly Building

Salt Lake City, Utah

Under the Convention between the United States and Panama, effective October 11, 1950, and the International Claims Settlement Act of 1949

FINAL DECISION

Thirty days having elapsed since the Claimant herein was

notified of the Proposed Decision of the Commission on the above

Claim, and no objections thereto or notice of intention to file

brief or request for hearing having been filed, such Proposed

Decision is hereby adopted as the Commission's final decision on

this claim.

Filed at Washington, D.C.

AUG 23 1954

I hereby certify that the within is a true and correct copy
of the original Final Decision on file with the Commission.

Deputy Clerk of the Commission

A. C. Carter

Decision No. 58

Packet No. Pan-10

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