

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

IN THE MATTER OF THE CLAIM OF

BRADLEY MARTIN  
800 Second Avenue  
New York 17, New York

Claim No. CZ-3,001

Decision No. CZ-

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

BRADLEY MARTIN, claimant herein, a national of the United States since his birth in the United States on July 6, 1873, seeks compensation in the amount of \$39,482.50 plus interest from January 1, 1941, for losses allegedly resulting from the nationalization or other taking of property by the Government of Czechoslovakia.

The claim is based upon 7% First Mortgage Sinking Fund Gold Bonds of the First Bohemian Glass Works, Limited.

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 United States nationals 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.

It is established that claimant is the owner of Fifty (50) 30-year 7% (Closed) First Mortgage Sinking Fund Gold Bonds of \$1,000.00 each, issued under Nos. M 47-49, 252, 295, 296, 315, 424-426, 496, 511, 610, 640, 793-798, 800-803, 805-807, 810, 817, 818, 823, 825, 830, 831, 833-837, 847, 876, 877, 951, 996, 997,

1045-1047, 1052 and 1295 by the First Bohemian Glass Works Company, a corporation organized under the laws of Czechoslovakia. Attached to each of the fifty (50) bonds are coupons in the amount of \$35.00 each, payable on January 1, 1939 and each six months thereafter until January 1, 1957, the maturity date of the issue.

The seat of the company prior to World War II was in Olori (Bleistadt), Czechoslovakia. During the occupation of Czechoslovakia by Germany, the assets of the First Bohemian Glass Works Company were seized by the German authorities and all of such assets transferred to the Ostdeutsche Glass Werke, a corporation organized under the laws of Germany, with the express stipulation that the new corporation did not assume the bond obligations expressed in U. S. Dollars. After World War II the Government of Czechoslovakia confiscated the property of the Ostdeutsche Werke under Law No. 108/45 Sb., and subsequently transferred the assets to the West Bohemian Glass Works, a Czechoslovakian Government enterprise. The First Bohemian Glass Works Company was placed under national administration, but inasmuch as it had no assets, the company was never formally nationalized.

A study of the laws which were in effect in Czechoslovakia with respect to mortgages discloses that pursuant to Law No. 31/1947 Sb., effective March 17, 1947, obligations secured by mortgages recorded on property confiscated by the Government of Czechoslovakia under Law No. 108/45 Sb. were assumed by the Fund of National Reconstruction, an agency of the Czechoslovak Government, while the mortgages were cancelled.

The Commission finds it established that the entire issue of the bonds described hereinbefore, in the aggregate amount of \$1,500,000, was secured by a first mortgage executed by the company and recorded in the appropriate land registry books in favor of the bondholders; that the real property serving as security for the first mortgage was confiscated by the Czechoslovak Government pursuant to Law No. 108/45 Sb., as enemy property; and that upon enactment of Law No. 31/1947 Sb., such mortgage was cancelled and thus the security of the bondholders was taken without compensation on March 17, 1947.

The Commission's records also disclose that in January 1941 a part payment of \$210.35 was made on account of the principal amount of each bond, and \$37.12 on account of five (5) of the seventeen (17) coupons which were due and payable on March 17, 1947. Thus, the remaining unpaid principal amount of each \$1,000.00 bond was reduced to \$789.65, and the amount due and unpaid on the seventeen (17) coupons was reduced to \$557.88.

Accordingly, the Commission concludes that claimant is entitled to an award under Title IV of the Act for \$67,376.50, the amount of the unpaid indebtedness expressed in his 50 bonds and attached coupons as of March 17, 1947, plus interest thereon at the rate of 6% per annum from March 17, 1947 to August 8, 1958, the effective date of Title IV of the Act.

The fact that the principal amount of the award herein is higher than the amount claimed in the statement of claim, is due to the fact that claimant did not include in his claim the amounts payable on the coupons as of March 17, 1947. However, the Commission has held that it would be unjust to limit a claimant to the amount claimed, where the evidence of record warrants a valuation in excess thereof. This is consistent with the modern interpretation of the rules of pleading to permit amendment after the submission of the evidence to conform the pleadings to the proof.

A W A R D

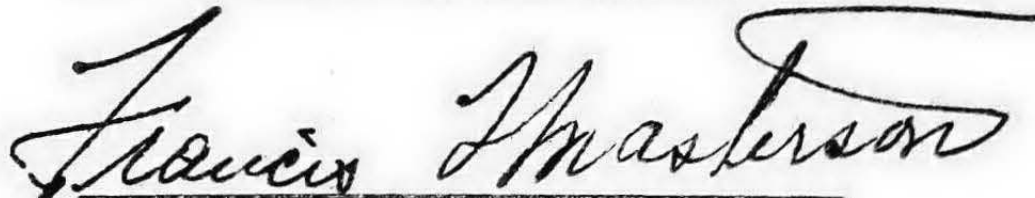
Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to BRADLEY MARTIN in the principal amount of Sixty-seven Thousand Three Hundred Seventy-six Dollars and Fifty Cents (\$67,376.50) plus interest thereon at the rate of 6% per annum from March 17, 1947 to August 8, 1958, the effective date of Title IV of the Act,

in the amount of Forty-six Thousand Fifty-one Dollars and Eighty-four Cents (\$46,051.84), for a total award of One Hundred Thirteen Thousand Four Hundred Twenty-eight Dollars and Thirty-four Cents (\$113,428.34).

Dated at Washington, D. C.

MAR 28 1962

BY DIRECTION OF THE COMMISSION:



Francis T. Masterson  
Clerk of the Commission

THIS DECISION WAS ENTERED AS THE COMMISSION'S  
FINAL DECISION ON MAY 2 1962



Clerk of the Commission