

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

IN THE MATTER OF THE CLAIM OF

ELISABETH MERSZI
MARGARET MERSZI
MICHAEL MERSZI
1918 W. Melrose Street
Chicago, Illinois
Against the Government of Rumania
Under the International Claims Settlement
Act of 1949, as amended

Claim No. RUM-30,043

Decision No. RUM-316

FINAL DECISION

The Commission issued its Proposed Decision on this claim on February 5, 1958, a certified copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on the claim, and it is further

ORDERED that the award granted therein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

APR 2 1958

Whitney Hilliland

Pearl Pace

Henry S. Clay

COMMISSIONERS

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Claim No. RUM-30,043

Decision No. *Sum-316*

GPO 16-72126-1

PROPOSED DECISION

These are claims under Section 303(2) of the International Claims Settlement Act of 1949, as amended, for two thousand seven hundred dollars (\$2,700.00) by ELISABETH MERSZI, MARGARET MERSZI, and MICHAEL MERSZI nationals of the United States since their naturalization in the United States on September 11, 1951, November 12, 1943, and November 17, 1937, respectively, against the Government of Rumania for nationalization of their property in Rumania.

The record shows that the property in question was owned one-half by ELISABETH MERSZI and one-half by her husband. Upon his death on July 29, 1946, the husband's interest descended to MARGARET MERSZI and MICHAEL MERSZI, his children, in equal shares.

The Commission finds that the claimants' property consisting of a house and approximately 6 jugars of farmland and vineyards in Rumania was nationalized, without compensation by the Government of Rumania late in 1946 or early in 1947 pursuant to Land Reform Law No. 87 of March 23, 1945.

Section 303(2) of the Act provides, inter alia, for the receipt and determination by the Commission in accordance with applicable

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substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Rumania, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Rumania.

In order for a claim to be compensable under Section 303(2) of the Act, in accordance with well established principles of international law, the property upon which the claim is based must have been owned by a national or nationals of the United States at the time of loss, and the claim which arose from such loss must have been owned by a United States national or nationals continuously thereafter.

The Commission finds that the property interest owned by ELISABETH MERSZI may not be the subject of an award under Section 303(2) of the Act inasmuch as it has not been established that the claim in this respect was owned by a United States national at the time that it arose. Accordingly, her claim is denied. However, the claims based upon the property interests owned by MARGARET MERSZI and MICHAEL MERSZI are compensable under the Act.

The Commission further finds that the value of the property nationalized was three thousand eight hundred dollars (\$3,800.00).

A W A R D S

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to MARGARET MERSZI in the amount of nine hundred fifty dollars (\$950.00) plus interest thereon at the rate of 6% per annum from January 1, 1947 to August 9, 1955, the effective date of the Act, in the amount of four hundred thirty-three dollars and sixty-eight cents (\$433.68); and an award is made to MICHAEL MERSZI, in the amount of nine

hundred fifty dollars (\$950.00) plus interest thereon at the rate of 6% per annum from January 1, 1947 to August 9, 1955, the effective date of the Act, in the amount of four hundred thirty-three dollars and sixty-eight cents (\$433.68).

Payment of any part of these awards shall not be construed to have divested MARGARET MERSZI and MICHAEL MERSZI, or the Government of the United States on their behalf, of any rights against the Government of Rumania for the unpaid balance of their claims, if any.

Dated at Washington, D. C.

FEB 5 1958

FOR THE COMMISSION:



Donald G. Benn, Director
Balkan Claims Division

