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

IN THE MATTER OF THE CLAIM OF

KSAWERY PAPROCHI

Claim No. PO-5733

Decision No. PO-2915

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

PROPOSED DECISION

This claim is based upon the asserted ownership and taking of a piece of real property situated in Bydgoszcz, Poland. Claimant, KSAWERY PAPROCHI, has been a national of the United States since his naturalization on April 17, 1944.

Claimant does not seek compensation for such loss but requests "to have the property returned to its 'original condition'".

Under Section 4 (a) of the International Claims Settlement Act of 1949, as amended, (64 Stat. 13 (1950), 22 U.S.C. § 1623 (a) (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 (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)). That Agreement provides as follows:

> 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 (Polish Claims Agreement of 1960, supra, Article 2)

Thus, the Commission has no jurisdiction or authority to consider and determine claims for restoration of property taken by the Government of Poland. Since it is beyond the power and jurisdiction of the Commission to grant the relief requested, this claim must be and hereby is denied.

Moreover, it is noted that claimant has not submitted any evidence in support of his asserted ownership of the subject property or taking thereof by the Government of Poland. Even if the claim were to be amended to include monetary compensation for the loss of the property, it would necessarily be denied for failure of proof of claimant's ownership and taking by the Government of Poland.

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

MAR 18 1964

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections to this Proposed Decision are filed within 20 days of service thereof, the decision will, upon the expiration of 60 days after such service or receipt of notice, be entered as the Final Decision of the Commission unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. § 531.5 (e) and (g) (1961)).