

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

IN THE MATTER OF THE CLAIM OF

ROY E. HAIGHT
and
ARRETTA B. CROSBY HAIGHT

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0325

Decision No. CU- 5878

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by ROY E. HAIGHT in the amount of \$341,594.38 based upon the asserted ownership and loss of two poultry farms in Cuba. Under the Community Property Law of Cuba, ARRETTA B. CROSBY HAIGHT has an interest in the property subject of this claim and is added as claimant. Both claimants have been nationals 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.

Claimants describe their losses as follows:

Farm at Manajanabo, Santa Clara, Las Villas

65 acres of land	\$ 6,000.00	
10 poultry houses	35,000.00	
Two dwelling houses	17,500.00	
Mill building	8,000.00	
Five drilled wells	10,000.00	
Improvements:		
Roadway	3,600.00	
Fencing	2,500.00	
Trees	1,200.00	
Vehicles	9,700.00	
Equipment	10,383.50	
Livestock	46,450.00	
Household furnishings (listed \$2,500.00)	<u>2,200.00</u>	\$152,533.50
Stock and Eggs assertedly lost when Castro took over in 1959		50,000.00
Wages paid to Idle Workers		6,000.00

Farm at Santiago de las Vegas, Havana

2-1/2 acres of land	\$ 20,000.00	
Two dwelling houses	18,500.00	
Five poultry buildings	38,500.00	
Mill building	12,500.00	
Cistern house	1,000.00	
Equipment	<u>43,740.88</u>	<u>134,240.88</u>
		\$342,774.38

On the basis of the evidence of record, including a seizure order, a lease, claimant's declaration and letters, the Commission finds that claimants owned property known as "La Corona" at Manajanabo; and a property at Santiago de las Vegas; and certain personal property at each place. Claimant ROY E. HAIGHT operated the Santa Clara property, but had leased out the property at Santiago de las Vegas.

The Commission further finds that the Santa Clara property was taken by the Cuban Minister of Labor on March 9, 1961; and that the Santiago de las Vegas property was taken by the Government of Cuba on February 12, 1963.

In support of the claim, claimants have submitted copy of the seizure order on the Santa Clara property; copy of the lease of the Santiago de las Vegas property; detailed lists and descriptions of the buildings, equipment and livestock; and a copy of a 1959 declaration of the value of the then existing chickens.

The Commission has considered the entire record and evidence available to it as to the value of similar properties in Cuba, and after applying appropriate depreciation where applicable, finds as follows:

Santa Clara property:

Land	\$ 6,000.00	
Poultry buildings	30,000.00	
First dwelling	13,000.00	
Second dwelling	2,000.00	
Wells	8,000.00	
Mill	7,200.00	
Road	3,600.00	
Fencing	2,000.00	
Trees	1,200.00	
Vehicles	5,335.00	
Equipment	8,449.28	
Livestock	46,450.00	
Household furnishings	<u>2,181.00</u>	\$135,415.28

Santiago de las Vegas property:

Land	\$15,389.00	
First dwelling	13,000.00	
Second dwelling	5,000.00	
Poultry buildings	30,800.00	
Mill	10,000.00	
Cistern house	900.00	
Equipment	<u>26,747.83</u>	<u>101,836.83</u>
		\$237,252.11

Accordingly, the Commission finds that claimants suffered a loss in the amount of \$237,252.11 as the result of the taking of their properties by the Government of Cuba on the aforesaid dates.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1969).)

Claim has also been asserted in the amount of \$50,000.00 for poultry and eggs assertedly lost when Castro took over in 1959. Claimants however, have not submitted anything in support of this item. Accordingly, the Commission finds that they have not met the burden of proof in that they have failed to establish this loss within the meaning of Title V of the Act, and this item of claim is denied.

Further, claim is made for \$6,000.00 assertedly paid to employees who did not work in return. However, the Commission is unable to find that this is a loss within the meaning of Title V of the Act. Accordingly, this item of claim is also denied.

The Commission has decided that in certifications of loss 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, as follows:

	<u>FROM</u>	<u>CN</u>
ROY E. HAIGHT	March 9, 1961	\$ 67,707.64
	February 12, 1963	<u>50,918.41</u>
		\$118,626.05
ARRETTA B. CROSBY HAIGHT	March 9, 1961	\$ 67,707.64
	February 12, 1963	<u>50,918.42</u>
		\$118,626.06

CERTIFICATIONS OF LOSS

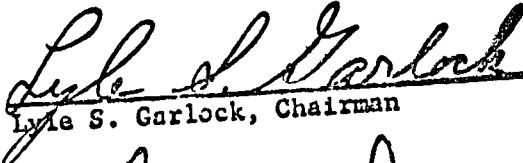
The Commission certifies that ROY E. HAIGHT suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount

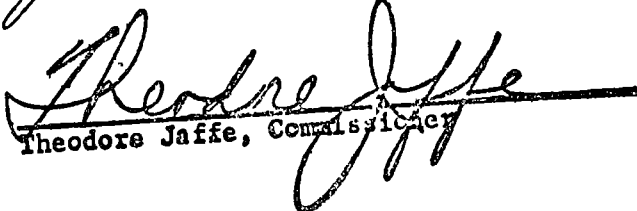
of One Hundred Eighteen Thousand Six Hundred Twenty-six Dollars and Five Cents (\$118,626.05) with interest thereon at 6% per annum from the aforesaid dates to the date of settlement; and

The Commission certifies that ARRETTA B. CROSBY HAIGHT 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 One Hundred Eighteen Thousand Six Hundred Twenty-six Dollars and Six Cents (\$118,626.06) with interest at 6% per annum from the aforesaid dates to the date of settlement.

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

OCT 7 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Comptroller

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).)