

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

IN THE MATTER OF THE CLAIM OF

MERCANTILE TRUST COMPANY,  
TRUSTEE UNDER THE INDENTURE  
OF TRUST OF MARY L. COTTER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -8471

Decision No. CU 4691

PROPOSED DECISION

Claimant, MERCANTILE TRUST COMPANY, TRUSTEE UNDER THE INDENTURE OF TRUST OF MARY L. COTTER, who owned a "Belen" bond issued by the Association of the Religious Community of the Company of Jesus of Bethlehem College of Havana, 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 Company.

In our decision entitled the Claim of Gustavus Basch (Claim No. CU-0972 which we incorporate herein by reference), we held that the properties of the College were nationalized or otherwise taken by the Government of Cuba on May 3, 1961, 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 method used in determining the value per \$1,000 bond of \$459.17 including interest on May 3, 1961.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Basch decision; that MARY L. COTTER, the beneficiary of the Trust, was an American national at the requisite times, and that she has been the owner of one Belen bond since prior to May 3, 1961; and that she suffered a loss in the amount of \$459.17 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 May 3, 1961, the date of loss, to the date on which provisions are made for the settlement thereof. (See Basch, supra.)


CERTIFICATION OF LOSS

The Commission certifies that MERCANTILE TRUST COMPANY, TRUSTEE UNDER THE INDENTURE OF TRUST OF MARY L. COTTER, 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 Hundred Fifty-Nine Dollars and Seventeen Cents (\$459.17) with interest thereon at 6% per annum from May 3, 1961 to the date of settlement.

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

1 APR 1970

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freidberg, Commissioner

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 or the loss here certified.

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).)