

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

IN THE MATTER OF THE CLAIM OF

KENNETH MACKENZIE DAY
FRANCES DAY LUKENS
905 West Mount Airy Avenue
Philadelphia, Pennsylvania

Claim No. SOV- 42,272

Decision No. SOV- 319-B

Under the International Claims Settlement
Act of 1949, as amended

FINAL DECISION

The Commission issued its Proposed Decision on this claim on
January 29, 1958 , 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.

MAR 19 1958

Whitney Hilliland

SECRETARY
Whitney Hilliland

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[Signature]

COMMISSIONERS

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Act of 1949, as amended

GPO 16-72126-1

PROPOSED DECISION

This claim for \$409.33 under the provisions of Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, by Kenneth Mackenzie Day and Frances Day Lukens, is based upon the loss sustained by the claimants as the owners of certain Imperial Russian Government 5 $\frac{1}{2}$ % Short Term War Loan Bonds of 1916.

The Commission finds it established that the claimants have been nationals of the United States since their birth in Philadelphia, Pennsylvania on January 25, 1901 and October 13, 1897, respectively; that they own three (3) of the above-described bonds numbered Series II, 231074, 231075 and 231076, in the aggregate face amount of 3,000 rubles; that to each of these bonds are attached two coupons in the aggregate amount of 165 rubles, due and payable prior to February 10, 1918, which had not been paid at that time; that the claimants inherited the bonds from their mother, Anna Blakiston Day, a national of the United States, upon her death in 1952; that Anna Blakiston Day purchased the securities on November 14, 1916; that on February 10, 1918, the bonds and coupons were formally repudiated by the Soviet Government; and that the claimants have a valid claim for compensation under Section 305(a)(2) of the Act.

The Commission's records show that the exchange rate of the ruble in New York in February 1918 was quoted at 13 cents for 1 ruble.

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Accordingly, the Commission concludes that the claimants are entitled to an award for the face value of the bonds and coupons in the amount of 3,165 rubles, converted into dollars at 13 cents for 1 ruble, and for interest from February 10, 1918 until November 16, 1933, the date of the Litvinov Assignment.

The principal of the award amounts to \$411.45, which is more than the amount of the principal claimed. It seems obviously unjust to hold claimants to their statement in the Statement of Claim, made as a mere matter of conjecture, where the evidence of record proves a loss in excess of the amount claimed. This is feasibly corroborated by the modern liberalization of the rules of pleading to conform the pleadings to the proof. The Commission, therefore, concludes that the claimants are entitled to an award in the amounts stated below.

A W A R D

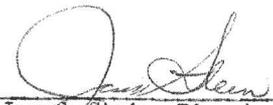
On the above evidence and grounds, this claim is allowed and an award is hereby jointly made to KENNETH MACKENZIE DAY and FRANCES DAY LUKENS, claimants herein, in the amount of four hundred eleven dollars and forty-five cents (\$411.45) plus interest thereon at the rate of 6% per annum from February 10, 1918 to November 16, 1933 in the amount of three hundred eighty-nine dollars and twenty-three cents (\$389.23). 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 claimants herein or the Government of the United States on their 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.

JAN 29 1958

FOR THE COMMISSION:


Joseph Stein, Director
Soviet Claims Division

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