

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

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In the Matter of the Claim of :

MARKO J. JERKO  
1226 Filbert Street  
Oakland, California

:  
: Docket No. Y-612

: Decision No. 317-A  
:  
:

Under the Yugoslav Claims Agreement  
of 1948 and the International Claims  
Settlement Act of 1949

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Counsel for Claimant:

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FINAL DECISION

Thirty days, or such extended time as may have been granted by  
the Commission, having elapsed since the Claimant(s) herein and the  
Government of Yugoslavia were notified of the Proposed Decision of  
the Commission on the above Claim, and no objections thereto or  
notice of intention to file brief or request for hearing having been  
filed, or, if filed, no further evidence or other representations  
having been offered pursuant to the opportunity duly afforded therefor,  
such Proposed Decision is hereby adopted as the Commission's final  
decision on this Claim.

Done at Washington, D. C.

AUG 23 1954

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
Washington, D. C.

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Settlement Act of 1949

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PROPOSED DECISION OF THE COMMISSION

This is a claim for \$1,050 plus interest by Marko J. Jerko, and is for the nationalization by the Government of Yugoslavia of "Yugoslav-Lloyd" Steamship Company, a Yugoslav corporation, in which claimant asserts ownership of 75 shares of stock, Nos. 36576 - 36650.

Claimant filed no documentary proof of ownership but informed the Commission that the shares were deposited in the First Croatian Savings Bank, Dubrovnik, Yugoslavia.

Claimant, a native of Yugoslavia, became a citizen of the United States on March 26, 1919, the date of his naturalization by the United States District Court at San Francisco, California.

Subsequent to that time, Mr. Jerko returned to Yugoslavia and on November 11, 1945 voted in an election for the Constituent Assembly

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of Yugoslavia. Accordingly, he lost his American citizenship under Section 401 (e) of the Nationality Act of 1940, which states:

"Section 401 . . (e) Voting in a political election in a foreign state or participating in an election or plebescite to determine the sovereignty over foreign territory; or . . ."

On June 26, 1947 claimant regained his American citizenship by subscribing to an oath of repatriation before the American Consul at Zagreb, Yugoslavia, pursuant to Section 323 of the Nationality Act of 1940, as amended by the Act of August 7, 1946. Accordingly, claimant had the status of an alien from November 11, 1945 (the date of his expatriation) to June 26, 1947 (the date of his repatriation).

Article 1 of the Nationalization of Private Enterprises Act of December 5, 1946 (Official Gazette No. 98 of December 6, 1946) provides:

"On the date this Law becomes effective, all the private economic enterprises of general national and republican importance in the following branches of economy are nationalized and pass into State ownership:

\* \* \* \* \*

" 41) Land, Air, Maritime, River and Lake Communications

\* \* \* \* \*

The Federal Edict dated November 25, 1946 (Official Gazette No. 97 of December 3, 1946) lists "Yugoslav-Lloyd" on page 1233 under item 1, as being an enterprise of republican, general and national importance. Accordingly, the Commission is of the opinion that the "Yugoslav-Lloyd" was taken by the Government of Yugoslavia on December 5, 1946.

Since claimant was not a national of the United States on December 5, 1946, the date of such taking, this claim was not

settled by the Agreement of July 19, 1948 and it is not, therefore, within the jurisdiction of this Commission because that Agreement between the Governments of the United States and Yugoslavia settled "all claims of nationals of the United States" for the "nationalization or other taking by Yugoslavia of property" (Article 1); and who were nationals of the United States "at the time of the nationalization or other taking" (Article 2). It expressly excluded nationals of the United States "who did not possess such nationality at the time of nationalization or other taking" (Article 3).

For the foregoing reasons, the claim is denied.

Dated at Washington, D. C.

**JUN 9 1954**