

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

IN THE MATTER OF THE CLAIM OF

NANCY PHYLLIS HORTON
2530 "Que" Street, N.W.
Washington 7, D.C.

Claim No. BUL-1,107

Decision No. BUL-141

Against the Government of Bulgaria
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on May 15, 1957, 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.

Dated at Washington, D.C.

JUL 31 1957

Whitney Gilliland
Henry S. Clay
COMMISSIONERS

JB
WB
seb
ngl

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PROPOSED DECISION

This is a claim under the provisions of the International Claims Settlement Act of 1949, as amended, against the Government of Bulgaria by NANCY PHYLLIS HORTON, based upon loss sustained as the owner of Leva currency issued by a predecessor of the present Bulgarian Government.

Section 303(1) of the Act authorizes the Commission to receive and determine claims against the Government of Bulgaria for failure to restore or pay compensation for property of nationals of the United States as required by Article 23 of the treaty of peace with Bulgaria. Article 23 of the Treaty provides that Bulgaria should restore all legal rights and interests in Bulgaria of the United Nations and their nationals as they existed on April 24, 1941, and return all property in Bulgaria of the United Nations and their nationals.

Further, Section 303(2) of the Act provides for compensation for the nationalization, compulsory liquidation, or other taking prior to August 9, 1955 of property of nationals of the United States in Bulgaria.

This claim does not fall under the purview of Article 23 of the Treaty of Peace, and hence Section 303(1) of the Act because the currency upon which the claim is based was not the subject of confiscation or

destruction in Bulgaria during World War II.

Similarly, such loss as claimant or her predecessor in interest may have sustained by reason of devaluation of the leva currency on which her claim is based cannot be considered a nationalization, compulsory liquidation or other taking of property within the purview of Section 303(2) because it is well established that a currency reform resulting in devaluation of a nation's currency 1/ is an exercise of sovereign authority which does not give rise to a cause of action against the nation in question.

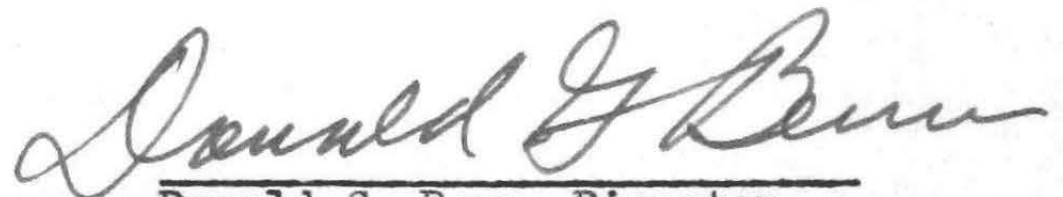
This claim being based on the ownership of foreign currency does not, for obvious reasons, fall within the provision of Section 303(3) which provides for the obligations expressed in currency of the United States.

Accordingly, for the foregoing reasons, this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

MAY 15 1957

FOR THE COMMISSION:



Donald G. Benn, Director
Balkan Claims Division

1/ Section 5 of Law No. 405 of May 11, 1952, Bulgarian Official Gazette No. 40, provided for exchange of old currency into new at a ratio of 100 leva of the old money for one leva of the new currency.