

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

IN THE MATTER OF THE CLAIM OF

EMIL BOHADLO
Savage Road
Holland, New York

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-1,734

Decision No. CZ-

379

GPO 942329

PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404 of the International Claims Settlement Act of 1949, as amended, by EMIL BOHADLO, based upon certain Czechoslovak State Premium Housing Lottery Bonds of 1921,

Section 404 of the Act provides, inter alia, for the determination by the Commission, in accordance with applicable substantive law, including international law, of the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property, including any rights or interests therein, owned at the time by nationals of the United States.

Pursuant to Decree No. 95/45 Sb., the Government of Czechoslovakia required that all domestic bonds be registered and placed into blocked accounts. That Decree expressly provided that it shall not apply to State lottery bonds. Under Section 7 of Law 41/53 Sb., all domestic bonds which were blocked by virtue of Decree 95/45 Sb. were annulled effective June 1, 1953. Inasmuch as the blocking decree did not apply to State lottery bonds such as the bonds upon which this claim is based, the annulment did not affect claimant's bonds nor any rights pertaining thereto.

CZ-3

On July 2, 1949, Act No. 168 of June 16, 1949 was published providing that Czechoslovak State Premium Housing Lottery Bonds must be presented for payment on or before December 31, 1949. The record contains letters from two banks in Czechoslovakia, addressed to the claimant, in which he was advised of the provisions of Act No. 168. In one of them, dated September 7, 1949, claimant was afforded an opportunity to present his bonds for payment. It appears that claimant decided against presenting his bonds for payment because he was informed in that letter that the proceeds could not be transmitted to him in the United States.

Claimant states that his bonds were taken in 1949, relying apparently upon the information contained in the second letter, dated September 29, 1958, in which it was stated that since he did not present his bonds on or before December 31, 1949, his bonds had been forfeited and were worthless.

Section 28 of Act No. 168 of June 16, 1949 provides that the payment of State Housing Lottery Bonds will lapse unless the bonds are presented on or before December 31, 1949. This provision appears to be in the nature of a statute of limitations pursuant to which claims arising out of such lottery bonds cannot be enforced subsequent to the prescribed payment date.

The Commission holds that any losses which claimant may have sustained by reason of his having failed to present his bonds for payment on or before December 31, 1949 cannot be construed as losses resulting from the nationalization or other taking of property, within the meaning of Section 404 of the Act. Accordingly, the Commission finds that it has not been established that the property upon which this claim is based was nationalized or otherwise taken by the Government of Czechoslovakia. This claim is, therefore, denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

MAR 28 1960

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

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THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON APR 25 1960

Francis T. Masterson

Clerk of the Commission