

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

IN THE MATTER OF THE CLAIM OF

CHARLES ALEXANDER REGINALD MOSKON  
Villa Tropicale, Bd. Tropicale,  
Cannes, A.M., France

Claim No. SOV-40,921

Decision No. SOV-2944

Under the International Claims Settlement  
Act of 1949, as amended

GPO 9 42329

Counsel for Claimant:

Wilmer and Broun  
Transportation Building  
Washington 6, D. C.

ORDER

Upon consideration of petition of Counsel for allowance of fees in excess of ten percent (10%) of the amount of payment on the award issued to the claimant in the above-captioned claim pursuant to the International Claims Settlement Act of 1949, as amended, and it appearing to the Commission that there exist special circumstances of unusual hardship which warrant payment in excess of the maximum otherwise permitted for services rendered in connection with this claim, it is

ORDERED that a fee in the amount of thirty-three and one-third percent (33 1/3%) of the award paid, but in no event in excess of twenty-five hundred dollars (\$2,500.00), be allowed Counsel and the same is hereby granted.

*fe*

Dated at Washington, D. C.

OCT 12 1950

*Paul Tace*

COMMISSIONERS

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CHARLES ALEXANDER REGINALD MOSKON  
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Claim No. SOV-40,921

Decision No. SOV-2944

Under the International Claims Settlement  
Act of 1949, as amended

gpo 16-72126-1

Counsel for Claimant:

WILMER & BROUN  
Transportation Building  
Washington 6, D. C.

FINAL DECISION

The Commission, by Proposed Decision dated December 8, 1958, allowed part of this claim and entered an award in the amount of \$8,823.51 plus interest in the sum of \$6,726.36; and at the same time, denied compensation for the items of the claim based upon bank accounts, bonds, and shares of stock. The denial of such latter items was based on the fact that claimant had not, at that time, submitted persuasive evidence that his father was the owner of such property at the time of its confiscation, repudiation, or annulment by the Soviet Government. The claimant, upon receipt of the Proposed Decision, filed objections to the Proposed Decision and requested an oral hearing before the Commission for the purpose of presenting additional evidence and further argument in support of the claim.

A hearing was scheduled for April 1, 1959, and held on that date. Claimant appeared by his attorney and presented certain additional evidence and oral argument in support of that part of the claim based upon the aforesaid three items of property with a claimed value of \$76,000. The claimant has been unable to submit evidence which fully

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substantiates his allegations as to the extent of the loss of and ownership by his father with respect to those items of the claim based upon bank accounts, bonds and shares of stock. Nevertheless, the Commission, not being bound by the usual rules of evidence, is persuaded that the father had some such property in Russia which was confiscated, repudiated or annulled by the Soviet Government; that such property had a value at that time of \$10,000; and that he did not receive compensation therefor from that Government. Denial of these items of the claim for lack of corroboration under such circumstances would not, in the opinion of the Commission, be an act of justice. On the other hand, the absence of reliable evidence precludes an award of the full amount claimed.

General notice of the Proposed Decision having been given by posting for thirty days, it is hereby

ORDERED that the Commission's Proposed Decision dated December 8, 1958, with the foregoing additions thereto and modifications thereof and increase in the amount of the award as shown below, be affirmed in all other respects and entered as the Commission's Final Decision:

A W A R D

On the above evidence and grounds, this claim is allowed and an award is hereby made to CHARLES ALEXANDER REGINALD MOSKON, claimant herein, in the amount of Eighteen thousand eight hundred twenty-three dollars and fifty-one cents (\$18,823.51), plus interest thereon at the rate of 6% per annum to November 16, 1933, in the amount of Sixteen thousand one hundred fifty-one dollars and thirty-one cents \$16,151.31). No determination is made with respect to interest for any period subsequent to November 16, 1933.

Payment of the award herein shall not be construed to have divested claimant herein, or the Government of the United States on his behalf, of any rights against the Government of the Soviet Union for the unpaid

balance, if any, of the claim. It is further

ORDERED that the award granted pursuant to the this Final Decision  
be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

APR 27 1959

*Handwritten initials:*  
JMM  
AKM

*Whitney Hilliland*

*Leah Lee*

*Robert L. Quayle*

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

CHARLES ALEXANDER REGINALD MOSKON  
Villa Tropicale, Bd. Tropicale,  
Cannes, A.M., France

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. SOV-40,921

Decision No. SOV- *2974*

GPO 16-72128-1

Counsel for Claimant:

WILMER & BROUN  
Transportation Building  
Washington 6, D. C.

PROPOSED DECISION

This claim for \$729,427.96 under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, is based upon the following property:

(1) Coupons detached from bonds issued by a predecessor of and repudiated by the Soviet Government,	\$ 74.96
(2) Property confiscated by the Soviet Government:	
(a) Tangible personalty in apartment in Grand Hotel, Kharkov, Russia,	9,926.00
(b) Tangible personalty in safe deposit box No. 223 in Russo-Asiatic Bank, Kharkov, Russia, and	1,635.00
(c) Accounts in two banks in Kharkov, Russia,	23,500.00
(3) Bonds issued by a predecessor of and repudiated by the Soviet Government,	1,625.00
(4) Shares of stock in various Russian companies which were allegedly nationalized by the Soviet Government, and	539,792.00
(5) Ruble currency.	<u>152,875.00</u>
	<u>\$ 729,427.96</u>

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The Commission finds that:

- (1) Joseph Moskon, a national of the United States since his naturalization on December 20, 1895, was the owner of the aforesaid claim when he died intestate on January 10, 1948 survived by Charles Alexander Reginald Moskon, son and claimant herein, and by Claire Fortunée Moskon, widow,
- (2) On April 15, 1948, the aforesaid Claire Fortunée Moskon, a national of the United States since her marriage to Joseph Moskon on November 26, 1901, assigned her interest in her late husband's estate to Charles Alexander Reginald Moskon, her son and the claimant herein,
- (3) Charles Alexander Reginald Moskon, a national of the United States since birth on August 30, 1902 in Russia of American parents, was the sole owner of this claim on and after April 15, 1948,
- (4) As to the bond coupons described in item (1) of the preceding paragraph, a claim against the Soviet Government arose in favor of the claimant's father by reason of his ownership of the following-described coupons which were due and payable prior to the repudiation on February 10, 1918 by the Soviet Government of the bonds to which they had been formerly attached:

Coupons Detached From  
5% Government Loan Bonds of 1906

<u>Bond No.</u>	<u>Bond Series</u>	<u>Coupon Number</u>	<u>Due Date of Coupon</u>	<u>Amount of Coupon in Rubles</u>
00997	422	19	1 November 1916	4.6875
00998	"	"	" "	4.6875
00999	"	"	" "	4.6875
01518	371	20	1 May 1917	4.6875
01519	"	"	" "	4.6875
01520	"	"	" "	4.6875
01521	"	"	" "	4.6875
02175	441	19	1 November 1916	4.6875
02177	"	"	" "	4.6875
02196	"	"	" "	4.6875
02430	438	20	1 May 1917	4.6875
02587	352	19	1 November 1916	4.6875
02588	"	"	" "	4.6875
02589	"	"	" "	4.6875
02985	438	20	1 May 1917	4.6875
02986	"	"	" "	4.6875
02987	"	"	" "	4.6875
02988	"	"	" "	4.6875
03044	450	"	" "	4.6875
03045	"	"	" "	4.6875
03091	404	19	1 November 1916	4.6875
03092	"	"	" "	4.6875
03195	379	20	1 May 1917	4.6875
03197	"	"	" "	4.6875
03198	"	"	" "	4.6875
03199	"	"	" "	4.6875

<u>Bond No.</u>	<u>Bond Series</u>	<u>Coupon Number</u>	<u>Due Date of Coupon</u>		<u>Amount of Coupon in Rubles</u>
03200	379	20	1 May	1917	4.6875
03203	"	"	"	"	4.6875
03204	"	"	"	"	4.6875
03205	"	"	"	"	4.6875
03206	"	"	"	"	4.6875
03207	"	"	"	"	4.6875
03208	"	"	"	"	4.6875
03457	389	17	1 November	1915	4.6875
03457	"	18	1 May	1916	4.6875
03457	"	19	1 November	1916	4.6875
03457	"	20	1 May	1917	4.6875
Total					173.4375 rubles

Coupons Detached From 4% Consolidated  
Railroad Bond (Second Series)

<u>Bond Number</u>	<u>Coupon Number</u>	<u>Due Date of Coupon</u>	<u>Amount of Coupon in U.S. currency</u>
261942	113	1 July 1917	\$ .9625

- (5) Regarding the personalty in the apartment described in item 2(a) of the preceding paragraph which was owned by the father of the claimant when it was confiscated by the Soviet Government on March 5, 1921, a claim against the Soviet Government in the amount of \$7,500.00, arose in favor of such owner,
- (6) With respect to the personalty in the safe deposit box described in item 2(b) of the preceding paragraph which was owned by the claimant's father when it was confiscated by the Soviet Government on March 5, 1921, a claim against that Government in the amount of \$1,300.00, arose in favor of such owner,
- (7) The only evidence submitted in support of those parts of the claim based upon bank accounts, bonds and shares of stock described in items 2(c), (3) and (4), respectively, of the preceding paragraph is an affidavit of April 25, 1925 by the claimant's father which, in the absence of corroboration, is not persuasive; therefore, these parts of the claim must be and hereby are denied,
- (8) The part of this claim based upon ruble currency /item (5) of the preceding paragraph/ is denied for the reasons specified in the attached Proposed Decision SOV-9, In the Matter of the Claim of Walter J. Zuk (SOV-40,492), and
- (9) The claimant is entitled to an award in the amount of \$8,800.96, plus 173.44 rubles with the rubles being converted to United States dollars at the exchange rate of 13 cents, or \$22.55.

A W A R D

On the above evidence and grounds, that part of the claim based upon bond coupons, tangible personalty in an apartment in the Grand Hotel in Kharkov, Russia and tangible personalty in safe deposit box No. 223 in the Russo-Asiatic Bank in Kharkov, Russia, is allowed and an award is hereby made to CHARLES ALEXANDER REGINALD MOSKON, claimant herein, in the amount of Eight thousand eight hundred twenty-three dollars and fifty-one cents (\$8,823.51), plus interest at 6% per annum from the date of repudiation or confiscation of each category of property to November 16, 1933, in the amount of Six thousand seven hundred twenty-six dollars and thirty-seven cents (\$6,726.37), as shown below:

<u>Amount of Award</u>	<u>Date Claim Arose</u>	<u>Amount of Interest</u>
\$ 23.51	2/10/1918	\$ 22.24
7,500.00	3/ 5/1921	5,713.75
<u>1,300.00</u>	3/ 5/1921	<u>990.38</u>
<u>\$ 8,823.51</u>		<u>\$ 6,726.37</u>

No determination is made with respect to interest from any period subsequent to November 16, 1933.

Payment of the award herein shall not be construed to have divested claimant herein or the Government of the United States on his behalf, of any rights against the Government of the Soviet Union, for the unpaid balance, if any, of the claim.

Dated at Washington, D. C.

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FOR THE COMMISSION:

  
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Joseph Stein  
Director, Soviet Claims Division