

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

IN THE MATTER OF THE CLAIM OF

ELEANOR B. DAUGHERTY,  
EXECUTRIX OF THE ESTATE OF  
SAMUEL B. DAUGHERTY, DECEASED

Claim No. CU-8368

Decision No. CU. 1343

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimant:

Smith, Kendall & Pedersen  
By William G. Olney, Esq.

PROPOSED DECISION

Claimant, ELEANOR B. DAUGHERTY, EXECUTRIX OF THE ESTATE OF SAMUEL B. DAUGHERTY, DECEASED, who owned a 3% Cumulative Income Debenture and an Accrual Certificate issued by the Consolidated Railroads of Cuba, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Railroad.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001) and Claim of Meyer Lobsenz (Claim No. CU-1005) which we incorporate herein by reference, we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per \$1,000.00 bond of \$1,189.08 including interest to October 13, 1960, and the value of the Accrual Certificates as the face value thereof.

On the basis of evidence in the record in the instant case, the Commission finds that the decedent, and the beneficial owner of the claim come

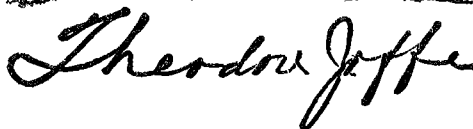
within the terms of the Smith and Lobsenz decisions; that they were American nationals at the requisite times; that he was the owner of four 3% Income Debentures in the total face amount of \$400.00 and an Accrual Certificate in the face amount of 116 pesos since prior to October 13, 1960; and that he suffered a loss in the amount of \$591.63 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith, supra.)

CERTIFICATION OF LOSS

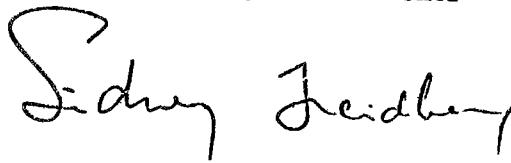
The Commission certifies that ELEANOR B. DAUGHERTY, EXECUTRIX OF THE ESTATE OF SAMUEL B. DAUGHERTY, DECEASED, succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Five Hundred Ninety-One Dollars and Sixty-Three Cents (\$591.63) with interest at 6% per annum from October 13, 1960 to the date of settlement.

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

22 JAN 1970



Theodore Jaffe, Commissioner



Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made 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 with the Government of Cuba.

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).)