

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
Washington, D. C.

In the Matter of the Claim of	:	
	:	
MARTIN M. CONKLIN,	:	Packet No. PAN-3
Route 1, Box 92,	:	
Croville, California.	:	Decision No. 1
	:	
Under the Convention between the United	:	
States and Panama, effective Oct. 11,	:	
1950 and the International Claims	:	
Settlement Act of 1949	:	

REASONS DECISION OF THE COMMISSION

This is a claim by Martin M. Conklin, a citizen of the United States by birth on March 1, 1913, at San Andreas, California. The claim is based on the nullification by the Supreme Court of the Republic of Panama of claimant's title to 40 acres of land situated in the so-called "El Encanto Tract," located in the District of Domo, Province of Colon, Panama, which claimant values at \$400.

It is established by evidence before the Commission (Unrecorded deed dated December 5, 1916) and by the records and admissions of claimant's grantor (Petitioner's Exhibit No. B (1), File Pan No. 10, "Deeds whose titles were never transferred to them") that claimant was the owner of 16,2000 hectares, or approximately 40 acres of unimproved land in the El Encanto Tract when such land was declared the property of the Republic of Panama by a judgment of the Supreme Court of Justice of the Republic of Panama on October 20, 1931.

Pursuant to the Convention dated October 11, 1950, between the Governments of the United States and Panama, the latter, without admission of any liability, agreed to pay to the United States the total sum of \$400,000 in settlement of all claims of American citizens who had acquired land in the El Encanto Tract. It is, therefore,

unnecessary for this Commission to inquire into the circumstances or legality of the expropriation.

The principal issue in this claim, and the 66 other claims before the Commission based upon the taking of land in the El Encanto Tract, is that of value.<sup>\*</sup> In the Memorial, filed by the United States with the General Claims Commission, United States and Panama (under the Conventions of July 26, 1926 and December 17, 1932), on behalf of the Mariposa Development Company and 55 other claimants for approximately 114,000 hectares, or approximately 97% of the entire tract, the land was valued at \$12.50 a hectare. That value was supported by evidence that some 50 parcels had been sold at that price to individual purchasers. There is also evidence of sales at \$20.31 a hectare, \$6.50 a hectare, \$2.70 a hectare, etc. It is also shown that approximately 90,000 hectares, claimed by the Mariposa Development Company, were assessed for tax purposes from 1921 to 1924 at a little less than \$3.00 a hectare; from 1925 to 1926 at \$11.25 per hectare, and from 1927 to 1932 at a little more than \$3.00 a hectare.

After the denial of the claims of the Mariposa Development Company, and others, by the General Claims Commission in 1933, on jurisdictional grounds, extended discussions and negotiations were had between representatives of the Governments of the United States and Panama for the lump sum settlement of all claims of American nationals who had acquired property in the El Encanto Tract. The final sum fixed by the two governments, in the Convention of October 11, 1933 was \$400,000 for the entire tract of approximately 120,000 hectares, or about \$3.33 a hectare. No evidence has been filed with the Commission indicating that any of the land in the Tract was improved or that it varied in value.

On consideration of all evidence and data of record, the Commission is of the opinion that all of the land in the El Monte Tract was worth at least \$4.00 per acre on October 20, 1931, the date of the final judgment of the Supreme Court of Texas, and that all writorious claims should be allowed at that value. Inasmuch as there is only the lump sum of \$400,000 available, less authorized deductions for administration expenses, it is apparent that an award for a larger amount, or an award of interest, could not be satisfied from the proceeds of such a fund. \*

This claim is accordingly allowed, and an award is hereby made, in the amount of \$64.50 without interest.

Dated at Washington, D. C.

MAR 3 1 1954

I hereby certify that the within is a true and correct copy of the original Proposed Decision on file with this Commission.

A. C. Coste  
Deputy Clerk of the Commission

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
WASHINGTON, D. C.

In the Matter of the Claim of

MARTIN M. GIBLIN,  
Route 1, Box 92,  
Oroville, California.

Docket No. PA-3

Decision No. 1

Under the Convention between the United  
States and Panama, effective Oct. 11,  
1950, and the International Claims  
Settlement Act of 1949

FINAL DECISION

Thirty days having elapsed since the Claimant herein was notified of the Proposed Decision of the Commission on the above claim, and no objections thereto or notice of intention to file brief or request for hearing having been filed, such Proposed Decision is hereby adopted as the Commission's final decision on this claim.

Done at Washington, D. C. this 26th day of May, 1954.

/s/ Henry J. Clay  
Henry J. Clay  
Acting Chairman

/s/ George N. Spangler  
George N. Spangler  
Acting Commissioner

I hereby certify that the within is a true and correct copy of the original Final Decision on file with this Commission.

A. C. [Signature]  
Deputy Clerk of the Commission