

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

MAYAN LINE, S. A.

Claim No. CU-1843

Decision No. CU - 1197

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Lloyd J. Cobb, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$2,194,609.47, was presented by MAYAN LINE, S.A., and is based upon the asserted failure of the Cuban Government to pay freight charges covering marine transportation on United States goods carried to Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba.

Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 504 of the Act provides, as to ownership of claims, that

A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" as "(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State; the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity."

Evidence of record in this claim, including copies of documents previously filed by claimant corporation with the United States District Court for the Eastern District of Louisiana disclose that claimant was incorporated under the laws of the Republic of Panama.

From the foregoing, it is clear that the property upon which this claim is based was not owned by a corporation which qualifies as a national of the United States, in that claimant corporation was not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, as is required under the provisions of Section 502(1)(B) of Title V of the Act.

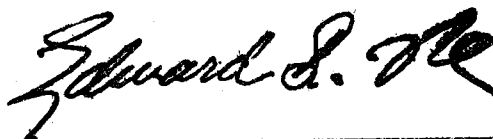
Since the claimant corporation was not organized under the laws of the United States, or of any State, the District of Columbia, or the

Commonwealth of Puerto Rico, the Commission finds that the claim is not a claim of a national of the United States as defined in Section 502(1)(B) of the Act, and it is accordingly denied.

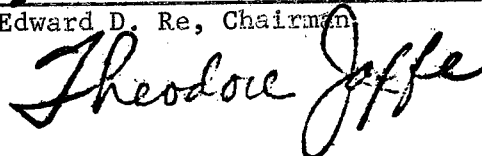
The Commission deems it unnecessary to make other determinations with respect to this claim.

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

FEB 7 1968




Edward D. Re, Chairman



Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

This is a true and correct copy of the decision CU-1843
of the Commission which was entered as the final
decision on MAR 13 1968


Francis Mackintosh
Member of the Commission