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

IN THE MATTER OF THE CLAIM OF

JAN ZOLNIEWROWSKI

Claim No. PO-3038

Decision No. 786

Under the Polish Claims Agreement of 1960 and the International Claims Settlement Act of 1949, as amended

PROPOSED DECISION

This claim is based upon ownership of ten shares of stock of the "Polish American Navigation Corporation" and upon ownership of ten shares of stock of the "Ursus Motor Company" which claimant describes as "pertaining to the Polish Government".

Under Section 4(a) of the International Claims Settlement Act of 1949, as amended, (64 Stat. 12 (1950), 22 U.S.C. § 1623 (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960, Article 2 of which provides:

> Claims to which reference is made in Article 1 and which are settled and discharged by this Agreement are claims of nationals of the United States for
>
> (a) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property;
>
> (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property...; and
>
> (c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland. (underlining added) (Agreement with the Government of the Polish People's Republic Regarding Claims of Nationals of the United States, July 16, 1960, 11 U.S.T. & O.I.A. 1953, T.I.A.S. No. 4545 /1960/).

If an award is to be made on a claim filed under the Agreement, the Commission must find that the claim is of such nature as to come within the purview of the above-quoted Article.

The Commission has been informed by the Secretary of State of Delaware that the "Polish American Navigation Corporation" was incorporated April 29, 1919, but that it is no longer in existence, having become inoperative and void April 1, 1930, and so proclaimed by the Governor of the State of Delaware on January 1, 1931 for non-payment of taxes.

The "Ursus Motor Company" was organized to manufacture, buy, sell, repair and dispose of all kinds of tractors and farm implements propelled and driven by engine power, and to manufacture, buy, sell and dispose of all kinds of tractor treads for vehicle wheels of all kinds, and to do everything necessary and incidental to carry on a general manufacturing and selling business for the aforesaid articles, and all other supplies and articles necessary for its successful operation in a manufacturing business of such kind. The Commission has been informed by the Secretary of State of Illinois that this corporation, incorporated on November 1, 1918, was involuntarily dissolved in the Superior Court of Cook County, Illinois on February 16, 1927 (General number 41135 in Chancery).

The record contains no evidence or indication that either corporation owned any property in Poland or that the Government of Poland nationalized or otherwise took any assets of these corporations.

Nothing of record indicates that the loss complained of was the result of any action for which the Government of Poland is responsible under the Agreement.

For the foregoing reasons, the claim is denied.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission
27 DEC 1962

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed upon the expiration of 60 days after service or receipt of notice of this Proposed Decision, and unless the Commission otherwise orders, this Proposed Decision will be entered as the Final Decision of the Commission. (FCSC Reg., 45 C.F.R. § 531.5(g) (1961)).