

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

IN THE MATTER OF THE CLAIM OF

BESSIE I. BAKER
1825 Verde Street
Bakersfield, California

Claim No. SOV- 42,538

Decision No. SOV- 254

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-73126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on
October 6, 1958 , a 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.

DEC 8 1958

Whitney Hilliland

Leah Pace

Robert L. Kunzig

COMMISSIONERS

[Handwritten initials]

FOREIGN CLAIMS SETTLEMENT COMMISSION
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AMENDED PROPOSED DECISION

The Commission, on December 19, 1956, issued its Proposed Decision No. SOV-254 denying the claim herein for the reasons set forth in Proposed Decision No. SOV-230, In the Matter of the Claim of Charles D. Siegel. Pursuant to further consideration and on May 9, 1957, the Commission (Mr. Clay, then a member of the Commission, dissenting) set aside its Proposed Decision No. SOV-230 and held that claims based on securities payable in currency other than United States dollars, issued by predecessors of the Soviet Government, are (subject to the establishment of eligibility in other respects) within the purview of Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended.

The Commission finds it established that claimant has been a national of the United States since her birth on November 24, 1891; that she is the owner of four (4) "Liberty Bonds" issued in 1917 by the Provisional Government of Russia, in the aggregate face amount of 50,000 rubles and two hundred thirty-three (233) Imperial Russian Government 5½% Short Term War Loan Bonds of 1915 and 1916 numbered as follows:

S-30
S-31

1915 Issue

100 rubles

116309/11
116316/7
121924/5
127401/4
127429/31
133657/8
146743
218641/8
345251/6
355108
355112
372869/71
462249/51
486609
508495/500
508541/44
579041
637961
699468
699495
745091/8
960588
984295
1031246
1288906

1,000 rubles

134166
277091
277924/5
342453/4

1916 Issue

Series I

100 rubles

368608/16
368637/46

500 rubles

Series II

242912/5

1,000 rubles

Series I

037751
041564
050553/4
083971/87
085295
106496/500
185715
232094/99
263750

Series II

028719
030855/6
030860/1
101201/3
114020/1
114025/6
124983
172900
180161/70
181701/8
278332/3
368690
374164

1916 Second Issue

Series I

100 rubles

977700
1025032/7
1078705/13
1078716/22
1078728/9
1078735/45
1078748

Series II

040612/13
040616/22
434954/74

1,000 rubles

Series I

154321

25,000 rubles

Series I

000226

Series II

001356

that she acquired such bonds upon the death of her husband C. Fred Baker, a national of the United States, who purchased them in the year 1932 from a firm of investment brokers at a cost of \$25.00 per 1,000 rubles; and that on February 10, 1918, the bonds were formally repudiated by the Soviet Government.

The identity and nationality of the owners of the bonds from February 10, 1918, until the date the decedent acquired them are unknown.

Under the aforesaid Section of the Act and under well-established principles of international law relating to claims espoused by the United States against other governments, eligibility for compensation requires, among other things, that the property which was the subject of loss must have been owned by a United States national at the time the loss occurred and that the claim arising as a result of such loss must have been owned continuously thereafter by a United States national. In the case of securities issued by predecessors of the Soviet Government, it is concluded that a claim arose on February 10, 1918, the date the Soviet Government formally repudiated such obligations of its predecessors.

The Commission's own investigation discloses that the "Liberty Bonds" owned by claimant were not traded on the market or generally circulated in the United States prior to February 10, 1918. In the absence of evidence to the contrary, the Commission must necessarily conclude that such bonds upon which part of this claim is based were not owned by United States nationals at the time the claim arose.

For the foregoing reason that part of the claim based on "Liberty Bonds" must be, and is hereby, denied.

However, the Commission has ascertained that the (233) Imperial Russian Government $5\frac{1}{2}\%$ Short Term War Loan Bonds of 1915 and 1916 were traded on the market in the United States in large quantities prior to

February 10, 1918. In the absence of any evidence to the contrary, the Commission concludes that the bonds upon which this part of the claim is based have been owned continuously from February 10, 1918, by nationals of the United States.

Accordingly, the Commission finds that the claimant has a valid claim for compensation under Section 305(a)(2) of the Act for that part of the claim based upon such Imperial Russian Government 5½% Short Term War Loan Bonds.

Section 307 of the Act provides that any award made on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

This claim did not originally accrue in favor of the claimant. Since the last purchase of the Imperial Russian Government 5½% Short Term War Loan Bonds in the aggregate face amount of 144,900 rubles, on which part of this claim is based was made during the period from February 10, 1918 to December 31, 1952, inclusive, at a cost of \$25.00 per 1,000 rubles, the award must be limited to the amount of the consideration last paid.

A W A R D

On the above evidence and grounds, this claim is allowed and an award is hereby made to BESSIE I. BAKER, claimant herein, in the amount of three thousand six hundred twenty-two dollars and fifty cents (\$3,622.50).

Payment of the award herein, in whole or in part, shall not be construed to have divested claimant herein, or the Government of the United States on her 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.

Handwritten initials and date:
OCT 6 1958

FOR THE COMMISSION:

Handwritten signature of Joseph Stein
Joseph Stein, Director
Soviet Claims Division

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

In the Matter of the Claim of

BESSIE IOLA BAKER
1825 Verde Street
Bakersfield, California

Claim No. SOV-42,538

Decision No. SOV 254

Under Section 305(a) of the International
Claims Settlement Act of 1949, as amended

PROPOSED DECISION OF THE COMMISSION

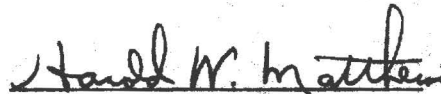
This claim is based upon the loss allegedly sustained by claimant(s) as the owner(s) of bond(s), payable in currency other than United States dollars, issued by a predecessor of the Soviet Government.

For the reasons specified in the attached Proposed Decision, No. SOV-230, In the Matter of the Claim of Charles D. Siegel (SOV-40,017), this claim is denied.

Dated at Washington, D. C.

DEC 19 1956

FOR THE COMMISSION:


Harold W. Matthews, Director
Soviet Claims Division