

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

PAUL A. BELL, EXECUTOR, ESTATE OF  
JOSEPH G. BELL, DECEASED

Under Title V of the International Claims  
Settlement Act of 1949, as amended by  
Public Law 89-780

Claim Nos. CN- 107, CN-128,  
CN-129, CN-130, CN-131,  
CN-148, CN-150, CN-152,  
CN-155, CN-161, CN-168,  
CN-183, CN-225

Decision No. CN- 395

PROPOSED DECISION

These claims against the Chinese Communist regime, under Title V of the International Claims Settlement Act of 1949, as amended, are based upon the loss of improved real property in Shanghai and Tsingtao, China. Claimant, Joseph G. Bell, has been a national of the United States since his birth to American parents in Shanghai, China on April 11, 1881; claimant, Nellie F. Bell, has been a national of the United States since her birth to American parents in Shanghai, China on July 3, 1889. The remainder of the claimants are the children of Joseph G. Bell and Nellie F. Bell and have been nationals of the United States since birth. The claims are consolidated for the purpose of this decision.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), as amended by 80 Stat. 1365 (1966), 22 U.S.C. §§1643-1643k, Supp. II (1967)], the Commission is given jurisdiction over claims of nationals of the United States against the Chinese Communist regime. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Chinese Communist regime arising since October 1, 1949 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Chinese Communist regime or by enterprises which have been nationalized, expropriated, intervened, or taken by the Chinese Communist regime and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Chinese Communist regime.

All claimants herein also filed a claim under the War Claims Act of 1948, as amended by Public Law 87-846. In those claims the Commission, in its consolidated decision, Decision No. W-15204, found, among other items, that claimants Joseph G. Bell and his wife, claimant Nellie F. Bell, jointly owned improved real property and personal property which was partially damaged and lost respectively during World War II as a direct consequence of Japanese military operations of war. The property was located at 1 through 16 Dixwell Terrace; 1261 and 1263, 1269, 1271 and 1273 Rue Lafayette; Belmont Apartments and 92 Route Remi, all in Shanghai and 21 Lia Yang Road, Tsingtao, China. The claims of the children, based on an asserted interest in the property known as 1 through 16 Dixwell Terrace, were denied since the Commission determined that the parents were the owners of said property. The files have been associated with this claim for reference.

Based on the entire record including the evidence submitted in the prior claims, the Commission finds that Nellie F. Bell and Joseph G. Bell were joint owners of the aforementioned real property at Dixwell Terrace; Rue Lafayette; Belmont Apartments and Route Remi, all in Shanghai and Lea Yang Road, Tsingtao. The Commission further finds that, in the absence of evidence to the contrary, the owners lost all control, use and enjoyment of their property both in Shanghai and

CN-107, etc.

Tsingtao through actions taken by or under the authority of the Chinese Communist regime on October 1, 1949, the date on which the Chinese Communist regime was proclaimed and the initial date of the period encompassed under Title V.

Claimant Nellie F. Bell and claimant Joseph G. Bell died testate in California on March 30, 1968 and June 17, 1969 respectively. Their claim against the Chinese Communist regime had been filed with the Commission on September 26, 1967. Joseph G. Bell succeeded to his wife's interest upon her death and subsequently all sixteen of the children, twelve of whom are now claimants before the Commission, succeeded to the interests of the deceased father. Paul A. Bell was duly appointed executor of the Estate of Joseph G. Bell. The Commission finds that the interests of the claimant children have merged with that of the Estate of Joseph G. Bell. PAUL A. BELL, EXECUTOR, ESTATE OF JOSEPH G. BELL is now substituted as proper party claimant herein. Under the present claim claimant seeks the value of the land and the improvements thereon at the five aforementioned localities in Shanghai and Tsingtao, China.

The act provides in Section 503(a) that in making determinations with respect to validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value, or cost of replacement.

The question, in all cases, will be to determine the basis of valuation which, under the particular circumstances, is "most appropriate to the property and equitable to the claimant." This phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

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The Commission has also considered the records of the Department of State, particularly the Shanghai Consular Post records for the years 1937 through 1945, Japanese confiscation receipts, the 1948 report filed by decedent Joseph G. Bell at the United States Consulate General, Shanghai, the 1950 filing of Joseph G. Bell with the War Claims Commission, photographs of the property and the expenses incurred in restoring and repairing war damages. The Commission finds the values of the various properties to be as follows:

SHANGHAI

Part of the properties were located in the French Concession of Shanghai. The land comprising some 20.283 mou of land (1 mou = 1/6 of an acre) extended from Rue Lafayette to Route Remi and was improved with buildings as follows:

1263, 1265, 1267, 1269, 1271 and 1273 Rue Lafayette:

These were six, three story, brick buildings consisting of 18 units. Each unit comprises a two room apartment and terrace. They were constructed in 1920 at a cost of \$60,000.00. They consisted of rental property. At the time of loss they had a value of . . . . . \$120,000.00

1261 Rue Lafayette:

This was a large, red brick building of three stories with detached servant quarters and garage. It contained thirty seven rooms and was used as the family residence. Close to it was the family's glazed-in swimming pool, which was constructed of reinforced concrete. Its approximate cost was \$100,000.00.

At the time of taking it had a value of . . . . . \$150,000.00

92 Route Remi:

This was a bungalow style house of five rooms and garage. Its construction was rough cast (pebble-dash). It was built in 1933 at a cost of \$5,000.00. It also was rental property.

At the time of loss it had a value of . . . . . \$7,500.00.

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240 Route Tenant de la Tour:

This property was known as the Belmont Apartments. It was a modern six story reinforced concrete building containing 18 apartment units, elevator and garages. It was built at a cost of \$150,000.00.

At the time of loss it had a value of . . . . . \$250,000.00

Land of 20.283 mou

At the time of loss this land plot had a value of . . \$175,000.00

Dixwell Terrace:

This property consisted of one block of 16 two story residences and gardens in the Hongkew section of Shanghai. The land area was 4.411 mou. Construction was completed in the 30's at a cost of \$64,000.00. The property was rented at \$75.00 per month per unit before World War II. At the time of loss the total land and improvements had a value of . . . . . \$160,000.00

TSINGTAO

22 Lia Yang Road

This was a large two story brick residence with garage and detached servants quarters. It was used as a summer residence and at times rented. At the time of loss it had a value of . . . . . \$15,000.00

In summary the properties had a total value of \$877,500.00. The Commission concludes that claimant suffered a loss, within the meaning of Title V of the Act, in this amount.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Clarence Burton Day and Ethelwyn C. Day, Claim No. CN-0030, Decision No. CN-1); and in the instant claim it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that PAUL A. BELL, EXECUTOR, ESTATE OF JOSEPH G. BELL, DECEASED suffered a loss in the amount of Eight Hundred Seventy-Seven Thousand Five Hundred Dollars (\$877,500.00) with interest thereon at 6% per annum from October 1, 1949 to the date of settlement, as a result of the actions of the Chinese Communist regime, within the scope of Title V of the International Claims Settlement Act of 1949, as amended.

Dated at Washington, D. C., and entered as the Proposed Decision of the Commission

MAY 13 1970

*Lyle S. Garlock*  
Lyle S. Garlock, Chairman

*Theodore Jaffe*  
Theodore Jaffe, Commissioner

*Sidney Freidberg*  
Sidney Freidberg, Commissioner

Is a true and correct copy of the decision of the Commission which was entered as the final decision on 17 JUN 1970  
Clerk of the Commission

The statute does not provide for the payment of claims against the Chinese Communist regime. Provision is made only for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)