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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

HERMAN LIVINGSTON ROGERS
Lou Viei
Avenue de Vallauris
Cannes, A. M., France

Claim No. IT-10,250

Decision No. IT-327

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72128-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on October 9, 1957, a certified copy of which was duly served upon the claimant. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim, and it is further

ORDERED that the award granted pursuant thereto be certified to the Secretary of the Treasury.

Washington 25, D. C.

DEC 4 1957

Whitney Gilliland

Paul Pace

Henry S. Clay

COMMISSIONERS

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
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In the Matter of the Claim of

HERMAN LIVINGSTON ROGERS
Lou Viei
Avenue de Vallauris
Cannes, A. M., France

Claim No. IT-10,250

Decision No. IT- 327

Under Section 304 of the International
Claims Settlement Act of 1949, as amended

PROPOSED DECISION

This is a claim for \$6,350.00 by Herman Livingston Rogers, a native-born citizen of the United States since his birth on September 27, 1891 in Hyde Park, New York, and is for the taking of his yacht "ANGELIQUE" which was taken by the Italian naval authorities on February 19, 1943 at Cannes, France, as a result of the war in which Italy was engaged from June 10, 1940 to September 15, 1947.

Section 304 of the Act provides for claims of nationals of the United States against the Government of Italy arising out of the war in which Italy was engaged and with respect to which provision was not made in the Treaty of Peace with Italy.

The records of the Commission disclose that the claimant purchased the yacht "ANGELIQUE", an auxiliary sloop of eight tons gross, from Prince Pontiatowski of Mougins, France, on September 11, 1932 at Nice, France, for the sum of 110,000 francs, which included the fittings and equipment. This amount of francs converted into dollars at the rate of 1 franc to 3.9257 United States cents, the exchange rate in 1932, equals \$4,318.27.

The Commission finds that the claimant was the established owner of the yacht "ANGELIQUE" and that the loss occurred on February 19, 1943 as a consequence of naval operations in which Italy participated; and that the fair and reasonable value of the yacht "ANGELIQUE" at the time of the taking was \$2,806.88. The claimant seeks compensation for expenses incurred in preparation of this claim in the amount of \$600.00. The Commission finds that no provision was made for payment of expenses under the Act; therefore, the claim for expenses is denied.

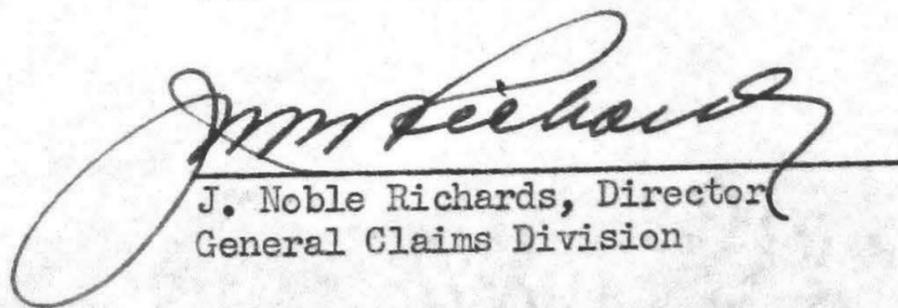
AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to Herman Livingston Rogers in the principal amount of \$2,806.88 plus interest thereon at 6% per annum from February 19, 1943, the date of the loss, to April 23, 1948, the date of payment by the Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1947, in the amount of \$870.60.

Dated at Washington, D. C.

FOR THE COMMISSION:

OCT 9 1957


J. Noble Richards, Director
General Claims Division

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