

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

IN THE MATTER OF THE CLAIM OF

CARLTON SPENCER PLACE and  
REGINALD JOHN THOMAS STEVENSON,  
TRUSTEES FOR KATHLEEN BOURNES  
LAKE UNDER THE WILL OF HENRY  
BOURNES WALKER, DECEASED

Claim No. CU-5089

Decision No. CU 1779

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimants: Stevenson and Company, Solicitors

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$2,930.00 was presented by CARLTON SPENCER PLACE and REGINALD JOHN THOMAS STEVENSON, TRUSTEES FOR KATHLEEN BOURNES LAKE UNDER THE WILL OF HENRY BOURNES WALKER, DECEASED, and is based on interests in bonds issued by the Cuba Railroad Company. According to the claimants, Kathleen Bournes Lake, beneficiary of the Estate, has been admitted to the United States for permanent residence, but has not acquired United States nationality.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. 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 Government of Cuba arising since January 1, 1959 for

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

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States." The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

Claimants state that the late Henry Bournes Walker was a British national, that the subject bonds were purchased by the claimants (as Trustees) from capital of the Estate of the late Henry Bournes Walker, and that Kathleen Bournes Lake, beneficiary of said Estate, has been admitted to the United States for permanent residence, but has not acquired United States nationality.

The Commission finds that this claim is not valid under Title V of the Act inasmuch as the beneficiary of the Estate does not qualify as a national of the United States within the meaning of the Act.

Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

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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).)