

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

IN THE MATTER OF THE CLAIM OF

JOHN FRED TOOKER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1628

Decision No. CU 4306

PROPOSED DECISION

Claimant, JOHN FRED TOOKER, who owned securities issued by the Consolidated Railroads of Cuba and The Cuba Railroad Company, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Railroads.

The Commission finds, on the basis of evidence of record, that claimant, a national of the United States since birth, inherited from Fred Tooker, a national of the United States since 1907, the following securities, which had been held by claimant's predecessor since prior to October 13, 1960:

3% Cumulative Income Debentures issued by the Consolidated Railroads of Cuba, in the face amount of \$5,400;
Accrual Certificates issued by said Railroad, in the amount of 1,566 pesos;
25 shares of preferred stock of said Railroad; and
10 shares of preferred stock of The Cuba Railroad Co.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001), Claim of Meyer Lobsenz (Claim No. CU-1005), Claim of Cora W. Welsh (Claim No. CU-2503) and Claim of Irwin Nack, et al. (Claim No. CU-1960) (which we incorporate herein by reference), we held that the properties of these Railroads were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the methods used in determining the value per

\$5,000 3% Income Debenture as \$5,945.41, including interest to October 13, 1960; of Accrual Certificates as the face value thereof; of Consolidated Railroad preferred as \$272 per share; and of Cuba Railroad preferred as \$100 per share.

Accordingly, the Commission finds that claimant succeeded to a loss in the amount of \$12,710.32 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith, supra.)

CERTIFICATION OF LOSS

The Commission certifies that JOHN FRED TOOKER succeeded to 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 Twelve Thousand Seven Hundred Ten Dollars Thirty-two Cents (\$12,710.32) with interest at 6% per annum from October 13, 1960 to the date of settlement.

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

DEC 10 1969

Theodore Jaffe

Theodore Jaffe, Commissioner

J. Stanley Freidberg

J. Stanley Freidberg, Commissioner

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].)

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 TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

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