

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

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IN THE MATTER OF THE CLAIM OF

LLOYD JOHN CRANDALL
111 5th Avenue North
St. Petersburg, Florida

Claim No. IT-10,742

Decision No. IT-352

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on October 16, 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.

Washington 25, D. C.

NOV 26 1957

Whitney Hilliland
Pearl Pace
Henry S. Clay

COMMISSIONERS

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

In the Matter of the Claim of

LLOYD JOHN CRANDALL
111 5th Avenue North
St. Petersburg, Florida

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: Claim No. IT-10,742
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: Decision No. IT- 352

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

PROPOSED DECISION

This is a claim for \$198.50 filed by Lloyd John Crandall, a United States Naval Officer, for loss of certain personal property sustained at Salerno, Italy during a naval amphibious landing on September 3, 1943.

Section 304 of the aforesaid Act provides for the receipt and determination by the Commission, in accordance with the Memorandum of Understanding and applicable substantive law, including international law, of the validity and amounts of 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.

It is a well established rule of international law that claims of individuals for loss of property sustained as a result of legitimate acts of war¹ are not compensable. However, such a rule can and is often modified by international agreements between nations, such as the Treaty of Peace with Italy. Thus, while under general principles of international law, claims for war damages were not compensable, certain categories became recognized claims by virtue of

¹Borchard, "The Diplomatic Protection of Citizens Abroad," 3103 citing Vattel, Moore, Oppenheim and other decisions by international commissions

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the obligations assumed under the Treaty of Peace. Pursuant to the Treaty, Italy assumed the obligation of compensating only claims for property losses which occurred in Italy or in territories ceded under the Treaty.

The Commission has concluded that the term, "with respect to which provision was not made in the Treaty of Peace with Italy," is to be construed as extending solely to war damage claims of the type covered by the Treaty of Peace occurring in areas outside of Italy, and to include only such other claims as arise under the general principles of international law. Consequently, the act does not contemplate the settlement of claims of belligerents involving the loss of personal belongings arising out of a legitimate act of war unless, of course, there is a showing that such losses arose out of a violation of international law.

In the instant claim, the loss of personal property belonging to a belligerent, a United States naval officer on active combat duty, occurred during the course of a legitimate military operation at Salerno, Italy, in September 1943. No evidence has been submitted showing that the proximate cause of the loss described herein was in violation of international law.

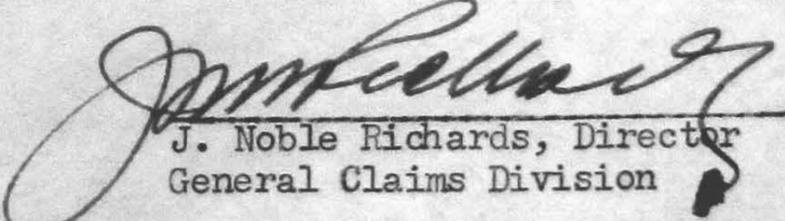
For the foregoing reasons, this claim is hereby denied. The Commission deems it unnecessary to consider other elements of eligibility in connection with this claim.

BG

Dated at Washington, D. C.

FOR THE COMMISSION:

OCT 16 1957


J. Noble Richards, Director
General Claims Division