

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

IN THE MATTER OF THE CLAIM OF

CHARLES CLIFTON SPALDING
120 Sylvian Way
Los Altos, California

Claim No. SOV- 42,037

Decision No. SOV- 314

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-78126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on July 30, 1958, a 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.

SEP 24 1958

Whitney Gilliland
Rear Carter Pace

COMMISSIONERS

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AMENDED PROPOSED DECISION

The Commission, on December 19, 1956, issued its Proposed Decision No. SOV-314 denying the claim herein for the reasons set forth in Proposed Decision No. SOV-230, In the Matter of the Claim of Charles D. Siegel. On May 9, 1957, the Commission (Commissioner Henry J. Clay dissenting) issued its Order No. SOV-230 vacating the Proposed Decision In the Matter of the Claim of Charles D. Siegel, and held that claims based on securities payable in currency other than United States dollars, issued by predecessors of the Soviet Government, are within the purview of Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended. A copy of the Commission's Order No. SOV-230 and Commissioner Clay's dissent thereto are attached.

The Commission finds it established that claimant has been a national of the United States since his birth on April 21, 1913; that he is the owner of three hundred sixty-seven (367) Imperial Russian Government 5 $\frac{1}{2}$ % Short Term War Loan Bonds of 1915 and 1916 numbered as follows:

<u>100 rubles</u>	<u>1915 Issue</u> <u>100 rubles</u>	<u>1,000 rubles</u>
✓406836/8 ✓	✓807990/2 ✓	✓306124 ✓
✓415552/3 ✓		✓008270 ✓
✓415571 ✓		✓008273/4 ✓
✓415575 ✓	<u>1,000 rubles</u>	✓079008 ✓
✓593165 ✓	✓099213 ✓	✓079315 ✓
✓593469/72 ✓	✓113453 ✓	✓145705 ✓
✓637116/17 ✓	✓213451 ✓	✓148978 ✓
✓791679/88 ✓	✓213454 ✓	✓216401/2 ✓

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1916 Issue

50 rubles

Series I

✓056194/200 ✓
 ✓183028/42 ✓
 ✓183051/4 ✓
 ✓183091 ✓
 ✓183094/7 ✓
 ✓264521/40 ✓
 ✓264548/51 ✓
 ✓264585/7 ✓
 ✓391641 ✓
 ✓391647 ✓

100 rubles

Series I

✓092736/7 ✓
 ✓211064/7 ✓
 ✓631141/2 ✓
 ✓631156/7 ✓
 ✓933890 ✓
 ✓1047321 ✓
 ✓1171114 ✓

Series II

✓019702/7 ✓
 ✓211264/5 ✓
 ✓292090/7 ✓
 ✓444507/8 ✓
 ✓444523/4 ✓
 ✓508343/4 ✓
 ✓511075 ✓
 ✓511082/3 ✓
 ✓553901/2 ✓
 ✓991865/75 ✓
 ✓991996/992000 ✓
 ✓995769/71 ✓
 ✓998780/9 ✓
 ✓1001785/818 ✓
 ✓1001933/53 ✓

500 rubles

Series I

✓015519 ✓
 ✓015533/7 ✓
 ✓015540 ✓
 ✓015545 ✓
 ✓015547 ✓
 ✓020303 ✓
 ✓053861 ✓
 ✓053864 ✓
 ✓053902 ✓

1916 Issue

500 rubles

Series I

✓053904 ✓
 ✓076549 ✓
 ✓076559 ✓
 ✓103591 ✓
 ✓119290 ✓
 ✓210058 ✓
 ✓231126/34 ✓

Series II

✓004387 ✓
 ✓004390 ✓
 ✓004671/2 ✓
 ✓004932/3 ✓
 ✓009889 ✓
 ✓009892 ✓
 ✓011245/6 ✓
 ✓011285/90 ✓
 ✓059733 ✓
 ✓061705 ✓
 ✓061724 ✓
 ✓061752/4 ✓
 ✓071943 ✓
 ✓072361/2 ✓
 ✓072364 ✓
 ✓097513 ✓
 ✓097515/6 ✓
 ✓097527/30 ✓
 ✓097545 ✓

Series II

1,000 rubles

✓195000 ✓

5,000 rubles

Series I

✓002135 ✓
 ✓002145 ✓

Series II

010095 ✓

1916 Second Issue

5,000 rubles - Series I

✓021626 ✓

Series II

✓004429 ✓

1916 Second Issue

100 rubles

Series I

✓209602 ✓
 ✓960362 ✓
 ✓1076261/2 ✓
 ✓1131672/6 ✓
 ✓1131680 ✓
 ✓1263295/300 ✓
 ✓1286331/2 ✓
 ✓1316259 ✓
 ✓1330467 ✓
 ✓1341889 ✓
 ✓1356445 ✓
 ✓1374435 ✓
 ✓1374461 ✓
 ✓1387323 ✓
 ✓1392185 ✓

Series II

✓149436 ✓
 ✓149623 ✓
 ✓168347 ✓
 ✓168349/53 ✓
 ✓168356 ✓
 ✓168390 ✓
 ✓168395 ✓
 ✓340349 ✓
 ✓374079 ✓
 ✓374384 ✓
 ✓434380/2 ✓
 ✓434557/8 ✓
 ✓450901 ✓
 ✓577413/4 ✓
 ✓608701/3 ✓
 ✓608981 ✓
 ✓757740 ✓
 ✓781070 ✓
 ✓787045 ✓
 ✓789180/2 ✓
 ✓853408/9 ✓

1,000 rubles

Series I

✓210501 ✓
 ✓210539 ✓
 ✓210545/74 ✓
 ✓271604 ✓
 ✓306273 ✓

Series II

✓014525/7 ✓
 ✓057544 ✓
 ✓057586 ✓

that he inherited such bonds from his parents, nationals of the United States; that his parents acquired the bonds from investment brokers in 1931 and 1933 at a cost of \$7.00 per 1,000 ruble bond; and that on February 10, 1918, the bonds were formally repudiated by the Soviet Government.

Under the aforesaid Section of the Act, and under well-established principles of international law relating to claims espoused by the United States against other governments, eligibility for compensation requires, among other things, that the property which was the subject of loss must have been owned by a United States national at the time the loss occurred and that the claim arising as a result of such loss must have been owned continuously thereafter by a United States national. In the case of securities issued by predecessors of the Soviet Government, it is concluded that a claim arose on February 10, 1918, the date the Soviet Government formally repudiated such obligations of its predecessors.

Twelve (12) of the bonds of the 1915 issue, numbers 145705, 148978, 008270, 008273/4, 079008, 079315, 216401/2, 235575, 238420 and 245021 bear a written notation and rubber stamp which shows that they were located in Greece in 1919 and five (5) of the bonds of the second issue of 1916, numbers 210545/7, 210501 and 210539 bear a rubber stamp which shows they were at one time located in Estonia. In the absence of evidence to the contrary, the Commission must necessarily conclude that the bonds described herein, upon which part of this claim is based, were not owned by United States nationals at the time the claim arose and continuously thereafter.

For the foregoing reason, that part of the claim based on such bonds, must be, and is hereby, denied.

The identity and nationality of the owners of the balance of the bonds from February 10, 1918, until the date the decedent acquired them are unknown. The Commission has ascertained that bonds of the type owned by claimant were

traded on the market in the United States in large quantities prior to February 10, 1918. In the absence of any evidence to the contrary, the Commission concludes that the bonds upon which the balance of this claim is based have been owned continuously from February 10, 1918, by nationals of the United States.

Accordingly, the Commission finds that the claimant has a valid claim for compensation under Section 305(a)(2) of the Act on the balance of the bonds.

Section 307 of the Act provides that any award made on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

This claim did not originally accrue in favor of the claimant. Since the last purchase of the securities on which this claim is based was made during the period from February 10, 1918 to December 31, 1952, inclusive, the award must be limited to the amount of the consideration last paid.

A W A R D

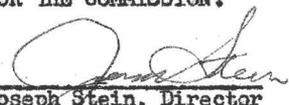
On the above evidence and grounds, this claim is allowed and an award is hereby made to CHARLES CLIFTON SPALDING, claimant herein, in the amount of six hundred fifty-one dollars (\$651.00).

Payment of the award herein, in whole or in part, 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.

JUL 30 1958

FOR THE COMMISSION:


Joseph Stein, Director
Soviet Claims Division

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Washington, D.C.

In the Matter of the Claim of

CHARLES CLIFTON SPALDING
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Decision No. SOV-314

Under Section 305(a) of the International
Claims Settlement Act of 1949, as amended

PROPOSED DECISION OF THE COMMISSION

This claim is based upon the loss allegedly sustained by claimant(s) as the owner(s) of bond(s), payable in currency other than United States dollars, issued by a predecessor of the Soviet Government.

For the reasons specified in the attached Proposed Decision, No. SOV-230, In the Matter of the Claim of Charles D. Siegel (SOV-40,017), this claim is denied.

Dated at Washington, D. C.

DEC 19 1956

[Handwritten initials]

FOR THE COMMISSION:

Harold W. Matthews
Harold W. Matthews, Director
Soviet Claims Division