

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ALBERT E. WADSWORTH

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0084

Decision No. CU 3581

Counsel for claimant:

J. E. Tucker, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$254,088.00, was presented by ALBERT E. WADSWORTH, and is based upon the asserted loss of real and personal property in Cuba. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

On the basis of evidence of record, the Commission finds that claimant was the owner of a cattle ranch of 434 acres known as "La Horqueta", situated eight miles west of Guantanamo, Cuba, on Central Highway. This property, consisting of five pastures separated by seven miles of fencing, all planted in guinea grass, was used for the grazing and fattening of cattle for sale, and was irrigated by a water system consisting of a stream, a dam, two wells and a pump. The property included a ranch house of three bedrooms, living room, dining room, and kitchen, a milk house, and a corral and loading chute. The Commission further finds that the ranch was intervened by the Government of Cuba on November 7, 1960, together with 213 bulls of an average weight of 1,095 pounds each, six saddle horses, a saddle and riding equipment, and 700 eight-foot hardwood fence posts.

The value of the above-described property at the time of taking is found to have been as follows:

Land and grass	\$ 72,325.00
213 bulls	30,403.00
Ranch house and corral	6,000.00
Milk house	3,000.00
Fences	2,800.00
Water system	900.00
6 saddle horses	1,200.00
Riding equipment	400.00
700 fence posts	<u>560.00</u>
Total	\$117,588.00

The basis for the above evaluation is an appraisal of February 12, 1963 by Luis Parajon of Parajon e Hijo as to the land, grass, and fences, and affidavits by claimant and Oswaldo L. Mujica (chief accountant of an adjoining ranch who handled claimant's accounting and was left in charge of "La Horqueta" when claimant left Cuba) as to the other items of property, all of which are described in a "Minute of Intervention" or inventory executed by the intervenors at the time of intervention.

Claim is made also for \$15,000.00 for "household and kitchen furniture". Claimant has failed to provide a detailed description of this personal property or evidence of its value at time of loss. In the absence of any evidence to support a finding as to the amount of loss, the portion of the claim for household and kitchen furniture is denied.

The Commission finds further that claimant operated a sugar cane plantation known as "Bella Vista" on 650 acres of land at Ermita, Cuba, under contract with Central Ermita, S.A., a sugar enterprise from which claimant leased the land. On this land, in addition to the cane stools, claimant had a foreman's house, three laborers' houses, a barracks to accommodate 60 to 70 men, and a water system and well. This property was nationalized by the Government of Cuba on August 6, 1960 under Resolution No. 1 issued pursuant to Law 851.

The claimed value of the cane stools is \$98,500.00, based upon appraisals by Luis Parajon of cane plantations in the vicinity of "Bella Vista" at \$10.00 per 100 arrobas of cane produced. Asserting an annual production of 50,000 arrobas per caballeria of land, and 650 acres equaling 19.7 caballerias, claimant calculated an annual production of 985,000 arrobas of cane, providing a value of \$98,500.00 for the cane stools. However, affidavits of Antonio Arias, Jr., Dayton R. Elmore, and Benito Rodriguez indicate that the annual cane production of the 650 acres was 9,000 to 10,000 tons. At 25 pounds per arroba, the maximum of 10,000 tons equals 800,000 arrobas. Applying the Parajon formula to this annual production, the Commission finds that claimant's cane stools had a value of \$80,000.00. The claimed amount of \$23,000.00 as the value of the water system and structures at "Bella Vista" is accepted by the Commission as fair and reasonable.

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$103,000.00 on August 6, 1960, and a further loss in the amount of \$117,588.00 on November 7, 1960, as a result of actions of the Government of Cuba within the meaning of Title V of the Act, as follows:

"Bella Vista":

Cane stools	\$ 80,000.00
Water system and structures	<u>23,000.00</u>
Total	\$103,000.00

"La Horqueta":

Land and grass	\$ 72,325.00
Buildings, fences, water system	12,700.00
Personalty	<u>32,563.00</u>
Total	\$117,588.00

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered. Accordingly, the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum on \$103,000.00 from August 6, 1960 and on \$117,588.00 from November 7, 1960 to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that ALBERT E. WADSWORTH suffered a loss, as a result of actions of the Government of Cuba within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Twenty Thousand Five Hundred Eighty-eight Dollars (\$220,588.00) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

APR 2 1969

*Leonard v. B. Sutton*  
\_\_\_\_\_  
Leonard v. B. Sutton, Chairman

*Theodore Jaffe*  
\_\_\_\_\_  
Theodore Jaffe, Commissioner

*Sidney Freidberg*  
\_\_\_\_\_  
Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 [1967].)