

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

IN THE MATTER OF THE CLAIM OF

ETHEL BEATRICE HUGHES

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0138

Decision No. CU 1816

Counsel for claimant:

John G. Dier, Esquire

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$4,717.00, was presented on June 28, 1965, by ETHEL BEATRICE HUGHES and is based upon the asserted loss of personal property in Cuba. Claimant has been a national of the United States since her birth in the United States.

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.

Claimant asserts that she and her husband, the late Kenneth Emery Hughes, were the owners of various items of personal property consisting of furniture, household furnishings, and personal effects, which were lost as a result of their departure from Cuba on May 15, 1959. Claimant states that their personal property was placed in storage, except for a few items which were taken out of Cuba, and that the property is presumably still in Cuba.

Evidence of record established that the late Kenneth Emery Hughes was a national of the United States and that his wife, ETHEL BEATRICE HUGHES, the claimant herein, was the sole beneficiary under his Will, which was admitted to probate on February 18, 1965.

In support of her claim, claimant has submitted a packing list, dated at New York on September 5, 1957, of items of personal property which were shipped to Cuba, which reflects that claimant shipped 24 containers of household and personal effects to Cuba in 1957, and gives values for the various items which were in each container. The record also contains an itemized list of property acquired while claimant and her husband lived in Cuba, and a list of the items which were taken out of Cuba. Further, the record contains the affidavit of claimant, ETHEL BEATRICE HUGHES, in which she states that the personal property in Cuba was left in the custody of one Harold Johnson, and that neither she nor her husband ever received word from Harold Johnson as to the fate of the property. The record also contains the affidavit of one Francis Xavier Keany, the former superior of claimant's husband when he was employed at Macabi, Cuba,

by the United Fruit Sugar Company, in which the affiant states that personal property of claimant and her husband had been packed and sent to the Miramar Storage Company in Marianao, Cuba, after claimant and her husband had left Cuba in May, 1959.

Based on the evidence of record, the Commission finds that claimant and her husband were the owners of the various items of personal property indicated in the aforementioned lists, which are part of the evidence of record.

On December 6, 1961, the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p.23705) which confiscated all real and personal property of persons who had left the country.

Claimant states that she left Cuba on May 15, 1959. In the affidavit of Francis Xavier Keany, the affiant states that claimant and her husband left Cuba in May, 1959.

Accordingly, the Commission finds, in absence of evidence to the contrary, that claimant's personal property was taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law 989.

Claimant has asserted the amount of her loss to be \$4,717.00, computed as follows:

Property Taken to Cuba	\$3,345.00	
plus: Property Acquired in Cuba	<u>2,732.00</u>	\$6,077.00
minus: Property Taken Out of Cuba		<u>1,360.00</u>
		\$4,717.00

Claimant has further stated that the values she ascribed to the various items of personal property were values after depreciation and use, or second-hand value rather than new value.

After consideration of the values ascribed, claimant's assertions with respect thereto, and the nature of the items of personal property, the Commission concludes that the value of the personal property taken by the Government of Cuba was \$4,000.00, and that claimant sustained a loss in that amount as a result of the taking of her personal property on December 6, 1961.

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).

Accordingly, the Commission concludes that the amount of loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date of loss, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that ETHEL BEATRICE HUGHES 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 Four Thousand Dollars (\$4,000.00) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

MAY 8 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, 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).)