

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

In the Matter of the Claim of

CHRISTINA ANDERSON

Armour, South Dakota

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

Packet No. Pan.-54

Decision No. 22

PROPOSED DECISION OF THE COMMISSION

This is a claim by Christina Anderson, widow of Andrew C. Anderson, also known as Andro C. Anderson, deceased. The claim is for \$800 and is based on the nullification of Andrew C. Anderson's title to 80 acres of land in the so-called "El Esento Tract", located in the District of Bonoso, Province of Colon, Panama.

Andrew C. Anderson became a citizen by naturalization on November 4, 1893 and remained so until his death on October 2, 1951.

It is established by evidence before the Commission (Unrecorded deed, dated August 21, 1916, and records and admissions of Andrew C. Anderson's grantor, File Pan. No. 10, Petitioner's Exhibit No. 3 (1) "Buyers whose titles were never transferred to them") that Andrew C. Anderson was the owner of 32,3752 hectares, or approximately 80 acres of unimproved land in the El Esento 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 dated October 20, 1931. It is also established by evidence of record (Affidavits of claimant and two children of Andrew C. Anderson) that Andrew C. Anderson died intestate on October 2, 1951; that no probate proceedings were had; and that he was survived by the following heirs: Mathilda Palmer, Chris A. Anderson, Harold P. Anderson, Morris C. Anderson, Kenneth D. Anderson and Lila Gettman. All of these beneficiaries have filed notarized assignments in favor of Christina Anderson, claimant.

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 nullification.

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. In the Memorial, filed by the United States with the General Claims Commission, United States and Panama (Under the Conventions of July 28, 1926 and December 17, 1932), on behalf of the Mariposa Development Company and 55 other claimants for approximately 114,000 hectares, or approximately 95% 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 \$10.11 a hectare, \$6.50 a hectare, \$2.70 a hectare, etc. It is also shown that approximately 50,000 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 1928 at \$11.25 a hectare, and from 1929 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, <sup>in</sup> the Convention of October 11, 1950 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 Encanto Tract was worth at least \$4.00 per hectare on October 20, 1931, the date of the final judgment of the Supreme Court of Panama, and that all meritorious 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 for the satisfaction of all the claims, it is apparent that an award for a larger amount, or an award of interest, could not be satisfied from the proceeds of such fund.

AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to Christina Anderson, claimant, in the amount of \$129.50 without interest.

APR 10 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. Coates  
Deputy Clerk of the Commission

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

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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.

Dated at Washington, D. C.

AUG 23 1954

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

A. C. Coates  
Deputy Clerk of the Commission