

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

IN THE MATTER OF THE CLAIM OF

YVONNE KING BERGIN
Bergin Ranch
P. O. Box 631
Fallon, Nevada

Claim No. SOV- 40,866

Decision No. SOV- 906-B

Under the International Claims Settlement
Act of 1949, as amended

gpo 16-73120-1

Counsel for Claimant:

STEWART & HORTON
Suite 202 Palludan Building
Fallon, Nevada

FINAL DECISION

The Commission issued its Proposed Decision on this claim on
March 23, 1959 , 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.

Washington 25, D. C.

MAY 11 1959

Whitney Hilliland

Paul Pace

Robert L. Kunzig

COMMISSIONERS

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IN THE MATTER OF THE CLAIM OF

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P. O. Box 631
Fallon, Nevada

Claim No. SOV-40,866

Decision No. SOV-906-B

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

STEWART & HORTON
Suite 202 Palludan Building
Fallon, Nevada

PROPOSED DECISION

This claim under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, by Yvonne King Bergin, is based upon the loss sustained as the owner of 5 $\frac{1}{2}$ % Imperial Russian Government Short Term War Loan Bonds of 1916.

Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, provides for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Soviet Government, provided such claims arose prior to November 16, 1933.

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 continuously owned thereafter by a United States national.

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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 securities upon which this claim is based were acquired by claimant's mother in 1917, and by claimant, through inheritance, upon her mother's death in 1948. It is asserted that claimant's mother was born in California in 1880; that she married a citizen of the Dominion of Canada and upon the marriage moved to that country; that in or about the year 1919, claimant and her mother, returned to the United States; and that claimant became a naturalized citizen of the United States on December 5, 1940.

From the foregoing it would appear that claimant's mother, the owner of the securities until 1948, (the date of her death) lost her United States citizenship upon her marriage to a Canadian citizen. Thus, the requirement that the property which is the subject of the loss (the securities) must be owned by a United States national from the time the loss occurred (February 10, 1918) and continuously thereafter, has not been met. No evidence has been submitted that claimant's mother retained her United States nationality subsequent to the date of her marriage to the Canadian citizen.

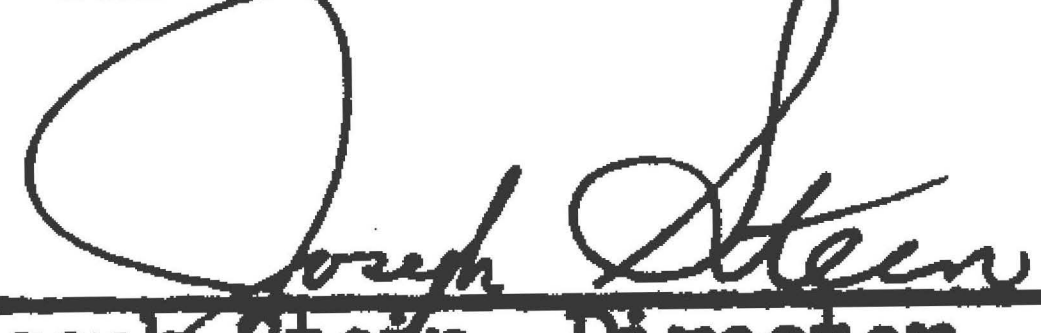
On the basis of all evidence and data presently of record the Commission must necessarily conclude that claimant's mother was not a national of the United States at the time the claim arose and continuously thereafter. Accordingly, the claim must be, and is hereby, denied.

Other elements bearing upon the validity of the claim have not been considered.

Dated at Washington, D. C.

MAR 23 1959

FOR THE COMMISSION:


Joseph Stezn, Director
Soviet Claims Division

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