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**PRESIDENTIAL  
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ON HOLOCAUST ASSETS  
IN THE UNITED STATES**

## **PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES**

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Washington, D. C. : 1950

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## OFFICE OF ALIEN PROPERTY CUSTODIAN

The World War II Office of Alien Property Custodian, also known 791 as APC, was established within the Office for Emergency Management by an Executive order of March 11, 1942, under authority of the Trading With the Enemy Act of 1917 (40 Stat. 411) and the First War Powers Act, approved December 18, 1941 (55 Stat. 838). By an Executive order of April 21, 1942, there were transferred to it the functions, personnel, and property of the Alien Property Division, which had been established in the Department of Justice by the Attorney General on December 9, 1941, to handle certain enemy property responsibilities that resulted from the entrance of the United States into the war, as well as to continue the work of its predecessor, the Bureau of Alien Property, in liquidating the affairs of the World War I Office of Alien Property Custodian.

An Executive order of July 6, 1942, defined in detail the powers and duties of the new Office of Alien Property Custodian and clarified the distinction between its authority and that of the Secretary of the Treasury in relation to alien property. The order gave to the Secretary of the Treasury authority over foreign-owned properties that constituted general purchasing power and required no active management, such as cash, bullion, bank deposits, and securities. To the Custodian it gave authority over types of foreign-owned property that were productive resources requiring active management, such as business enterprises, patents, copyrights, trade-marks, and ships. An Executive order of June 8, 1945, extended the jurisdiction of the Custodian to cover all property of whatever nature in the United States owned by Germany or Japan or nationals of those countries, but the earlier limitation of its authority with respect to some types of property of other enemy countries or their nationals was not changed.

The Custodian could exercise three basic forms of control in dealing with properties subject to his jurisdiction. (1) He could issue a vesting order by which, as representative of the United States Government, he took title to a specified foreign-owned property. Once vested, the property might be held, used, administered, liquidated, sold, or otherwise dealt with by the Custodian for the benefit of the United States. (2) He could issue supervisory orders by which he assumed direction, management, supervision, and control of specified foreign-owned property without a transfer of ownership. (3) He could issue a general order applying to certain classes of property and, as a rule, requiring persons having interest in them to perform or refrain from performing certain acts.

The Alien Property Litigation Unit of the Department of Justice represented the Custodian in court actions and prepared for suit, jointly with the Office of Alien Property Custodian, cases involving that agency as a party. Until June 30, 1946, most of the administrative services for the Office were performed on a reimbursement basis by the Federal Deposit Insurance Corporation. Some other administrative services for the Office were performed by the Division of Central Administrative Services, Office for Emergency Management.

An Executive order of October 14, 1946, terminated the Office of Alien Property Custodian and transferred its functions, funds, personnel, records, and property (except those connected with property in the Philippine Islands) to the Department of Justice, in which it became the Office of Alien Property. Another Executive order of the same date established the Philippine Alien Property Administration to take over control of "all property or interests vested in or transferred to [the Alien Property Custodian] which were located in the Philippines at the time of such vesting or transfer, or the proceeds thereof." Pertinent records were transferred to this new agency.

*Administrative records.*—The records of the Office of Alien 791a Property Custodian that may be considered as its administrative records, that is, the records resulting from and documenting the activities of the agency itself (10,000 feet) as distinguished from the records of the enterprises that were taken over by it, are in the custody of the Office of Alien Property of the Department of Justice. About 90 percent of them are concentrated in the Washington and New York headquarters offices of the Office of Alien Property, and the rest are in the New York, Honolulu, and San Francisco branch offices. Both in the headquarters and in the branch offices a modified central filing system was used during the war and has been continued since, with most of the official records in central files and the rest in series that were separately maintained in the divisions or other organizational units. The Washington headquarters central files are composed mainly of a series of case files (4,200 feet) and a series of general correspondence and administrative records (200 feet). Branch office case files duplicate some but not all of the Washington case files. When cases are closed in the branch offices, their case files are forwarded to Washington to be consolidated with the corresponding headquarters case files. Assembled in the case files are those papers from any division that bear upon a specific case. The typical case file includes stereotyped forms reporting any interests of foreign nationals in property in the United States, correspondence and inter-office memoranda, reports and other papers accumulated in the course of investigations by the Office, accounting reports, and a final report of the liquidation of the property. Personnel case files for employees of the Office are in the personnel files of the Department of Justice.

*Seized records.*—Records that were taken over by the Alien 791b Property Custodian during World War II (49,000 feet) are of three kinds, those of business concerns, those of banking concerns, and those of insurance companies. More than half of these records (32,000 feet) are in facilities on Ellis Island, New York, under the administration of the Office of Alien Property. Some of the others are in the custody of State bank officials in New York, Los Angeles, San Francisco, and Columbus, Ohio; and some (3,460 feet) are in the National Archives. As a rule the records of non-banking concerns comprise many series of dissimilar parts; they characteristically include documents both antedating and postdating the vesting of property in the Custodian. Some of the records of these concerns were removed from the files during the war by intelligence and investigative agencies of the United States Government. Over 6,000,000 running feet of

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enemy-produced commercial film that was seized by the Alien Property Custodian is in the custody of the Library of Congress.

The seized records of enemy nonbanking concerns vested during World War II that are in the National Archives consist of the records of United States branches of commercial enterprises, import and export offices, shipping lines, and propaganda agencies formerly owned in whole or in part by nationals of enemy countries. Some of the records bear dates as early as 1900. They include personnel records, accounting and fiscal records, minutes of company meetings, stock-certificate and stock-registry books, correspondence, copies of Federal, State, and local tax returns, and technical reports. In addition to these paper records there are 41,000 photographic prints and negatives, 50 reels of motion-picture film, and 120 sound recordings. Among the records of propaganda agencies are the records of certain corporate enterprises of the German-American Bund, legal papers of the attorney for the Bund, transcripts of testimony in lawsuits involving the Bund, propaganda literature and photographs, and file copies of propaganda magazines and newspapers.

Most of the seized records of banking concerns are held for purposes of liquidation by the State superintendents of banks in the States in which the banks were severally incorporated. There are 5,478 feet of records of vested enemy-owned banks in New York. Of the other 8,851 feet of seized banking records, 2,953 feet are in the custody of State bank officials of California and Ohio; 4,598 feet (records of Japanese banks in Hawaii) are in the Honolulu branch office of the Office of Alien Property; 100 feet (records of Japanese banks in Hawaii) are in the facilities on Ellis Island; and 1,200 feet (records of Japanese-owned banks doing business in the State of Washington) are in a warehouse in Seattle administered by the San Francisco branch office.

The seized records of enemy-owned insurance companies (800 feet), most of which were incorporated under the laws of the State of New York, are stored in Brooklyn. The records are being used in the liquidation of these companies by State insurance officials.

See Office of Alien Property Custodian, *Annual Reports, 1943-46, and Terminal Report* (Oct. 1946. 86 p., processed); the "Enemy Property" number of *Law and Contemporary Problems* (vol. 11, no. 1. Winter-Spring 1945), particularly p. 76-91, Paul V. Myron, "The Work of the Alien Property Custodian"; and National Archives, "Report on Post-War Problems Presented by the Records of the Office of Alien Property Custodian of World War II" (1944. 18 p., typed).

### Office of the Custodian

This Office, which consisted of the Custodian, the Deputy Custodian, and a number of assistants, had general direction of all the work of the agency. Leo T. Crowley held the position of Custodian from 1942 to 1944 and James E. Markham, from 1944 to 1946. 792

*Records.*—Most of the correspondence of the Office is in the general correspondence and administrative records series in the Washington headquarters central files, but a small quantity of correspondence and policy material is maintained separately in the Records Section of the Administrative Branch

## ALIEN PROPERTY CUSTODIAN

in the Office of Alien Property. All vesting orders were issued in the name of the Custodian, and his *Annual Reports* list in numerical series those orders published in the *Federal Register*.

### Executive Committee

This Committee, composed of the principal officials of the Office of Alien Property Custodian, advised the Custodian on policy and administrative planning and approved the issuance of vesting orders. 793

*Records.*—Minutes of the Committee meetings, recommendations on the issuance of vesting orders, and other policy records are in the possession of the Committee in the Office of Alien Property.

### Vested Property Claims Committee

This three-man Committee was set up on July 22, 1943, to act as a tribunal before which persons having interest in properties brought under the Custodian's control could appear for administrative redress. It was responsible only to the Custodian and was divorced from all other activities of the Office. It held hearings, examined evidence, and, subject to review by the Custodian, determined what action should be taken with regard to claims presented to it. The Committee was abolished in 1947. 794

*Records.*—The records of the Committee (200 feet) are in the custody of its successor, the Hearing Examiners Branch of the Office of Alien Property. These records include stenographic transcripts of hearings, briefs submitted by parties concerned with the claims, and miscellaneous policy and procedural material.

### Office of the Executive Officer

The Executive Officer controlled and directed administrative management activities, including budgetary and administrative planning. 795

*Records.*—Most of the Executive Officer's records are in the general correspondence and administrative records series of the central files. A few are separately maintained in the custody of the Records Section, Administrative Branch of the Office of Alien Property.

### Office of the Secretary

The Secretary was responsible for most of the general correspondence and assisted in coordinating the policies and practices of the Office. He served as the principal liaison officer in relations with other Federal agencies, especially with the Department of State, which made policy on the treatment of various classes of foreign nationals, and with the Treasury Department, which administered certain foreign property controls through its Foreign Funds Control. The Secretary's Office supplied a representative for the Custodian on the State Department's Executive Committee on Economic Foreign Policy, which made policy on captive patents and other matters of interest to the Custodian. The Secretary was Executive Secretary of the Interoffice Committee on Conflicting Custodial Problems (a committee 796

representing the State and Treasury Departments and the Office of Alien Property Custodian), which dealt with conflicts arising from the existence of enemy properties over which more than one agency or country might claim jurisdiction. The Secretary had custody of all administrative and "seized" records of the agency until June 15, 1946, when their custody was transferred to the new Division of Administrative Services.

*Records.*—Most of the records of the Secretary's office are in the general correspondence and administrative records series of the central files; a small quantity of policy and procedural material is kept separately in the Records Section of the Administrative Branch of the Office of Alien Property.

#### Office of the General Counsel

The General Counsel was the legal adviser to the Custodian and the chiefs of the various divisions, as well as the chief officer for determining the legal policy of the agency. He analyzed legislation affecting the Office of Alien Property Custodian, drafted proposals for new legislation, and prepared or reviewed orders and other legal documents. The General Counsel's Office took over the functions of the Solicitor's Office in March 1944. Thereafter it handled for the Custodian all legal matters in connection with the operation or liquidation of business enterprises and other properties under the agency's control; and, in cooperation with the Alien Property Unit of the Department of Justice, it prepared all papers incidental to court proceedings involving the Office of Alien Property Custodian. It also supervised the liquidation of the banks and insurance companies under the control of the Custodian.

*Records.*—Some of the records created by the General Counsel's Office are among the central case files of the agency, some relating to claims against the Custodian (400 feet) are in the Claims Branch, and some general records (250 feet) are in the Legal Branch of the Office of Alien Property.

#### Comptroller's Division

The Comptroller's Division was responsible for all accounting and auditing related to the operations of the agency itself and for the maintenance of accounting records related to property brought under the control of the Custodian. It reviewed financial data on enterprises that the Custodian vested or supervised. The headquarters of the Division was in Chicago until June 1944, when it was moved to New York City.

*Records.*—The records of the Division are in the custody of the New York headquarters of the Office of Alien Property.

#### Division of Business Operations and Liquidation

This Division, created on March 1, 1944, by the merger of the Division of Business Operations and the Division of Liquidation, administered the operations of continuing business enterprises (except those administered by the Division of Patent Administration) that were vested or supervised by the Custodian. Its Liquidation Section was responsible for liquidating those business enterprises that were not continued as going con-

cerns and for disposing of vested tangible property. The headquarters office of the Division was in New York City.

*Records.*—Periodic reports received in the Division from independent auditors, interim reports from the managements of supervised companies, and the closing reports of liquidation relating to each piece of property are in the central case files of the Office. Some records of the Division (100 feet) are in the Business Management Section and some (200 feet) are in the Real Estate and Liquidation Section of the Operations Branch of the Office of Alien Property. Records relating to vested property in the Philippines are in the possession of the Philippine Alien Property Administration.

#### Division of Investigation and Research

This Division initiated and conducted investigations with respect to properties that were subject to the authority of the Custodian (except patents, copyrights, trade-marks, estates, trusts, and insurance policies). Its work was mainly confined to precontrol activities, including the identification of properties, the proof of ownership, and the making of recommendations for vesting. In these matters it cooperated closely with the Treasury Department's Foreign Funds Control and other investigative agencies of the Federal Government. In 1945 the Division was divided into the Division of Investigation and the Division of Research and Statistics. The Division of Investigation, with offices in Washington, New York, and San Francisco, continued the work of establishing the ownership of all enemy-owned assets as a basis of vesting and became responsible in April 1946 for the operations of the Alien Property Custodian's Berlin office in the External Assets Branch of the Finance Division of the Office of Military Government. The Division of Research and Statistics continued to evaluate the Office's programs and policies, to assemble statistical data on controlled properties, and to prepare annual and other official reports and studies.

*Records.*—Many of the investigative records accumulated by the Division are in the central case files of the Office, some (400 feet) are in the Vesting Section of the Operations Branch of the Office of Alien Property, and a few (16 feet) are in the National Archives. Those in the National Archives are case files, 1942-44, relating to the property of aliens interned in the United States. They include copies of alien-enemy questionnaires received from the Immigration and Naturalization Service when such questionnaires disclosed that internees possessed assets, and some related records on the disposition of the assets.

Records of the research activities of the Division (150 feet) are in the Research and Statistics Branch, Office of the Secretary of the Office of Alien Property. These include indexes to all orders issued by the Custodian, statistical data on controlled properties, copies of press releases, and historical monographs of the agency. Copies of the following histories are in the National Archives Library: "Administrative History of Property Division" (1947. 41 p., processed); "Treatment of Property of Interned Enemy Aliens" (1946. 62 p., typed); "History of Title III of the First War Powers Act Amending 5 (b) of the Trading With the Enemy Act" (1945. 50 p.,

## EMERGENCY AGENCIES

typed); "The Office of Alien Property Custodian and Relations with the Office of Censorship" (1944. 35 p., typed); "History of the Trade-Mark Policy of the Office of Alien Property Custodian" (1944. 61 p., typed); "Developments in the Trade-Mark Policy, July 1944-July 1946" (1946. 83 p., typed); and "History of the Establishment of the Philippine Office of the Office of Alien Property Custodian" (1946. 66 p., typed).

### Division of Patent Administration

The Division of Patent Administration investigated, recommended 801 for vesting, and administered all vested patents, patent applications, copyrights, trade-marks, and related contracts. It supervised certain business enterprises with assets consisting primarily of patents, copyrights, or trade-marks. In cooperation with the Interdepartmental Committee for the Acquisition of Foreign Publications, the Division administered a program for the reproduction of scientific periodicals and books published by the enemy. It also administered the licensing and disposition of seized enemy film. The Division's headquarters was in Washington.

*Records.*—The Division maintained its own case files and certain other records independently of the central files of the Office. They are in the Patent Section of the Operations Branch of the Office of Alien Property (2,000 feet in the Washington office and 400 feet in the New York office).

See Office of Alien Property, "Report to the President on Periodical Republication Program" (1945. 9 p., processed); and Howland H. Sargeant and Henrietta L. Creamer, "Enemy Patents," in *Law and Contemporary Problems*, 11: 92-108 (Winter-Spring 1945).

### Property Division

This Division, with headquarters in Washington and section 802 offices in New York, Chicago, and San Francisco, represented all persons residing within enemy or enemy-occupied countries in judicial and administrative proceedings that affected their property interests; investigated enemy ownership of property (especially estates and trusts) involved in such proceedings; recommended for vesting the property or interests involved, and, after vesting, took charge of their administration; and vested insurance policies and brought into possession and administered all vested properties not assigned to other divisions. The Division handled cash transactions of the agency.

*Records.*—Most of the records created by the Division, such as pleadings, briefs, legal memoranda, and property forms are in the central case files of the Office. Some are in successor units, the Custody and Clearance Section of the Operations Branch (200 feet) and the Estates and Trusts Branch of the Office of Alien Property. Credit advices on all property vested by the Custodian and receipts of cash income and principal from all vested properties were sent by the Division to the Comptroller's Division, which tabulated the information on card records.

## WAR RELOCATION AUTHORITY

### Branch Offices

The Custodian's principal branch office was in New York City. 803 Other continental branch offices were in Chicago and San Francisco, and certain units of the agency maintained offices in Dallas, Los Angeles, and Seattle. A Honolulu office was formally established on September 10, 1943; and on September 12, 1945, an office was set up in Manila. The managers of branch offices were responsible for the coordination of activities of all divisions in their offices. The Manager of the Territorial and Insular Offices divided his time between Honolulu and Manila and was responsible for the immediate direction of all activities in Hawaii and the Philippines.

*Records.*—As branch offices were closed, their permanent records were transferred to Washington and were placed in the custody of the Records Section of the Office of Alien Property. Records of the Manila office were transferred to the Philippine Alien Property Administration upon its establishment in October 1946.

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82d Congress, 2d Session

## THE ALIEN PROPERTY CUSTODIAN:

A LEGISLATIVE CHRONOLOGICAL HISTORY AND  
BIBLIOGRAPHY OF THE TRADING WITH THE  
ENEMY ACT, 50 U. S. CODE APP. 1-40, AND THE  
OPERATIONS OF THE OFFICE OF ALIEN  
PROPERTY CUSTODIAN, 1917-1952

A REPORT PREPARED BY FREEMAN W. SHARP,  
OF THE AMERICAN LAW SECTION, LEGISLA-  
TIVE REFERENCE SERVICE, LIBRARY OF CON-  
GRESS, AND RAYMOND S. COX, OF COUNSEL,  
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ACT. ARMISTEAD W. SAPP, COUNSEL

Printed for the use of the Committee on the Judiciary

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(Pursuant to S. Res. 245, 82d Congress)

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FOREWORD

The subcommittee, at the outset of its investigations, recognized the need for a basic document which could be used as a general legislative and chronological history and, at the same time, as a bibliographic guide to all the published authoritative material pertaining to the work of the Alien Property Custodian and the administration of the Trading With the Enemy Act. It is my belief that this document will supply that need.

Its preparation has been a joint venture of the American Law Section of the Legislative Reference Service, Library of Congress, James P. Radigan, Jr., Chief, and the staff of the Senate Judiciary Subcommittee on Trading With the Enemy Act, Armistead W. Sapp, subcommittee counsel. The actual research and compilation of the document was performed by Freeman W. Sharp, American Law Section, and Raymond S. Cox, subcommittee staff. The prefatory remarks aptly state the purpose and scope of the document.

WILLIS SMITH, North Carolina,  
*Chairman, Subcommittee on Trading With the Enemy Act.*

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## PREFACE

The purpose of this document is to afford the subcommittee a framework upon which to base its investigation and study of the operations of the Office of the Alien Property Custodian and the administration of the Trading With the Enemy Act. It is literally, as its title suggests, a legislative chronological history and bibliography designed in chart form to provide a quick orientation of legislation and events, related in time, as well as in subject content.

The seizure of enemy property by a belligerent in war is directed at the enemy's potential to carry on the war. The immediate objects being to weaken the enemy's capacity to wage war and to strengthen one's own. The secondary effect of such seizures may be far reaching in the peace. The rapid growth of the United States dye and chemical industry after World War I, which was in a large measure due to the seizure of German dye and chemical patents during that war, is a case in point.

Originally, an alien enemy had no rights. The Roman Jurist Galus stated the theory of the ancient world when he said that all that is taken from the enemy becomes ours. The practice was that all movables became the property of the soldiers as spoils of war while the immovables became the property of the Roman State (see, 2 Sherman, *Roman Law in the Modern World*, sec. 634, citing Galus, 2, 69, Dig. 41, 1, 51, 1, Dig. 49, 14, 31, Dig. 49, 15, 20, 1; for a more modern statement of the theory see Grotius, *De jure belli et pacis*, III, 3, 9). With the French Revolution and the rise of liberalism and the democratic age in Europe, Rousseau formulated a new theory that war is solely the relating of state to state and not of individual to individual; that individuals are enemies only by accident and not as men, not even as citizens but as soldiers only (*Social Contract*, Book I, c. 4; see also: Talleyrand, *Moniteur Universel*, Dec. 5, 1806, and Massé, *Droit Commercial*, I, 121). British and American writers have never adopted Rousseau's doctrine and certainly modern "total war" has blasted the last vestiges of any foundations it might have had. The modern British-American view is expressed in Keith's edition (1929, p. 709) of Wheaton's *International Law*:

"War is sometimes regarded as primarily a relation between states and governments, represented in the conflict by definite military and naval forces, and as only secondarily a relation between the respective subjects individually. Peaceable and inoffensive inhabitants taking no part in the contest should, on this view, be immune from attack, but modern war conditions, by turning enemy countries into something approaching armed camps, have weakened this doctrine. On any theory of war, however, neither person nor property should be injured or damaged, if the legitimate purpose of the belligerent is not thereby clearly promoted, and the overcoming of his enemy not facilitated. \* \* \*

The first acts of the United States respecting limitations on trade with the enemy and seizure of enemy property prior to World War I began with the American Revolution as follows:

### The Revolution:

Act of September 30, 1774, of the Continental Congress, prohibiting exports to Great Britain, Ireland, and the West Indies (1 American Archives, 4th series, 906; see also acts in 1778, 4 Journal of Congress 254; 1780, 6 Journal of Congress 163; 1781, 7 Journal of Congress 60; and New York, Act of Mar. 9, 1779, 2d sess, c. 28; New York Act of Apr. 13, 1782, 5th sess., c. 39).

### The French nonintercourse acts:

Act of June 13, 1798 (Stat. 565); Act of February 9, 1799 (1 Stat. 613); and the Act of February 27, 1800 (2 Stat. 7).

### The War of 1812:

Act of July 6, 1812 (2 Stat. 778).

### The Civil War:

Act of July 13, 1861 (12 Stat. 255); Act of May 2, 1862 (12 Stat. 404); and Act of July 2, 1864 (13 Stat. 376).

### The Spanish-American War:

Prohibition of clearance of American vessels for Spanish ports by the Treasury Department, see 7 Moore, *International Law Digest*, section 1135.

The Trading With the Enemy Act (50 U. S. C. App. 1-40) was originally enacted in 1917 for World War I and has been in use to date. This document presents an orderly chronological guide to the Alien Property Custodian's administration of that act from the legislative point of view. Read crosswise it affords a general picture of the activities during the period of each session of the Congress from the Sixty-fifth through the Eighty-second Congresses. The columns cover the various main subject fields involved. Legislative histories of all bills introduced on the subject of the act or the Alien Property Custodian are included under "Bills, Resolutions, and Laws". This column includes all the appropriation bills as well as hearings and the action taken upon legislation.

The next column is bibliographical in nature and contains all the Congressional Record and Law Review articles found. Only three volumes appear to have been specifically written on the act: Charles H. Huberich on Trading With the Enemy (1918); Martin Domke on Trading With the Enemy in World War II (1943); and a supplementing volume by the same author, *The Control of Alien Property* (1947). These books, together with the articles cited, and a few brief sections which appear in the works of writers on International Law, such as Wheaton, supra, seem to constitute the entire literature on the subject. Huberich is a gold mine of information on the historical setting of the Act of 1917 including similar acts of the principal belligerents of the First World War. Domke, of course, covers the Second World War and contains a wealth of material on actual operative theory and practice.

The two columns on Presidential Executive orders and International Relations are more or less self-explanatory. The former contains all the Executive orders issued by the President while the latter lists the principal international events such as treaties and declarations of war.

Raymond S. Cox of the subcommittee staff has been responsible for the column on Leading Cases in the Courts. These cases are of special interest inasmuch as they point the way to the construction or interpretation of the act by the courts of the land. The early construction viewed the taking of property by the Alien Property Custodian as vesting the title in the Custodian as trustee rather than as owner. Later decisions are contra, giving the Custodian an absolute title. Because of the piecemeal amendment of the act, conflicts have arisen between various sections. The cases digested here offer a composite picture of the construction by the Courts of these conflicting sections and must be read harmoniously with the entire act in order to arrive at the intent of Congress.

The final column, Chronology of Events, is designed to afford references to the principal events, which have transpired concerning the operations of the Office of the Alien Property Custodian and the administration of the Trading With the Enemy Act. The references are to the news stories published in the New York Times newspaper. These news items are invaluable as history in the making. Their inclusion here will enable investigators to properly evaluate those events with the social, political, and economic aspects of their times.

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American Law Section.  
RAYMOND S. COX,  
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325040

CONGRESS

Sixty-fifth Congress:  
First session, Mar. 5-October 6,  
1917 (page references are to  
vol. 55, Cong. Rec.)

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)

- S. 2445—To define, regulate, and punish trading with the enemy, and for other purposes. Mr. Fletcher; Committee on Commerce, p. 3487.
- H. R. 4704—To define, regulate and punish trading with the enemy, and for other purposes. Mr. Adamson; Committee on Interstate and Foreign Commerce, p. 2909.
- Hearings—House Committee on Interstate and Foreign Commerce on H. R. 4704: L. C. call no HF 3030 A5 1917c
- H. R. 4960—To define, regulate and punish trading with the enemy, and for other purposes. Mr. Adamson; Committee on Interstate and Foreign Commerce, p. 3484.
- House Report No. 85, p. 4054  
Debated, p. 4840-4879, 4907-4930, 4968-4989  
Passed House, amended, p. 4989  
Senate Committee on Commerce, p. 5027  
Senate Report No. 111, p. 6208  
Recommitted, p. 6437  
Senate Report No. 113, p. 6469  
Debated, p. 6949-6958, 7007-7025  
Passed Senate Amended, p. 7025  
Conference Report—House Report No. 155, Debated and agreed to in House and Senate; p. 7340-7353, 7417-7428  
Approved (Public Law, No. 91), p. 7918
- Hearings—Senate Committee on Commerce on H. R. 4960 L. C. call no. HF 3030 A5 1917d
- H. R. 5325—In relation to trading with the enemy. Mr. Mann; Committee on Interstate and Foreign Commerce, p. 4765.

Second session, Dec. 3, 1917-  
Nov 21, 1918 (page references  
are to vol. 56, Cong. Rec.).

- S. 3623—To amend an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes." Approved Oct. 6, 1917. Mr. Ransdell; Committee on Commerce, p. 894.
- S. 4292—To conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver. Mr. Pittman; Committee on Banking and Currency, p. 4824:  
Senate Report No. 400, p. 5191.  
Debated and passed Senate, pp. 5241-5251.  
House Report No. 504, p. 5465.  
Debated and passed House, pp. 5431-5436.  
Approved (Public Law No. 139), p. 5591.

CONGRESSIONAL RECORD AND LAW REVIEW  
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1. Article by Theodore H. Thiesing on trading with the enemy published as Senate Doc. No. 107
2. Text of acts of British Parliament relating to trading with the enemy, p. 4870

1. Estimate of appropriations required (House Docs. 904, 998, 1073), pp. 1680, 4108, 5919.
2. Sale of Alien property, pp. 4001, 4083.
3. The work of the Alien Property Custodian, p. 3316.
4. Report of Alien Property Custodian (House Doc. 840), pp. 1045, 1081.
5. List of employees exempted from Military Service, p. 9390.
6. J. L. Davis interviewed on work of the Custodian, New York Times, December 9, IX, 8: 6.
7. Special article on activities of Alien Property Custodian, New York Times, January 27, VII, 7: 1. Custodian under the Trading With the Enemy Act. American Journal of International Law, Vol. 12, p. 147, 1918.

PRESIDENTIAL EXECUTIVE ORDERS

- E. O. 2729A—Oct. 12, 1917, prescribing powers and duties of APC, see also E. O. No. 2801, 2813.
- E. O. 2744—Oct. 29, 1917, salary, bond, powers and duties of APC, see also E. O. 2790.

- E. O. 2790—Jan. 22, 1918, allotment of \$90,000 for enforcement of Trading With the Enemy Act, see also E. O. 2744.
- E. O. 2796—Jan. 26, 1918, regulations concerning foreign exchange.
- E. O. 2801—Feb. 5, 1918, prescribing powers and duties of Alien Property Custodian, see also E. O. 2729-A, 2813.
- E. O. 2813—Feb. 26, 1918, prescribing powers and duties of Alien Property Custodian, see also E. O. 2729-A, 2801.
- E. O. 2832—Apr. 2, 1918, sale of certain property without advertisement.
- E. O. 2843—Apr. 24, 1918, sale of 50 hogshead of tobacco, property of Schilling & Burning Co.

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5th Congress—Continued  
Second session, Dec. 3, 1917—  
Nov. 21, 1918—Continued

- S. 5026—To amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes." Approved Oct. 6, 1917. Mr. Fletcher; Committee on Commerce, p. 11560. Senate Report No. 612, p. 11605.
- H. R. 9867—Making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses and for other purposes. Mr. Sherley; from Committee on Appropriations. House Report No. 315, p. 2130. Debated, p. 2158-2179, 2226-2240, 2273-2304. Passed House amended, p. 2304. Senate Report No. 205, p. 2060. Debated, p. 3261-3263, 3316-3329, 3362-3388. Passed Senate amended, p. 3388. Conference—House Report No. 405; Senate Doc. No. 204, p. 3942, 3967. Debated and agreed to, p. 3944, 3945, 4001-4004, 4082-4090. Approved (Public Law No. 109), p. 4222.
- Hearings—House and Senate Committees on Appropriations on H. R. 9867.
- H. R. 12338—To amend an act entitled "An Act to define, regulate and punish trading with the enemy, and for other purposes." Approved Oct. 6, 1917, as amended by an act entitled, "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses and for other purposes." Approved March 28, 1918, and for other purposes. Mr. Simms; Committee on Interstate and Foreign Commerce, p. 7275.
- H. R. 12441—Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes. Mr. Sherley; Committee on Appropriations: House Report No. 644, p. 7590. Debated, p. 7676-7701, 7814-7832, 7844-7871, 7902-7928. Passed House Amended, p. 7928. Senate Report 521, p. 8166. Passed Senate 8172-8182. Conference—House Report No. 723, p. 8501. Agreed to 8501-8508, 8457. Approved (Public Law No. 181), p. 8700.
- Hearings—House and Senate Committee on Appropriations on S. 12441.
- H. R. 12023—To supplement the Second Liberty Bond Act, as amended, and for other purposes. Mr. Kitchin; from Committee on Ways and Means: House Report No. 778, p. 10271, 10274. Debated, p. 10271, 10272, 10289-10313. Passed House amended, p. 10313. Senate Report No. 751, p. 10405. Debated, p. 10395, 10435-10446. Passed Senate amended, p. 10446. Conference—House Report No. 806. Agreed to in House and Senate, p. 10660-10662, 10648, 10702. Approved (Public Law No. 217), p. 11260.

- E. O. 2844—Apr. 24, 1918, sale of 105 hogsheads of tobacco, property of Ad. Hogens Co.
- E. O. 2845—Apr. 24, 1918, sale of 20 hogsheads of tobacco, property of W. F. Fallenstein.
- E. O. 2846—Apr. 24, 1918, sale of 30 hogsheads of tobacco, property of Warneker & John.
- E. O. 2847—Apr. 24, 1918, sale of 200 bales of cotton, property of Paul Schmitz, authorized.
- E. O. 2857—May 7, 1918, sale of 100 hogsheads of tobacco, property of Schilling & Burning Co.
- E. O. 2858—May 9, 1918, sale of 279,232 pounds of nickel, property of Haimmer & Co.
- E. O. 2885—June 15, 1918, duties concerning Orenstein & Koppel-Arthur Koppel Actiengesellschaft.
- E. O. 2914, July 15, 1918, sale of certain property without advertisement.
- E. O. 2910—July 16, 1918, prescribing powers and duties of Alien Property Custodian. (See also E. O. 2991.)
- E. O. 2949—August 29, 1918, sale of seats on exchanges without advertising.
- E. O. 2953—September 12, 1918, sale of real estate in New York City.
- E. O. 2954—September 13, 1918, rejection of bids on Frochlich & Kuttner, directed.
- E. O. 2955—September 13, 1918, rejection of bids on Engineering Department of German & Co. Ltd., directed.
- E. O. 2956—September 13, 1918, rejection of bids on "La Sombreteria" and "El Siglo", directed.
- E. O. 2957—September 13, 1918, rejection of bids on "La Sombreteria" and "El Siglo", directed.
- E. O. 2958—September 13, 1918, rejection of bids on "Helios Cigar Factory", directed.
- E. O. 2959—September 13, 1918, Philippine Islands; powers conferred on Managing Director of Alien Property Custodian in.
- E. O. 2963—September 30, 1918, rejection of bids on certain property of A. W. Fuber, authorized.
- E. O. 2991—November 12, 1918, prescribing powers and duties of Alien Property Custodian. (See also E. O. 2916.)
- E. O. 3016—December 3, 1918, prescribing powers and duties of Alien Property Custodian, control of patents, etc.

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65th Congress—Continued  
Second session, Dec. 3, 1917—  
Nov. 21, 1918—Continued

Third session, Dec. 2, 1918—Mar.  
4, 1919 (page references are  
to vol. 57, Cong. Rec.).

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(with actions indicated)

- H. R. 13080—Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, on account of war expenses, and for other purposes. Mr. Sherley; from Committee on Appropriations: House Report No. 830, p. 11289. Debated, p. 11201, 11202, 11289, 11207-11309, 11322-11349, 11351-11377. Passed House amended, p. 11377. Senate Report No. 596, p. 11421. Debated and passed Senate amended, p. 11429, 11430-11449. Conferences—House Report No. 835. Agreed to in House and Senate, p. 11480-11483, 11485. Approved (Public Law No. 233), p. 11509.
- S. Res. 421—To print the address of Hon. A. Mitchell Palmer, Alien Property Custodian, as a Senate Document. Mr. Smith of Arizona; Committee on Printing, p. 1815.
- S. Res. 462—Directing the Alien Property Custodian to furnish for the information of the Senate, a description of the property taken into custody by him, estimated value, and names and addresses of former owners of said property. Mr. Thompson—agreed to, p. 4110.
- S. Res. 463—Directing the Alien Property Custodian to furnish the Senate certain information and report of all proceedings had under the act entitled, "An act to define and regulate, and punish trading with the enemy, and for other purposes". Mr. Calder—agreed to, p. 4110.
- S. Res. 472—Authorizing and directing the Committee on Commerce be instructed to make inquiry into the manner in which A. Mitchell Palmer, the Alien Property Custodian, has exercised the powers of his office, and for that purpose subpoena and compel attendance of witnesses, etc. Mr. Frelinghuysen; Committee on Commerce, p. 4308.
- S. 5247—To repeal section 19 of an act entitled, "An act to define, regulate and punish trading with the enemy, and for other purposes", passed and approved Oct. 6, 1917. Mr. Borah; Committee on Commerce, p. 863; Debated, p. 863.
- H. R. 13262—To amend an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917. Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 169.
- H. R. 13892—To amend and repeal certain provisions of an act entitled, "An act to define, regulate, and punish trading with the enemy", approved Oct. 6, 1917. Mr. Fuller of Illinois; Committee on Interstate and Foreign Commerce, p. 1214.

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1. Report by Alien Property Custodian on seized alien property (S. Doc. No. 439), p. 4682, 4775, 4841.
  2. Estimate of appropriations (H. Doc. 1563), p. 229.
  3. Palmer discusses work of Alien Property Custodian, New York Times, May 30, 2:5.
  4. Report by Alien Property Custodian covering Jan. 1, 1918—Feb. 15, 1919 (S. Doc. No. 435), Doc. Ser. No. 7464.
- Alien Property Custodian (1919):  
Maine Law Review, vol. 12, p. 69.  
American Law Review, vol. 53, p. 43.  
Ohio Law Bulletin, vol. 63, p. 13.  
Central Law Journal, vol. 88, p. 117.  
National Corporation Reporter, vol. 57, p. 742.

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- E. O. 3113—July 15, 1919, return of property, powers of Attorney General, see also E. O. 3281, 3420, 3804, and 3944.
- E. O. 3116—July 18, 1919, rejection of bids on stock of Emil Gebel Co.
- E. O. 3117—July 18, 1919, rejection of bids on stock of Market & Hammacher Co.
- E. O. 3118, July 18, 1919, rejection of bids on stock of Market & Schaefer Co., authorized.
- E. O. 3124, July 19, 1919, rejection of bids on stock of Chicago Carbonic Gas Co.
- E. O. 3128, July 24, 1919, rejection of bids on Regnier & Shoup Mercantile Co.
- E. O. 3129—July 24, 1919, rejection of bids on stock of C. P. Gouz American Optical Co.
- E. O. 3135—Aug. 1, 1919, rejection of bids on stock of H. R. Humlicke, Inc. and Globe Clay Co.
- E. O. 3136—Aug. 1, 1919, sale of property in Stevens County, Wash., authorized.
- E. O. 3137—Aug. 1, 1919, sale of stock of Richard Meyr Co.
- E. O. 3146—Aug. 12, 1919, rejection of bids on certain real estate in New Orleans.
- E. O. 3150—Aug. 16, 1919, sale of real estate in the District of Columbia.
- E. O. 3163—Aug. 30, 1919, rejection of bids on stock, patent rights of Atlantic Welding Corp.
- E. O. 3168—Sept. 21, 1919, sale of real estate in Luzerne County, Pa.

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CONGRESS

Sixty-sixth Congress:  
First session, Nov. 14-19, 1919  
(page references are to Vol. 58,  
Cong. Rec.).

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)

- S. Res. 172—Providing for the selection by the Senate of a special Committee of five, three of the majority and two of the minority, to examine and audit the accounts and investigate the administration of the Office of Alien Property Custodian from the date of their appointments.  
Mr. Calder; Committee to Audit and Control the Contingent Expenses of the Senate, p. 4151:  
Reported, p. 5608.  
Debated, p. 5608-5617.
- H. J. Res. 173—Prohibiting the Alien Property Custodian from disposing of any property pending the ratification of the treaty of peace with Germany.  
Mr. LaGuardia; Committee on the Judiciary, p. 3589.
- H. R. 3332—To amend an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917.  
Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 306.
- H. R. 3478—Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes.  
Mr. Good; Committee on Appropriations:  
House Report No. 11, p. 363.  
Debated, p. 402, 427.  
Passed House amended, p. 427.  
Senate Report No. 11, p. 779.  
Debated, p. 898, 899-915.  
Passed Senate amended, p. 915.  
Conference—House Report No. 44 and 97.  
Debated and agreed to, p. 1152, 1231-1256, 2074, 2233, 2234, 2253, 2260.  
Approved (Public Law No. 5), p. 2401.
- Hearings—House and Senate Committees on Appropriations on H. R. 3478.
- H. R. 4787—To repeal section 19 of the act approved Oct. 6, 1917, known as the trading-with-the-enemy act.  
Mr. Volgt; Committee on Interstate and Foreign Commerce, p. 663.
- H. R. 6373—To amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917.  
M. Kahn; Committee on Interstate and Foreign Commerce, p. 1489.
- H. R. 7343—Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.  
Mr. Good; Committee on Appropriations:  
House Report No. 118, p. 2638, 2774.  
Debated, p. 2638-2664, 2771-2775, 8925.  
Passed House amended, p. 2775.  
Reported from Senate appropriations, p. 2816.  
Debated, p. 2822-2831.  
Passed Senate, p. 2831.  
Approved (Public Law No. 21), p. 2947, 3247.
- Hearings—House Committee on Appropriations on H. R. 7343.

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1. Appropriations, remarks in House on, p. 405, 406, 900, 1460.
2. Investigation of office of Alien Property Custodian, remarks in Senate on, p. 4290, 4602-4609.
3. Committee to audit accounts of Alien Property Custodian, remarks in Senate on, p. 5608.
4. Activities of A. Mitchell Palmer as Alien Property Custodian, remarks in Senate on, p. 4602-4609.
5. Hearings by Senate Committee on the Judiciary on the nomination of A. Mitchell Palmer to be Attorney General—covering his work as Alien Property Custodian. L. C. call No. JX5313, U8 A5 1919a.
6. German Peace Treaty—effect on Alien Property Custodian of its failure in Senate, N. Y. Times, Nov. 23, 2: 2.

PRESIDENTIAL EXECUTIVE ORDERS

- E. O. 3183—Nov. 25, 1919, rejection of bids on stock of The First Reinsurance Company of Hartford.

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Sixty-sixth Congress—Continued  
Second session:  
Dec. 1, 1919—June 5, 1920 (page  
references are to Vol. 59, Cong.  
Rec.).

- S. Res. 275—Directing the Allen Property Custodian to report to the Senate all pertinent facts and details in connection with the sale or transfer of voting trust certificates of the American Metal Company. Mr. Calder; Considered and agreed to, p. 1366.
- S. 4386—To amend section 9 of the "Trading with the Enemy Act", approved Oct. 6, 1919, as amended. Mr. Nelson; Committee on the Judiciary, p. 7085.
- S. 4392—To repeal the Act of Oct. 6, 1917, relative to trading with the enemy. Mr. King; Committee on the Judiciary, p. 7103.
- H. R. 12051—Relating to married women intermarried with Aliens. Mr. Butler; Committee on Interstate and Foreign Commerce, p. 3217.
- Hearing—House Committee on Interstate and Foreign Commerce on H. R. 12651. L. C. call No. JX5313.UGA5 1920ac.
- H. R. 12884—Relating to neutral and American women intermarried with aliens. Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 3837.
- Hearings—House Committee on Interstate and Foreign Commerce on H. R. 12884.  
L. S. call No. JX 5313 U6 A5 1920ac.
- H. R. 13870—Making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1921, and for other purposes. Mr. Good; Committee on Appropriations:  
House Report No. 905, p. 6357.  
Debated, p. 6405-6440, 6506-6519, 6539-6551, 6569-6615, 6641-6668, 6709-6737, 6760-6791, 6817-6842, 6871-6892, 9061, 9116, 9333.  
Passed House amended, p. 6892.  
Senate Report No. 617, p. 7306.  
Debated, p. 7592, 7626-7650.  
Passed Senate amended, p. 7650.  
Conference—House Report No. 1084, p. 8731.  
Agreed to, p. 8171-8178, 8263-8290.  
Approved (Public Law No. 246), p. 8002.
- Hearings—House and Senate Committees on Appropriations on H. R. 13870.
- H. R. 14064—To amend section 9 of an act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Esch; Committee on Interstate and Foreign Commerce, p. 7028.
- H. R. 14208—To amend section 9 of an act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Esch; Committee on Interstate and Foreign Commerce, p. 7556:  
House Report No. 1089, p. 8303.  
Debated, p. 8425-8428, 8429.  
Passed House amended, p. 8429.  
Reported in Senate, p. 8472.  
Debated, p. 8472-8475.  
Passed Senate, p. 8475.  
Presented to the President, p. 8662.

1. American Metal Company, communication from Allen Property Custodian concerning sale of trust certificates of (Senate Doc. 192), p. 2285.

- E. O. 8180—Dec. 10, 1919, sale of real estate in Manhattan Borough, New York City.
- E. O. 3219—Jan. 29, 1920, sale of preferred stock of Pan-American Petroleum and Transport Company.
- E. O. 3221—Jan. 20, 1920, rejection of bids on Victor Buluta and Textile Belting Company.
- E. O. 3227—Feb. 13, 1920, sale of certain rights to the Chemical Foundation, Inc.
- E. O. 3229—Feb. 13, 1920, release of certain claims against C. Walker Jones, Inc.
- E. O. 3238—Mar. 3, 1920, rejection of bids on The Strobel and Wilken Company.
- E. O. 3239—Mar. 3, 1920, rejection of bids on stock and patent rights of J. M. Voith Co.
- E. O. 3252—Mar. 27, 1920 rejection of bids on stock and patent rights of Chillingworth Manufacturing company.
- E. O. 3253—Mar. 27, 1920 rejection of bids on stock and patent rights of C. P. Gons American Optical Company.
- E. O. 3259 Apr. 16, 1920 sale of stock of First Reinsurance Company of Hartford.
- E. O. 3265 Apr. 29, 1920 sale of stock of First Reinsurance Company of Hartford.
- E. O. 3266 Apr. 29, 1920 rejection of bids for stock of R. & H. Simson Co., Authorized.
- E. O. 3267 Apr. 29, 1920 rejection of bids for stock of Flexotype Co., Authorized.
- E. O. 3277 May 21, 1920 sale of leasehold interests in Manhattan Borough, New York City.
- E. O. 3281 June 11, 1920 return of property, powers of Attorney General, see also E. O. 3113, 3420, 3804 and 3844.

*Kahn v. Garvan*, Apr. 13, 1920, 263 F. 009  
Suit by Arthur A. Kahn individually and trustee, on a deed of trust executed by Hirsch Kahn, against the Allen Property Custodian. The Allen Property Custodian made a motion to dismiss the bill for want of equity. Bill was dismissed. The court held that where the Allen Property Custodian demanded a transfer by one holding securities in trust for enemies of the right, title, and interest, of the enemy and did not assert a legal right to the securities themselves, the capture did not change the character of the enemy's right and if such right was subject to an accounting the Custodian must submit to some judicial determination between himself and the trustee.

Allen Property Custodian may compel accounting for trust funds.

That under the Act § 17 the District courts have jurisdiction to enforce provisions of the Act and the Allen Property Custodian may bring such proceedings as are necessary to reduce to possession property taken over by him.

The enemy's trustee whose rights have been taken over by the Allen Property Custodian may sue the Custodian in the District court for a settlement of his accounts and instructions.

Enemy's trustees holding securities in trust for enemies, whose rights have been taken over by the Allen Property Custodian cannot sue the Custodian for an accounting without recognizing the title of the Custodian.

Under the Trading With the Enemy Act, § 7, the equitable interest of enemies in a trust fund, in personal property may be captured. That provision of the Act, which declared residents of Germany enemies regardless of their citizenship, was within the powers of Congress.

An interpleader will not lie against the Custodian and enemies on behalf of trustee. The decisions of the Custodian shall be conclusive and the only remedy is that afforded under § 9 of the Act.

The Trading With the Enemy Act is constitutional though it provides no remedy for a review of the accounts of the Allen Property Custodian in taking over property, except by suits under § 9 of the Act.

325045

## INTERNATIONAL RELATIONS

Treaty of Trianon, Hungarian Peace Treaty, June 4, 1920 (Treaties, etc., Senate Doc. 348, 67th Cong., 4th sess., p. 3639): Rejected by the Senate.

## CHRONOLOGY OF EVENTS (N. Y. Times)

1920—Attorney General Palmer to submit proposal for settlement of Alien Property by Congress, Jan. 1, 14: 7.

Palmer to offer suggestions to Congress on classes for final distribution, Jan. 25, III, 7: 2.  
Peace treaty with Germany, Senate adopts Alien Property reservation, Mar. 9, 2: 1.

Allen Property Custodian urges that property of wives of Germans be held to guarantee American claims against Germany, Apr. 3, 21: 5.

Retention of Trading With the Enemy Act planned by House, June 3, 22: 2.

Act excepted from repeal of all war laws, June 4, 1: 2.

House passes amendment to facilitate return of property seized during war, June 4, 3: 7.

Senate adopts House resolution, June 5, 16: 4.

Rules announced under which property will be restored, July 8, 22: 2.

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CONGRESS

Sixty-sixth Congress—Continued  
Second session, Dec. 1—June 5,  
1920—Continued

Third Session Dec. 6, 1920—March  
4, 1921 (page references are to  
vol. 60, Cong. Rec.).

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Hearings—House Committee on Interstate and Foreign Commerce on H. R. 14208. L. C. call No. JX 5270 U6 1920.

- S. J. Res. 230—To use alien property funds until same shall be distributed according to law. Mr. Dial; Committee on Finance, p. 682.
- S. 4897—To amend section 9 of an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Knox; Committee on the Judiciary, p. 1727;  
House Report No. 1329, p. 3230.  
Passed House amended, p. 3583.  
Senate concurs, p. 3598.  
Approved (Public Law No. 332), p. 4023.
- S. 5013—To amend an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. King; Committee on the Judiciary, p. 3170.
- H. J. Res. 422—To use alien property funds until same shall be distributed according to law. Mr. Stevenson; Committee on Interstate and Foreign Commerce, p. 595.
- H. R. 15081—To amend section 9 of an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Newton; Committee on Interstate and Foreign Commerce, p. 357.
- H. R. 15155—To amend section 9 of an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Esch; Committee on Interstate and Foreign Commerce, p. 447.
- H. R. 15422—Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922 and for other purposes. Mr. Good; Committee on Appropriations:  
House Report No. 1153, p. 805.  
Debated, pp. 813, 837, 889, 950, 957, 985, 1067, 1118, 4385, 4591.  
Passed House amended, p. 1120.  
Senate Report No. 755, p. 2553.  
Debated, pp. 2627, 2692, 2895, 2723, 2764, 2830, 2837.  
Passed Senate amended, p. 2857.  
Conference—House Report No. 1355, pp. 3720, 3815, 3824, 3873, 3889, 3863, 3923-3926.  
Second Conference—House Report No. 1418, p. 4499.  
Agreed to, pp. 4502, 4432-4438.  
Approved (Public Law No. 389), p. 4544.
- Hearings—House and Senate Committee on Appropriations on H. R. 15422.
- H. R. 15433—To provide for the return to the original owners of money and property seized under an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, and for other purposes.

CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES

1. Remarks in House on H. R. 15493, p. 4587.
2. Enemy-owned ships, report of Chairman of Shipping Board on agreements for reconditioning (S. Doc. 369), p. 2294.

PRESIDENTIAL EXECUTIVE ORDERS

LEADING CASES IN THE COURTS

*Central Trust Co., et al v. Corvan, as Alien Property Custodian*, June 24, 1921, 254 U. S. 554

Libel proceeding by Custodian to compel Trust Co. and others to deliver property to him. Held: upon a determination after investigation by the Custodian, exercising the President's power by delegation under Sec. 5 of the Act, that securities were held in trust for benefit of enemy insurance Co., followed by demand, the duty arose to deliver them to him; that the question of enemy property *vel non* couldn't be inquired into in suit to compel delivery, but rights could be asserted by a claim, or/and suit under sec. 9 (a) of the Act.

Insofar as concerns claimants who proceed under 9 (a), a proceeding like the present gives a mere custody, although in other respects the Custodian may get a conveyance under the Act.

*Stoebr v. Wallace*, Feb. 28, 1921, 255 U. S. 239

Here the plaintiff sues in the right of Stoebr & Sons, Inc., a corporation of New York. This suit was to establish a claim to and prevent a sale of stock in Botany Mills which were seized by the Alien Property Custodian. Questions: (1) Can shares be taken or vested and be consistent with due process of law save through a judicial proceeding? (2) Was seizure and proposed sale in accord with section 7c as modified by section 5 of Trading With the Enemy Act?

A stockholder may bring such suit as this in the right of his corporation.

Trading With the Enemy Act finds its sanction—Const. Art I, sec. 8, Cl. 11.

The President, to determine enemy ownership, precedent to a seizure, may delegate same to Alien Property Custodian whose determination becomes in effect that of the President.

That the provision for an *ex parte* seizure, without prior judicial determination doesn't violate 5th Amendment since ample provisions exist for any claimant to establish his right in court under the Act.

A transfer of stock is a proper incident to their effective seizure.

Held that the transfer from German corporation to the New York corporation was a cover.

325047

**INTERNATIONAL RELATIONS**

**CHRONOLOGY OF EVENTS  
(N. Y. Times)**

Trading with the Enemy Act exempted from repeal of war laws by the House, Dec. 14, 1:3.

1921—Bills for the return of seized bills introduced, Jan. 4, 17:3; Jan. 8, 16:1; Jan. 30, 7:1; Feb. 16, 9:2.

Seized property of American born wives of alien enemies is returned, Jan. 22, 7:1; Mar. 1, 12:7.

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Sixty-sixth Congress—Continued  
Third session, Dec. 6, 1920—  
Mar. 4, 1921—Continued

Mr. Caldwell; Committee on Interstate and Foreign Commerce, p. 917.  
Debated p. 4587.

H. R. 15634—To amend an act known as the Trading with the enemy act, approved Oct. 6, 1917, as amended by the act approved June 5, 1920. Mr. Moores of Indiana; Committee on Interstate and Foreign Commerce, p. 1236.

Sixty-seventh Congress:  
First session, Mar. 4—Nov. 23,  
1921 (page references are to  
vol. 61, Cong. Rec.).

S. 559—To amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. King; Committee on the Judiciary, p. 150.

S. 2289—To amend subdivision (e) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Calder; Committee on the Judiciary, p. 4158.

S. 2745—To amend subdivision (a) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Frelinghuysen; Committee on the Judiciary, p. 8039. (2d sess., vol. 6, Cong. Rec.)

Senate Report No. 485, p. 2214.

Passed Senate amended, p. 2775.

Referred to House Committee on Interstate and Foreign Commerce, p. 2870.

H. Res. 143—Relative to the Custodian of Alien Property.

Mr. Kissel; Committee on the Judiciary, p. 3328.

H. Res. 148—Requesting the Attorney General to begin legal proceedings to set aside the sale of 4,000 alien chemical dye patents sold during the year 1919 by the Alien Property Custodian to the Chemical Foundation Company, and for other purposes.

Mr. Frear; Committee on the Judiciary, p. 3650.

H. R. 205—To amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917.

Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 91.

H. R. 6300—Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years and for other purposes.

Mr. Good; Committee on Appropriations:

House Report No. 75, p. 1552, 1553.

Debated, p. 1592-1618, 1637-1659, 1688-1717, 1762-1781, 1796.

Passed House amended, p. 1788.

Senate Report No. 87, p. 1913.

Debated, p. 1972, 2008, 2011, 2016, 2063.

Passed Senate amended, p. 2088.

Conference—House Report No. 153, 2226, 2261, 2269, 2318, 2319, 2350.

2d Conference—House Report No. 167, p. 2431.

Agreed to, p. 2432, 2474.

Approved (Public Law No. 18), 3084.

1. Estimate of appropriations for Alien Property Custodian (Senate Doc. 36), p. 590.

2. Purchase of an automobile for, p. 2011.

3. Alien chemical and dye patents, sale to Chemical Foundation Company, p. 3555.

4. Return of alien property to former owners, p. 8612.

E. O. 3420—Mar. 24, 1921, return of property, powers of attorney general, see also E. O. 3113, 3281, 3804, 3844.

E. O. 3441—April 23, 1921, private secretary of Alien Property Custodian excepted from civil service examination.

E. O. 3456—May 11, 1921, sale of leasehold interests in Brooklyn Borough, New York City.

E. O. 3559A—Oct. 12, 1921, sale of certain real estate in Cleveland, Ohio.

E. O. 3568—Oct. 24, 1921, use of funds for expenses of administration of trusts.

E. O. 3575—Nov. 5, 1921, sale of real estate in Philadelphia.

*American Exchange National Bank v. Garvan, Alien Property Custodian*, Apr. 6, 1921, 273 F. 43

The Alien Property Custodian had demanded of the bank that a bank account be paid over to it; that it was property of an alien enemy. The bank filed this bill of interpleader contending that the depositor, or the person in whose name the account was listed, had threatened to hold bank responsible if it so paid over the account to Alien Property Custodian.

The District Court held that Alien Property Custodian had no right to seize the account, that it was a chose in action, and ordered the parties to interplead. District Court held against Alien Property Custodian. Reversed.

*Held:*

Under sec. 7, as amended, any property, including choses in action, which the President determines belongs to an enemy not holding a license be delivered to the Alien Property Custodian; sec. 9, provides for claims.

A banker who pays deposits to Alien Property Custodian on his demand, is protected against liabilities to the depositors by 7 (e) of the Act.

The District Court didn't have jurisdiction to entertain a bill of interpleader, since the plaintiff had no right to bring it.

Public Res. No. 8, July, state of war with Germany reserving all rights of the nationals under the armistice

Treaty between the United States and Germany establishing friendly relations Series No. 659, 42 Stat. 1946

Treaty between the United States and Germany establishing friendly relations Series No. 658, 42 Stat. 1939

Treaty between the United States and Germany establishing friendly relations Series No. 660, 42 Stat. 1951

Sixty-seventh Congress—Continued  
First session, Mar. 4—Nov. 23,  
1921—Continued

Hearings—House and Senate Committees on Appropriations on H. R. 6300.

H. R. 6875—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 2174.

H. R. 7686—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. Mr. Newton of Missouri; Committee on Interstate and Foreign Commerce, p. 3512.

H. R. 7009—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended. M. Kahn; Committee on Interstate and Foreign Commerce, 4286.

H. R. 9236—To provide for the return of enemy property seized during the war. Mr. Newton of Missouri; Committee on Interstate and Foreign Commerce, p. 8088.

Second session, Dec. 5, 1921—  
Sept. 22, 1922 (page references  
are to vol. 62, Cong. Rec.).

S. Res. 191—Directing the Alien Property Custodian to furnish the Senate certain information as to the names of persons connected with the administration of the property in his charge, and a statement of property seized or demanded since peace was declared. Mr. King; ordered to lie on table, p. 300. Considered and agreed to, p. 813.

S. Res. 253—Directing the Alien Property Custodian to forthwith report to the Senate information requested of him in a Senate Resolution of Jan. 5, 1922. Mr. King; ordered to lie over under rule, p. 3472. Considered, modified, and ordered to lie on the table, p. 3566-3570.

S. Res. 274—To print report of Thomas W. Miller, Alien Property Custodian, as a Senate Document. Mr. Moses; Considered and agreed to, p. 5376.

S. J. Res. 203—Authorizing return to corporations of neutral countries properties taken over during the World War by the Alien Property Custodian. Mr. King; Committee on the Judiciary, p. 8169.

S. J. Res. 225—Supplementing the Trading With the Enemy Act. Mr. King; Committee on the Judiciary, p. 10327.

S. 2780—To amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.

Mr. King; Committee on the Judiciary, p. 34:

Passed Senate, p. 278.

House Report No. 520, p. 490.

Debated, p. 536.

Passed House, p. 539.

Approved (Public Law No. 115), p. 671.

S. 2804—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.

Mr. Johnson; Committee on the Judiciary, p. 128.

1. Employment of attorneys by Alien Property Custodian (Senate Doc. 181), p. 752, 1175, 2644, 3566, 4305, 5217, 5376, 5646.

2. Extension of time in which to bring suits, p. 278, 536.

3. Disposition of property taken over by Alien Property Custodian, p. 10441, 10442, 10462, 10572.

4. Appropriations for, p. 1420, 1488, 1534, 1538.

5. Investigation of, p. 9190, 9212, 9214.

6. Speech by Honorable Thomas W. Miller on Alien Property and its relation to trade, commerce and American claims.

7. Statements concerning Roesler & Hasslacher Chemical Company, p. 6262, 6263, 6392.

8. Statement on failure of banking firm of H. Upmann & Company, p. 7159.

9. Report of proceedings of Alien Property Custodian (Senate Doc. 181; House Doc. 315), p. 6782, 6864.

E. O. 3627—Jan. 27, 1922, sale of real estate in Brooklyn Borough, New York City.

E. O. 3630A—Feb. 21, 1922, perpetual lease of certain land in Columbus, Ohio, authorized.

E. O. 3656—Mar. 29, 1922, sale of assets of Mulpens & Kropff, authorized.

E. O. 3692.—June 15, 1922, sale of certain real estate in Chicago:

E. O. 3722A—Aug. 12, 1922, sale of stock of Forstmann & Huffman Co.

*Commercial Trust Co. of N. J. v. Miller*, Aug. 1, 1922, 262 U. S. 51; 281 F. 804

Suit by the Alien Property Custodian to compel the Trust Co. to turn over to him by conveyance, and transfer, money and property held by it as trustee. The District Court gave judgment for Alien Property Custodian, affirmed by Circuit Court of Appeal and this court.

Proceedings for seizure of enemy held property brought by Alien Property Custodian as delegate of President is a purely possessory one, in which the custodian's determination that the property is so held is conclusive. *Central Trust Co. v. Garvan*, 254; U. S. 554, supra, p. 8; *Stoehr v. Wallace*, 255 U. S. 239, supra, p. 6.

That such seizure pursuant to Trade With the Enemy is exercise of war powers.

Where securities and money were held by a trustee in trust for the joint account of a neutral and an alien enemy, to be delivered and paid to either upon his sole demand, or to survivor, the Alien Property Custodian proceeding under Act, was entitled to a decree requiring the trustee forthwith to deliver them all to him.

How long Act should remain in force is a legislative, not a judicial question.

Agreement between the United States and Great Britain for a mixed commission for determination of claims under the treaty of Aug. 10, 1922 (Treaty Series No. 665, 42)

Sixty-seventh Congress—Continued  
Second session, Dec. 5, 1921—  
Sept. 22, 1922—Continued

- S. 3087—To prevent further seizures by the Alien Property Custodian.  
Mr. King; Committee on the Judiciary, p. 1878.
- S. 3088—To provide for the return of enemy property seized during the war.  
Mr. King; Committee on the Judiciary, p. 1878.
- S. 3269—To amend subdivision 3 of subsection B of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended and for other purposes.  
Mr. King; Committee on the Judiciary, p. 3655.
- S. 3782—Relative to the power of the Alien Property Custodian in connection with trust property, etc.  
Mr. King; Committee on the Judiciary, p. 9881.
- S. 3852—To amend an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Underwood; Committee on the Judiciary, p. 10441:  
Debated, p. 10462.
- Hearings—Senate Committee on the Judiciary on S. 3852. L. C. call No. JX 5313. U6 A5 1922b.
- H. Con. Res. 59—To provide for the printing of 3,000 additional copies of the Report of the Alien Property Custodian.  
Mr. Kiess; Committee on Printing, p. 7619:  
House Report No. 1075, agreed to, p. 8423.  
Referred to Senate Committee on Printing, p. 8401.
- H. Res. 378—Authorizing an investigation of the Alien Property Custodian.  
Mr. Woodruff; Committee on Rules, p. 9216.
- H. J. Res. 338—To provide for the return of money or property of legal resident aliens.  
Mr. Sabath; Committee on Interstate and Foreign Commerce, p. 7768.
- H. J. Res. 364—Supplementing the trading with the enemy act.  
Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 9642.
- H. R. 9574—To amend section 9 of the trading with the enemy act, approved Oct. 6, 1917, as amended.  
Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 433.
- H. R. 9981—Making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923 and for other purposes.  
Mr. Wood of Indiana; Committee on Appropriations:  
House Report No. 570, p. 1381, 1382.  
Debated, p. 1407-1430, 1458-1491, 1521, 1532-1548, 1586-1631, 1651-1668, 1816-1845, 1850-1873, 1914-1936, 13369.  
Passed House amended, p. 1936.  
Senate Report No. 482, p. 2156.  
Debated, p. 2282, 2306, 2309, 2313, 2372-2380, 2388, 2393, 2425-2450.

CONGRESS

Sixty-seventh Congress—Continued  
Second session, Dec. 5, 1921—  
Sept. 22, 1922—Continued

Third session, Nov. 20—Dec. 4,  
1922 (page references are to  
vol. 63, Cong. Rec.).

Fourth session, March 3—March  
4, 1923 (page references are to  
vol. 64, Cong. Rec.).

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)

- Passed Senate amended, p. 2451.  
Conference—House Report No. 786, p. 63651.  
Agreed to, p. 3592, 3924.  
House recedes, p. 3918—3939.  
2d Conference—House Report No. 825, p. 4505.  
Debated, recommitted, p. 4937, 4943.  
3d Conference—House Report No. 876, p. 5068.  
Debated and rejected, p. 5770—5776, 5870.  
4th Conference—House Report No. 916, p. 5906.  
Rejected, p. 5954—5958.  
5th Conference—House Report No. 997, p. 6673.  
Agreed to, p. 8280, 8254.  
Approved (Public Law No. 240), p. 8879.
- Hearings—House and Senate Committees on Appropriations on H. R. 9881.
- H. R. 11023—To amend section 9 of an act entitled, "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 4485.
- H. J. Res. 399—Supplementing the Trading With the Enemy Act.  
Mr. Sabath; Committee on Interstate and Foreign Commerce, p. 437.
- S. 4100—To amend section 9 of the trading with the enemy act, as amended.  
Mr. Nelson; Committee on the Judiciary, p. 24:  
Senate Report No. 936, p. 275.  
Passed Senate, p. 275.  
House Report No. 1277, p. 547.  
Debated, p. 638.  
Passed House, p. 639.  
Approved (Public Law No. 372), p. 921.
- S. 4440—To amend section 9 of the trading with the enemy act, approved Oct. 6, 1917, as amended.  
Mr. Johnson; Committee on the Judiciary, p. 2681.
- S. 4571—To amend the trading with the enemy act.  
Mr. King; Committee on the Judiciary, p. 3741.
- H. R. 13165—To amend section 9 of the trading with the enemy act, approved Oct. 6, 1917, as amended.  
Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 124.
- H. R. 13185—To amend section 9 of the trading with the enemy act, as amended.  
Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 168.
- H. R. 13325—To amend section 9 of an act entitled, "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Stephens; Committee on Interstate and Foreign Commerce, p. 328.

CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES

1. Claims of persons not alien enemies, p. 5562, 5575.
2. Return of alien enemy property to owners, p. 1815, 4002, 4277, 4278, 4282, 4290, 4303, 4305, 4396, 4403, 4415, 5273, 5307, 5310, 5325, 5327, 5360, 5362.
3. Appropriations for Alien Property Custodian, p. 1493, 1553, 1997:  
Supplemental (House Doc. 589), p. 3817.  
Automobile, p. 1698, 2159.
4. Blattmann & Company, relief of, p. 5377.  
Alien Property Custodian, return of property by the Michigan Law Review, vol. 21, p. 277 (1923).  
Confiscation of enemy private property, Boston University Law Review, vol. 3, p. 156 (1923).

PRESIDENTIAL EXECUTIVE ORDERS

- E. O. 3753—Nov. 14, 1922 sale of gold notes of United Railways Investment Co.  
E. O. 3764—Dec. 11, 1922 sale of stock of Busch-Sulzer Bros.-Diesel Engine Co.  
E. O. 3770A—Dec. 30, 1922 sale of real estate in San Francisco.  
E. O. 3786—Feb. 14, 1923 sale of certain real estate in Cook County, Ill.  
E. O. 3787—Feb. 14, 1923 sale of real estate in Fort Worth, Tex.  
E. O. 3804—Mar. 5, 1923, prescribing powers and duties of Alien Property Custodian, see also E. O. 3113, 3281, 3420, 3844.  
E. O. 3817—Apr. 9, 1923, sale of stock of Totouche Copper Mining Company.  
E. O. 3818—Apr. 9, 1923, sale of real estate in Ventnor City, New Jersey.  
E. O. 3837—May 9, 1923, sale of stock of Acme Cement Plaster Company.  
E. O. 3844—May 16, 1923, prescribing powers and duties of Alien Property Custodian, see also E. O. 3113, 3281, 3420, 3804.  
E. O. 3845—May 16, 1923, sale of stock of American Vanadium Company.  
E. O. 3846—May 16, 1923, sale of stock of American Refractories Company.  
E. O. 3906—Sept. 19, 1923, sale of real estate in New York City.  
E. O. 3907—Sept. 22, 1923, sale of real estate in Bronx Borough, New York City.  
E. O. 3917A—Oct. 23, 1923 sale of stock of Botany Worsted Mills.  
E. O. 3923—Nov. 7, 1923 sale of stock of Stocker & Sons, Inc.  
E. O. 3928—Nov. 22, 1923 sale of stock of Roessler & Hasslacher Chemical Company and its subdivisions.  
E. O. 3929—Nov. 22, 1923 sale of stock of National Liberty Insurance Company.

LEADING CASES IN THE COURTS

INTERNATIONAL REL

Sixty-seventh Congress—Continued  
Fourth session, Mar. 3—Mar. 4,  
1923—Continued

- H. R. 13496—Supplemental to the trading with the enemy act.  
Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 731.
- H. R. 13696—Making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions and offices for the fiscal year ending June 30, 1924, and for other purposes.  
Mr. Wood of Indiana; Committee on Appropriations:  
House Report No. 1349, p. 1386.  
Debated, pp. 1492-1510, 1539-1561, 1600-1617, 1645-1684.  
Passed House amended, p. 1684.  
Senate Report No. 1015, p. 1786.  
Debated, pp. 1996, 2045, 2148, 2166.  
Passed Senate amended, p. 2171.  
Conference—House Report No. 1497, pp. 2834, 2779, 2898.  
2d Conference—House Report No. 1549, p. 3142.  
Agreed to, pp. 3414, 3418.  
Approved (Public Law No. 409), p. 4402.  
Hearings—House and Senate Committees on Appropriations on H. R. 13696.
- H. R. 14222—To amend the Trading With the Enemy Act.  
Mr. Winslow; Committee on Interstate and Foreign Commerce, p. 3172:  
House Report No. 1565, 3287.  
Debated, p. 4277, 4282-4311, 4396, 4403-4419.  
Passed House, p. 4419.  
Senate Report No. 1229, p. 4629.  
Debated, p. 5273, 5325, 5327, 5346, 5360, 5362.  
Passed Senate amended, p. 5364.  
Conference report agreed to, p. 5575, 5576, 5562, 5563.  
Approved (Public Law No. 536), p. 5556.
- H. R. 14408—Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.  
Mr. Madden; Committee on Appropriations:  
House Report No. 1630, p. 4341.  
Debated, p. 4515, 4521-4568, 4678, 4680, 4690-4707, 5200, 5202.  
Passed House amended, p. 4707.  
Senate Report No. 1250, p. 4875.  
Debated, p. 4953, 4961, 4965, 4974, 4976, 4987.  
Passed Senate amended, p. 5006.  
Conference—House Report No. 1755.  
Agreed to, p. 5118, 5242.  
Approved (Public Law No. 543), p. 5556.  
Hearings—House and Senate Committees on Appropriations on H. R. 14408.

- E. O. 3930—Nov. 22, 1923 sale of real estate in New York City.
- E. O. 3932—Nov. 22, 1923 sale of real estate in New York City.

## Sixty-Eighth Congress:

First session, Dec. 3, 1923-June 7, 1924 (page references are to vol. 65, Cong. Rec.).

- S. Res. 49—Directing the Alien Property Custodian to report to the Senate information as to certain accrued interest under the trading with the enemy act.  
Mr. Watson; ordered to lie over under rule, p. 227: Considered and agreed to, p. 242.
- S. Res. 72—Directing a select committee to be appointed by the President of the Senate to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office.  
Mr. King; Committee on the Judiciary, p. 322.
- S. J. Res. 121—To create a body corporate by the name of the "Alien Property Trade Investment Corporation".  
Mr. Dial; Committee on Agriculture and Forestry, p. 7904:  
Senate Report No. 511, p. 8170.  
Debated, p. 8763, 8974, 9294-9301, 10291, 10476. (2d Session—Vol. 66, Cong. Record.)  
Debated, p. 982.  
Indefinitely postponed, p. 3705.
- S. 154—To print the report of the Alien Property Custodian for the year ending Dec. 31, 1923, as a Senate document.  
Mr. Moses; considered and agreed to, p. 2347.
- S. 914—To amend the trading with the enemy act.  
Mr. King; Committee on the Judiciary, p. 149.
- S. 916—To amend the trading with the enemy act.  
Mr. King; Committee on the Judiciary, p. 149:  
(2d Session—Vol. 66, Cong. Record).  
Senate Report No. 1218, p. 4502.  
Debated, p. 4850.  
Passed Senate, p. 4863.  
Debated, p. 4850.  
Passed Senate, p. 4863.
- S. 1491—To amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. King; Committee on the Judiciary, p. 322.
- S. 1493—For the appropriations of the accrued interest of money deposited in the Treasury under the terms of the Trading With the Enemy Act, to be used in the purchase of wheat and fats for the starving people of Germany.  
Mr. Watson; Committee on Finance, p. 353.
- S. 1548—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved March 4, 1923, as amended.  
Mr. Shortridge; Committee on the Judiciary, p. 439:  
Senate Report No. 507, p. 7987.  
Debated, p. 9175, 10673.  
(2d Session—Vol. 66, Cong. Record).  
Passed Senate, p. 2750.

1. Annual Report of Alien Property Custodian (House Doc. 155), p. 913, 970.
2. Proposals for use of funds of Alien Property Custodian, p. 1080, 4611, 4620, 5364, 5498, 6731, 10500.
3. Appropriations for office, p. 6011.
4. Report on accrued interest, (Senate Doc. 10), p. 349.
5. Alien Property Trade Investment Corporation, creation proposed, p. 9294, 10465, 10476.
6. Federal Trade Commission on administration of the Alien Property Custodian Act, p. 1717, 1768.

- E. O. 3961—Feb. 19, 1924, sale of preferred stock of Stern Brothers, authorized.
- E. O. 3986—Apr. 3, 1924, sale of certain real estate in Brooklyn Borough, New York City.
- E. O. 4001—Apr. 30, 1924, sale of real estate in Milwaukee, Wisconsin.
- E. O. 4007—May 8, 1924, sale of stock of Standard Oil Company of New Jersey.
- E. O. 4010—May 13, 1924, sale of real estate in Pasadena, California.
- E. O. 4012—May 15, 1924, sale of real estate in Milwaukee, Wisconsin.
- E. O. 4045—July 3, 1924, sale of real estate in Milwaukee, Wisconsin.
- E. O. 4071A—Sept. 5, 1924, sale of real estate in New York City.
- E. O. 4071B—Nov. 13, 1924, certain stock of Botany Worsted Mills, sale authorized.
- E. O. 4073A—Sept. 9, 1924, sale of certain real estate in Iowa, Florida, and Illinois.
- E. O. 4089—Oct. 20, 1924, joint duties of general counsel and assistant and managing directors (until Nov. 15, 1924.)
- E. O. 4102A—Nov. 13, 1924, approval of acts of subordinates of Alien Property Custodian concerning deposits, etc., authorized.
- E. O. 4106A—Nov. 24, 1924, sale of real estate in San Francisco, California.

*Miller, Alien Property Custodian, et al., v. Robertson Robertson v. Miller, Alien Property Custodian, et al.,*  
Nov. 17, 1924, 286 U. S. 243

This is a suit brought by the plaintiff under section 9 (a) of the act to establish a debt the plaintiff contends to be due and owing to him from the German enemy defendants, on a breach of contract suit for the purchase of zinc ore. The defendants in this case contend that this is not a debt within the meaning of section 9, of the act, because first, it lacks mutuality and void for want of consideration, and that the term "debt", as found in section 9, implies a debt as known to the common law. The main question presented:

Whether or not this was a debt within section 9 (a) of the Act. The court found that section 9 (a) of the Act gives to any person not an enemy, or ally of enemy to whom any debt may be owing from an enemy, or ally of enemy, the right to institute a suit in equity in the District Court to establish the debt and that the section should be construed liberally to effect its purpose of preventing or lessening loss or inconvenience likely to result to nonenemies. They also held that the term "debt", in this section, is not confined to causes for which the common law action of debt might be maintained and, further, they found that this was a mutual and valid contract. The court held:

"There is nothing in the language of the act or in the reasons for its enactment to indicate a purpose to restrict the right to institute suits in equity as authorized in section 9 to causes of action cognizable in debt under technical procedural rules. The words of a statute are to be read in their natural and ordinary sense, giving them a meaning to their full extent and capacity, unless some strong reason to the contrary appears."

The lower court had given a decree in favor of Robertson which was affirmed by the Circuit Court of Appeals and is here affirmed.

Treaty of Friendship, Commerce and Consular Rights with Germany, Dec. 8, 1923, with rights of inheritance and of property (treaties, etc., Series No. 1150, Statutes at Large, 42 Stat. 1117, 4221).  
Agreement between the United States and Hungary for determining the treaties of August 24 and October 26, 1924 (Treaty Series No. 1150, Statutes at Large, 42 Stat. 1117, 4221).

Sixty-eighth Congress—Continued  
First session, Dec. 3, 1923—June  
7, 1924—Continued

- H. J. Res. 279—Providing for the immediate return of all property seized by the United States under authority of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Berger; Committee on Interstate and Foreign Commerce, p. 10415.
- H. R. 544—To amend section 9 of an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Roach; Committee on Interstate and Foreign Commerce, p. 37.
- H. R. 3914—To amend the Trading with the Enemy Act.  
Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 2345.
- H. R. 3916—To amend the Trading with the Enemy Act.  
Mr. Lea of California; Committee on Interstate and Foreign Commerce, p. 345.
- H. R. 5850—To repeal an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended, and for other purposes.  
Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 1258.
- H. R. 7146—To amend section 9 of an act entitled "An act to define, regulate and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 2868.
- H. R. 7449—Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.  
Mr. Madden; Committee on Appropriations:  
House Report No. 249, p. 3414, 3444.  
Debated, p. 4104-4119, 4168-4225, 5167.  
Passed House amended, p. 4225.  
Senate Report No. 285, p. 4537.  
Debated, p. 4611, 4622.  
Passed Senate amended, p. 4638, 4702, 4703.  
Conference—House Report No. 390, p. 5116.  
Agreed to, p. 5055, 5151.  
Approved (Public Law No. 66), p. 6424.
- Hearings—House and Senate Committee on Appropriations on H. R. 7449.
- H. R. 8233—Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions and offices for the fiscal year ending June 30, 1925, and for other purposes.  
Mr. Madden; Committee on Appropriations:  
House Report No. 380, p. 5049.  
Debated, p. 5213-5232, 5339-5386, 5496-5530, 5592-5615.

Sixty-eighth Congress—Continued  
First session, Dec. 3, 1923—June  
7, 1924—Continued

Second session, Dec. 1, 1924—  
Mar. 4, 1925 (page references  
are to vol. 66, Cong. Rec.).

Passed House amended, p. 5615.  
Senate Report No. 361, p. 5801.  
Debated, p. 6000, 6074, 6089, 6109, 6178, 6185,  
6209.

Conference—House Report No. 698, p. 8283,  
8253, 8807, 9855, 9856, 10359.

Agreed to, p. 10650, 10730, 10731.

Approved (Public Law No. 214), p. 11273.

Hearings—House and Senate Committees on Appro-  
priations on H. R. 8233.

S. Res. 340—To print the report of the Alien Property  
Custodian.

Mr. Pepper; agreed to, p. 3957.

S. 4250—To repeal an act entitled "An act to define,  
regulate, and punish trading with the enemy,  
and for other purposes", approved Oct. 6, 1917,  
as amended, and for other purposes.

Mr. Borah; Committee on the Judiciary, p. 3180;  
Debated, p. 3185, 5491.

S. 4331—To regulate the practice and fix the fees of  
agents, attorneys, and other persons representing  
claimants under the Act of Oct. 6, 1917.

Mr. Borah; Committee on the Judiciary, p. 3923.

H. R. 9810—To repeal an act entitled "An act to define,  
regulate, and punish trading with the enemy, and  
for other purposes", approved Oct. 6, 1917, as  
amended.

Mr. Hawes; Committee on Interstate and Foreign  
Commerce, p. 10.

H. R. 10359—To release custodianized property.

Mr. Newton of Missouri; Committee on Interstate  
and Foreign Commerce, p. 224.

H. R. 10591—To amend an act entitled "An act to  
define, regulate, and punish trading with the  
enemy, and for other purposes", approved Oct.  
6, 1917, as amended.

Mr. Hawes; Committee on Interstate and Foreign  
Commerce, p. 439.

H. R. 11446—To amend the trading with the enemy  
act.

Mr. Mills; Committee on Interstate and Foreign  
Commerce, p. 1501.

H. R. 11505—Making appropriations for the Executive  
Office and sundry executive bureaus, boards,  
commissions and offices for the fiscal year end-  
ing June 30, 1925, and for other purposes.

Mr. Wood; Committee on Appropriations:

House Report No. 1131, p. 1650, 1659.

Debated, p. 2039-2045, 2641, 2646, 2655-2684,  
2719-2740, 2807-2824, 3018-3029, 3067-3079,  
4895, 4899, 4903, 4907, 4908.

Passed House amended, p. 3079.

Senate Report No. 1054, p. 3230.

Debated, p. 3492, 3539, 3540, 3606, 3703, 3716,  
3551, 3627.

Passed Senate amended, p. 3739.

Conference—House Report No. 1562, p. 4442.

Agreed to, p. 4321, 4887.

Approved (Public Law No. 586), p. 5531.

1. Annual Report of Alien Property Custodian, p. 2638,  
2684.

2. Appropriations for Alien Property Custodian, p. 2656,  
2683.

3. "The Confiscation Myth", article by William C. Arm-  
strong, p. 3304.

4. Enemy Private Property, by Edwin M. Borchard, p.  
5491.

5. Restoration to Germany of funds in Alien Property  
Custodian, p. 3185.

6. Alien Property Trade Investment Corporation, estab-  
lishment of, p. 982.

Return of enemy-owned property and payment of  
American claims, American Bar Association  
Journal, Vol. 11, p. 515 (1925).

E. O. 4134-36, 4138, 4139—Jan. 27, 1925 sale of certain  
real estate in Brooklyn Borough, New York City.

E. O. 4137—Jan. 27, 1925 sale of certain real estate in  
Bronx Borough, New York City.

E. O. 4140-4141—Jan. 27, 1925 sale of certain real  
estate in Manhattan Borough, New York City.

E. O. 4150—Feb. 7, 1925 sale of certain real estate in  
Manhattan Borough, New York City.

E. O. 4151—Feb. 7, 1925 sale of certain real estate in  
Brooklyn Borough, New York City.

E. O. 4152—Feb. 7, 1925 sale of certain real estate in  
Manhattan Borough, New York City.

E. O. 4153—Feb. 7, 1925 sale of certain real estate in  
Queens County, New York.

E. O. 4160—Feb. 19, 1925 sale of certain real estate in  
Bronx Borough, New York City.

E. O. 4162—Feb. 24, 1925 sale of stock of the New  
Orleans, Texas and Mexico Railway Company.

Sixty-eighth Congress—Continued  
Second session, Dec. 1, 1924—  
Mar. 4, 1925—Continued

Hearings—House and Senate Committees on Appropriations on H. R. 11505.

H. R. 12244—To amend an act entitled, "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended, and for other purposes.

Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 3531.

H. R. 12245—To amend the Trading With the Enemy Act.

Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 3531.

Sixty-ninth Congress:

First session, Mar. 4-13, 1925;  
Dec. 7, 1925—July 3, 1926  
(page references are to vol. 67, Cong. Rec.)

S. Res. 71—Directing a select committee to be appointed by the President of the Senate to investigate the act of the Alien Property Custodian and the administration of the Alien Property Custodian's office.

Mr. King; Committee on the Judiciary, p. 494;  
Agreed to, p. 12079.

Reconsidered, amended and agreed to, p. 12965.

S. Res. 229—Directing the Alien Property Custodian to notify the Senate whether any officials or employees paid from the funds of the Alien Property Custodian office are or have been transferred to any other bureau or official of the United States government.

Mr. Norris; agreed to, p. 9885.

S. Res. 238—Directing the Alien Property Custodian to furnish information to the Senate regarding transfers to other government offices of persons carried on the payroll of that office.

Mr. Norris; ordered to lie on the table, p. 10479.  
Agreed to, p. 10694.

S. 1088—To provide for the return of enemy property seized during the war.

Mr. King; Committee on the Judiciary, p. 610.

S. 1090—To amend an act entitled, "An act to define, regulate, and punish trading with the enemy, and for other purposes", approved Oct. 6, 1917, as amended.

Mr. King; Committee on the Judiciary, p. 610.

S. 1109—To provide for the immediate return of money and other property of the citizens, subjects, or corporations of Germany, Austria, Hungary, Austria-Hungary, or of any other country transferred to the Alien Property Custodian or seized by him under the trading with the enemy act; to prohibit further seizures by the Alien Property Custodian; to provide compensation for the seizure and use of merchant ships and other maritime property and for other purposes.

Mr. Borah; Committee on the Judiciary, p. 610.

Confiscation of private property of enemy under trading with the enemy act. *Virginia Law Review*, vol. 13, p. 127 (1926).

The Trading With the Enemy Act. *Yale Law Journal*, vol. 35, p. 345 (1926).

E. O. 4164—Mar. 6, 1925, sale of real estate in Manhattan Borough, New York City.

E. O. 4165A—Mar. 9, 1925, sale of stock of F. W. Woolworth Company.

E. O. 4165B—Mar. 9, 1925, sale of stock of United Fruit Company.

E. O. 4165C—Mar. 9, 1925, sale of stock of the May Department Stores Company.

E. O. 4165D—Mar. 9, 1925, sale of stock, R. J. Reynolds Tobacco Company.

E. O. 4165E—Mar. 9, 1925, sale of stock of American Locomotive Company.

E. O. 4170A—Mar. 12, 1925, sale of stock of Southern Railway Company.

E. O. 4171—May 13, 1925, sale of real estate in Totowa Borough, New Jersey.

E. O. 4170B—Mar. 20, 1925, sale of stock of Corn Products Refining Company.

E. O. 4179C—Mar. 20, 1925, sale of stock of Missouri, Kansas & Texas Railway Company.

E. O. 4179D—Mar. 20, 1925, sale of stock of Kansas City Southern Railway Company.

E. O. 4179E—Mar. 20, 1925, sale of stock of Banco Mexicano de Comercio & Industria of City of Mexico.

E. O. 4211—Mar. 20, 1925, sale of stock of Banco Mexicano de Comercio & Industria of City of Mexico.

E. O. 4224—May 14, 1925, sale of certain real estate in Borough of Manhattan, New York City.

E. O. 4224A—May 14, 1925, quit claim of certain real estate in Cook County, Illinois.

E. O. 4276A—July 29, 1925, sale of stock of Southern Railway Company.

E. O. 4353A—Dec. 9, 1925, sale of stock of American Light and Traction Company.

E. O. 4353B—Dec. 9, 1925, sale of stock of Intercontinental Rubber Company.

E. O. 4353C—Dec. 9, 1925, sale of real estate in San Francisco.

E. O. 4353D—Dec. 9, 1925, sale of stock of the United Drug Company.

E. O. 4353E—Dec. 9, 1925, sale of stock of the American Woolen Company, American Sugar Refining Company, and the Porto Rico Sugar Company.

E. O. 4354A—Dec. 12, 1925, sale of stock of South Porto Rico Sugar Company, and the Texas Company.

E. O. 4354B—Dec. 12, 1925, sale of stock of American Can Company, American Car and Foundry Company, and National Lead.

*Stadtmuller v. Miller, Alien Property Custodian, et al.*, Mar. 19, 1926, 11 F. (2d) 732

This is a suit brought by Stadtmuller under section 9 of the act to recover property alleged to belong to the plaintiff which was seized by the Alien Property Custodian and is now in the custody of the Treasurer of the United States. The District Court dismissed the complaint.

In this particular case we have a German national who had been residing in the United States since 1890. He became in bad health just prior to the outbreak of the war, and was ordered by his physicians to rest, so he returned to Europe and was caught there by the war. His property, his bank account, etc., in New York were vested by Alien Property Custodian. He has filed an application with Alien Property Office for its return. Such a claim was denied him. Now he brings this 9 (a) action asking the question of whether or not this claim states a good cause of action. The court here said they thought he did. It further stated that a person who had been in the United States for 26 years though not actually a citizen of this country, who had filed an application for citizenship, and was compelled to remain in Germany against his will until the cessation of hostilities, and who during such time did no hostile act, but held and is held a "transient" during his stay in Germany, and not a "resident" of Germany, and did not lose his "residence within" United States, and hence was entitled, under Trading with the Enemy Act to sue to recover property seized during his absence by the Alien Property Custodian; "residence" being many times synonymous with "domicile", but not with "citizenship", and a "transient" being one who is temporary within the jurisdiction by reason of business or pleasure. Reversed.

Treaty of Friendship, Rights with Hungary, June with rights of inheritance, of property. (Treaties, e Cong. 4th sess., p. 4318.)

Sixty-ninth Congress—Continued  
First session, Mar. 4-13, 1925;  
Dec. 7, 1925—July 3, 1926—Con.

- S. 1226—To amend the Trading With the Enemy Act:  
Senate Report No. 11, p. 1232.  
Passed Senate amended, p. 1333.  
House Report No. 332, p. 4324.  
Debated, p. 5660, 6891.  
Passed House amended, p. 6892.  
Conference—House Report No. 860, p. 7335,  
7368, 7490, 7513.  
2nd Conference—House Report No. 1050, p.  
8349, 8475, 8526.  
Approved (Public Law No. 188), p. 8961.
- S. 1227—To amend the Trading With the Enemy Act.  
Mr. King; Committee on the Judiciary, p. 612.
- S. 2036—To amend the Trading With the Enemy Act.  
Mr. Wadsworth; Committee on the Judiciary, p.  
1392.
- S. 2587—To amend the Trading With the Enemy Act.  
Mr. Gillette; Committee on the Judiciary, p. 2271:  
Senate Report No. 818, p. 9350.  
Debated, p. 9733.  
Passed Senate amended, p. 9734.
- S. 3192—To amend section 9 of an act entitled "An act  
to define, regulate, and punish trading with the  
enemy and for other purposes," approved Oct.  
6, 1917, as amended.  
Mr. Gillette; Committee on the Judiciary, p. 4201.
- S. 3479—To amend section 9 of an act entitled "An  
act to define, regulate and punish trading with  
the enemy and for other purposes", approved  
Oct. 6, 1917, as amended.  
Mr. Shortridge; Committee on the Judiciary, p.  
5262.
- S. 3829—To provide for the payment of the awards of  
the Mixed Claims Commission, the payment of  
certain claims of German nationals against the  
United States, and the return to German nationals  
of property held by the Alien Property  
Custodian.  
Mr. Borah; Committee on Finance, p. 6764, 6765,  
6813.
- S. 4120—Validating conveyances of alien property.  
Mr. Copeland; Committee on the Judiciary, p.  
8342.
- S. 4127—To permit American citizens to take alien  
property by devise or gift.  
Mr. Copeland; Committee on the Judiciary, p.  
8408.
- S. 4289—To provide for the payment of the amounts  
awarded to American nationals by Mixed Claims  
Commission, the payment of certain claims of  
German nationals against the United States, and  
the return to German nationals of property held  
by the Alien Property Custodian.  
Mr. Borah; Committee on Foreign Relations, p.  
9586.
- H. Con. Res. 25—Expressing the adherence of Congress  
to the doctrine of nonconfiscation of private  
property of enemy nationals.  
Mr. Fish; Committee on Foreign Affairs, p. 8957.

- E. O. 4359—Dec. 19, 1925, sale of real estate in New  
York City.
- E. O. 4361A—Dec. 23, 1925, sale of preferred stock in  
Seaboard Air Line, authorized.
- E. O. 4363A—Dec. 31, 1925, sale of stock of the Balti-  
more and Ohio Railroad Company.
- E. O. 4373A—Jan. 27, 1926 sale of stock of Crex Car-  
pet Company.
- E. O. 4403—Mar. 25, 1926 sale of real estate in Tacoma,  
Washington.
- E. O. 4428—Apr. 20, 1926 sale of certain real estate in  
Lancaster, New York.
- E. O. 4443—May 18, 1926 sale of real estate in San  
Francisco.
- E. O. 4483—July 20, 1926 sale of real estate in Oak  
Knoll, Pasadena, California.

*United States v. Chemical Foundation, Inc.*, Oct. 11,  
1926, 272 U. S. 1

This is an appeal from a decree of the Circuit Court  
of Appeals which affirms a decree of the District Court,  
dismissing the bill on final hearing in a suit brought  
by the United States to set aside transactions whereby  
patents, copyrights, etc., which had been seized as  
enemy property and were transferred to the defendant  
corporation by the Alien Property Custodian by direc-  
tion of the President under the authority of the Trad-  
ing With the Enemy Act. The Alien Property Office  
here is contending that the patents so obtained by the  
Chemical Foundation were obtained through fraudulent  
disposition of the President and other officials, and that  
the control of said patents would perpetuate a monopoly  
and would control the industries in this question. The  
answer denies conspiracy and fraud and asserts that  
the transfer was made in good faith and pursuant to  
law and that they were valid.

In February 1919, the Chemical Foundation was in-  
corporated for the explicit purpose of purchasing the  
enemy owned patents from the Custodian and to hold  
them in fiduciary capacity for the Americanization of  
such industries as may be affected thereby.

The President vested in Frank L. Polk all power  
and authority conferred upon the President by the pro-  
visions of Section 12 of the Act, as amended. Mr.  
Polk, in turn, issued two orders authorizing the Cas-  
todian to sell at private sale to the Foundation at  
such place and upon such terms and conditions as he  
deems proper, all patents relating to the purpose for  
which the Foundation was formed. Custodian execu-  
ted and delivered to the Foundation assignments of  
patents on April 1919. In these orders he made a state-  
ment of the reasons why a private sale without adver-  
tising was in the public interest. The President, on  
February 13, 1920, by Executive Order, ratified the  
transactions.

Question: Did the amendment of March 28, 1918, of  
the Trading With the Enemy Act empower the Presi-  
dent to authorize and the Custodian to consummate  
these sales? The applicable section of the Act is sec-  
tion 12, as amended March 28, 1918. It is conceded that  
when seized the patents belonged to enemy Germans  
and they were lawfully taken. Under the original sec-  
tion 12 as enacted, the Custodian in respect to prop-  
erties in his possession was given all the powers of a  
common law trustee and he was a mere conservator  
who was authorized to sell only to prevent waste, "but  
brief experience made it clear that this restriction on  
the power to dispose of enemy property sometimes op-  
erated to defeat the purpose of the Act \* \* \*". The  
amendment of March 1918 eliminated the restrictions  
upon the power of sale. In addition to the other  
powers given to those of a common law trustee, it  
authorized the Custodian under the President to  
dispose of such properties by sale or otherwise "in  
like manner as though he were the absolute owner  
thereof". The court continuing: "Congress was un-  
traumelled and free to authorize the seizure, use, or

Sixty-ninth Congress—Continued  
First session, Mar. 4-13, 1925;  
Dec. 7, 1925—July 3, 1926—Con.

- H. Con. Res. 34—Expressing the adherence of Congress to the doctrine of nonconfiscation of private property of enemy nationals.  
Mr. Fish; Committee on Foreign Affairs, p. 11423.
- H. Res. 113—Requesting information of the administration of the Office of the Alien Property Custodian.  
Mr. Fish; Committee on Interstate and Foreign Commerce, p. 3071;  
Debated, p. 4310.
- H. Res. 134—Authorizing an investigation of the acts of administration of the Office of the Alien Property Custodian.  
Mr. Schafer; Committee on Rules, p. 3923;  
Debated, p. 6290.
- H. Res. 234—Authorizing an investigation of the administration of the Office of the Alien Property Custodian.  
Mr. Connally of Texas; Committee on Rules, p. 8019.
- H. Res. 260—Requesting the Secretary of State to furnish information concerning the policy with respect to private property of enemy nationals.  
Mr. Fish; Committee on Foreign Affairs, p. 8957.
- H. Res. 261—To investigate the Alien Property Custodian.  
Mr. Connally of Texas; Committee on Rules, p. 8957.
- H. Res. 308—To provide for the printing of additional copies of hearings held before the Committee on Ways and Means of the House of Representatives on the bill (H. R. 10820) for the return of alien property.  
Mr. Green of Iowa; Committee on Printing, p. 12077;  
Agreed to, p. 12577.
- H. J. Res. 33—Providing for the immediate restoration to the owners of all private property seized by the United States during the World War under the Act of Oct. 6, 1917.  
Mr. Newton of Missouri; Committee on Interstate and Foreign Commerce, p. 455.
- H. J. Res. 118—Providing for the immediate restoration to the owners of all private property seized by the United States during the World War under the Act of Oct. 6, 1917, and providing for the payment of American damage claims against Germany by the issuance of Treasury bonds.  
Mr. Newton of Missouri; Committee on Interstate and Foreign Commerce, p. 2339.
- H. J. Res. 145—Providing for the immediate return of all property seized by the United States under authority of the Act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved Oct. 6, 1917, as amended.  
Mr. Berger; Committee on Interstate and Foreign Commerce, p. 3133.

*United States v. Chemical Foundation, Inc.*—Continued appropriation, of such properties, without any compensation to the owners." There is no constitutional prohibition against confiscation of enemy properties: *Brown v. United States*, 8 Cranch 110, 122; *Miller v. United States*, 11 Wall. 268, 305, et seq.; *Kirk v. Lynd*, 106 U. S. 315, 316; *Stoehr v. Wallace*, 255 U. S. 239, 245, supra p. —; *White v. Mechanics Securities Corporation*, 269 U. S. 283, 300. The court held that a limitation upon the accepted class is not a delegation of legislative power. "The range of the statute is too plain to be misunderstood \* \* \*". The Custodian's dominion over the property, and power to dispose of it—acted under the President as provided—were as unlimited as are the powers of an absolute owner; and the power of the President to determine terms and conditions of sale \* \* \* was not restricted.

The court further stated that section 5 (a) of the Act fully justifies the President to authorize and delegate to others to consummate and ratify sales of property.

The court upheld the decree of the lower court with modifications.

Sixty-ninth Congress—Continued  
First session, Mar. 4-13, 1925;  
Dec. 7, 1925-July 3, 1926—Con.

- H. J. Res. 184—Providing for the immediate restoration to the owners of all private property seized by the United States during the World War under the Act of Oct. 6, 1917, and providing for the payment of American damage claims against Germany by the issuance of Treasury bonds.  
Mr. Newton of Missouri; Committee on Interstate and Foreign Commerce, p. 4817.
- H. J. Res. 228—Providing for the immediate return of all private property seized by the United States under the Trading With the Enemy Act of Oct. 6, 1917.  
Mr. Fish; Committee on Interstate and Foreign Commerce, p. 7883.
- H. R. 69—To amend the Trading With the Enemy Act.  
Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 397.
- H. R. 76—To repeal an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes," approved Oct. 6, 1917, as amended.  
Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 397.
- H. R. 77—To amend an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended and for other purposes.  
Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 397.
- H. R. 78. To amend an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 397.
- H. R. 79—To repeal an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended, and for other purposes.  
Mr. Hawes; Committee on Interstate and Foreign Commerce, p. 397.
- H. R. 3871—To amend the Trading With the Enemy Act.  
Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 450.
- H. R. 3888—To amend the Trading With the Enemy Act.  
Mr. Lea of California; Committee on Interstate and Foreign Commerce, p. 450.
- H. R. 3905—To amend the Trading With the Enemy Act.  
Mr. Mills; Committee on Interstate and Foreign Commerce, p. 450.
- H. R. 5983—To amend section 9 of the Trading With the Enemy Act.  
Mr. Newton of Missouri; Committee on Interstate and Foreign Commerce, p. 1173.
- H. R. 7909—To amend an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended.

Sixty-ninth Congress—Continued  
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- Mr. Luce; Committee on Interstate and Foreign Commerce, p. 2339.
- H. R. 8957—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended.
- Mr. Luce; Committee on Interstate and Foreign Commerce, p. 3412.
- H. R. 9341—Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions and offices for the fiscal year ending June 30, 1927, and for other purposes.
- Mr. Wood; Committee on Appropriations:  
House Report No. 285, p. 4003.  
Debated, p. 4170-4197, 4228-4255, 4263-4295, 4298-4323, 4340-4367, 4723, 4856, 4858-4874.  
Passed House amended, p. 4874.  
Senate Report No. 279, p. 5106.  
Debated, p. 5630, 5631-5642, 5689, 5706, 5776, 5853, 5943, 5944, 5986.  
Passed Senate amended, p. 5988.  
Conference—House Report No. 730.  
Agreed to, p. 6947, 7535-7542.  
2nd Conference—House Report No. 992, p. 7637.  
Agreed to, p. 7662, 7660.  
Approved (Public Law No. 141), p. 8057.
- Hearings—House and Senate Committees on Appropriations, on H. R. 9341.
- H. R. 10423—To amend section 9 of an act entitled "An act to define, regulate and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended.
- Mr. Kahn; Committee on Interstate and Foreign Commerce, p. 5819.
- H. R. 10820—To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian.
- Mr. Mills; Committee on Ways and Means, p. 6545:  
Debated, p. 7597, 8050.
- Hearings—House Committee on Ways and Means and the Committee on Interstate and Foreign Commerce on H. R. 10820.
- L. C. call no. JX 5313 U6 A5 1926.
- H. R. 11574—To provide for the return to German nationals of property held by the Alien Property Custodian.
- Mr. LaGuardia; Committee on Interstate and Foreign Commerce, p. 8137.
- H. R. 11717—To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian.
- Mr. Newton of Missouri; Committee on Ways and Means, p. 8405.

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- H. R. 11764—To validate devises, bequests, and gifts from alien enemies to American citizens.  
Mr. Carew; Committee on Interstate and Foreign Commerce, p. 8479.
- H. R. 11894—To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Commission.  
Mr. Newton of Missouri; Committee on Ways and Means, p. 8720.
- H. R. 12174—To provide for the payment of amounts awarded to American nationals by the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the returns to German nationals of property held by the Alien Property Custodian.  
Mr. Newton of Missouri; Committee on Ways and Means, p. 9487.
- H. R. 12643—To provide for the payment of the amounts awarded to certain American nationals by the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian.  
Mr. Green of Iowa; Committee on Ways and Means, p. 10762.
- H. R. 12706—To provide for the payment of certain claims of German nationals against the United States and the return to German nationals of property held by the Alien Property Custodian.  
Mr. Kearns; Committee on Ways and Means, p. 10980.

Second session and extra session of the Senate, Nov. 10, 1926-Mar. 4, 1927 (page references are to vol. 68, Cong. Rec.).

- S. Res. 299—Requesting the President to send to the Senate a copy of the report of the Comptroller General of investigation of the Alien Property Custodian's Office.  
Mr. Norris; agreed to, p. 633.
- S. Res. 307—Authorizing the select committee to investigate the Alien Property Custodian's Office and to hold hearings.  
Mr. King; Committee to Audit and Control the Contingent Expenses of the Senate, p. 969.
- S. Res. 310—Requesting certain information from the Secretary of the Treasury relative to German ships seized during the war.  
Mr. King; ordered to lie over, p. 970.  
Passed Senate, p. 1157.
- S. 4906—To repeal an act entitled, "An act to define, regulate, and punish trading with the enemy and for other purposes", approved Oct. 6, 1917, as amended.  
Mr. Hawes; Committee on the Judiciary, p. 690.
- H. R. 15009—To provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property

1. Amendments in Senate to H. R. 15009, p. 910, 1939, 2521, 4022, 4326, 5540.
  2. Memorial from Chamber of Commerce of New York favoring H. R. 15009, p. 1467.
  3. Brief on return to owners of alien enemy property (Senate Doc. 181), p. 911.
  4. Remarks on return to owners of enemy property, p. 588, 663, 714, 4000, 5506, 5512, 5532, 5822.
  5. Rules adopted by the Mixed Claims Commission on debts, bank deposits, etc., p. 714.
  6. Investigation of Alien Property Custodian—Report of Comptroller General (Senate Doc. 182), remarks, etc., p. 119, 912.
- Treatment of alien enemy property in wartime, and after, by the United States. *Indiana Law Journal*, vol. 2, p. 453 (1927).

- E. O. 4544—Nov. 13, 1926, sale of real estate in New York City.
- E. O. 4572A—Jan. 27, 1927, transfer of funds, etc., powers of the President as to.
- E. O. 4581—Feb. 10, 1927, sale of stock of Western Maryland Railroad Company.
- E. O. 4594A—Feb. 24, 1927, sale of stock of Wabash Railway Company.
- E. O. 4627A—April 8, 1927, sale of stock of Western Maryland Railway Company.
- E. O. 4736A—Oct. 15, 1927, sale of stock of Schutte & Koerting Company.

Arrangement with Great Britain of property seized under the Trading With the Enemy Acts. Jan. 4 and Feb. 23, 1927 (Treaty 438, 67th Congress, 4th session, p.

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Sixty-ninth Congress—Continued  
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Custodian, and for the equitable apportionment  
among all claimants of certain available funds.  
Mr. Green of Iowa; Committee on Ways and  
Means, p. 415:

House Report No. 1623, p. 470.  
Debated, p. 588-623, 664-686, 714-730.  
Passed House amended, p. 730.  
Senate Report No. 1394, p. 3011.  
Debated, p. 4532, 4660, 5207, 5508, 5510, 5532,  
5540.

Hearings—Senate Committee on Finance on H. R.  
15000. L. C. call no. JX 5313 U6 A5 1927.

H. R. 15059—Making appropriations for the Executive  
Office and sundry independent executive bureaus,  
boards, commissions, and offices for the fiscal  
year ending June 30, 1928, and for other pur-  
poses.

Mr. Wood; Committee on Appropriations:  
House Report No. 1681, p. 1169.  
Debated, p. 1374-1405, 1427-1461, 1511-1533,  
1671-1681.  
Passed House amended, p. 1681.  
Senate Report No. 1255, p. 1703.  
Debated, p. 1832, 1853.  
Passed Senate amended, p. 1857.  
Conference—House Report No. 1837, p. 2404.  
Agreed to, p. 2369, 2508.  
Approved (Public Law No. 600), p. 4937.

Hearings—House and Senate Committees on Appro-  
priations on H. R. 15059.

Seventieth Congress:  
First session, Dec. 5, 1927—May  
29, 1928 (page references are  
to vol. 69, Cong. Rec.).

S. 830—To repeal an act entitled "An act to define and  
punish trading with the enemy and for other  
purposes", approved Oct. 6, 1917, as amended.  
Mr. Hawes; Committee on the Judiciary, p. 343.

S. 1269—To amend section 9 of an act entitled "An  
act to define, regulate and punish trading with  
the enemy and for other purposes", approved  
Oct. 6, 1917, as amended.

Mr. Shortridge; Committee on the Judiciary, p.  
349.

S. 4585—To amend an act entitled "An act to provide  
for the settlement of certain claims of American  
nationals against Germany, Austria and Hun-  
gary and of nationals of Germany, Austria and  
Hungary against the United States and for the  
ultimate return of all property held by the Alien  
Property Custodian."

Mr. King; Committee on Finance, p. 10057.

H. Res. 93—Authorizing the Committee on Expendi-  
tures in Executive Departments to investigate  
the acts of the Alien Property Custodian's Of-  
fice, and for other purposes.

Mr. Schafer; Committee on Rules, p. 1571.

H. R. 7201—To provide for the settlement of certain  
claims of American nationals against Germany,  
Austria and Hungary, and of nationals of Ger-  
many, Austria and Hungary against the United  
States and for the ultimate return of all prop-  
erty held by the Alien Property Custodian.

1. Remarks in House and Senate on return of enemy  
property to owners, p. 747, 858, 880, 1767, 2406,  
2941, 2998, 3008, 3139, 3156, 3165, 3166, 3175, 3167,  
3177, 3233, 3646, 3675, 3770.
2. Carl Buche, letter on return of property to owners,  
p. 3164.
3. D. W. Lafferty letter on recent legislation on, p.  
6735, 6736.
4. A. W. Lafferty, letter on, p. 5275.
5. Robert L. Owen, statement on return of property,  
p. 864.
6. Annual Report of Alien Property Custodian (House  
Doc. 302), p. 233, 250, 8599, 8676.
7. Appropriations, remarks in House, p. 1799, 1884.

- E. O. 4790—Dec. 30, 1927 sale of real estate in Long  
Island City, New York.  
E. O. 4862—Apr. 23, 1928 delegation of authority under  
section 9 of Trading With the Enemy Act.  
E. O. 4881—May 9, 1928 sale of land in Jefferson  
County, Kentucky, authorized.  
E. O. 4905—June 6, 1928 sale of property in Hanover  
Township, Luzerne County, Pennsylvania.

Seventieth Congress—Continued  
First session, Dec. 5, 1927—May  
29, 1928—Continued

Mr. Green of Iowa; Committee on Ways and Means, p. 622:  
House Report No. 17, p. 719.  
Debated, p. 718, 747-765, 858-870, 880, 885.  
Passed House amended, p. 905.  
Senate Report No. 273, p. 2770.  
Debated, p. 2842, 2892, 3098, 3156, 3216, 3233.  
Passed Senate amended, p. 3248.  
Conference—House Report No. 766.  
Agreed to, p. 3690, 3770, 3783.  
Approved (Public Law No. 122), p. 4992.

Hearings—Senate Committee on Finance on H. R. 7201.  
L. C. call no. JX 5315 U6 A5 1928.

H. R. 9481—Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

Mr. Wood; Committee on Appropriations:  
House Report No. 293, p. 1638.  
Debated, p. 1604-1636, 1724-1756, 1798-1831, 1884-1908, 1957-1975.  
Passed House amended, p. 1975.  
Senate Report No. 138, p. 2116.  
Debated, p. 2299, 2317, 2359, 2411.  
Passed Senate amended, p. 2433.  
Conference—House Report No. 765, p. 3645.  
Agreed to, p. 3585.  
Vote reconsidered, p. 4669-4673.  
Second conference—House Report No. 1025.  
Agreed to, p. 7724, 7808.  
Approved (Public Law No. 400), p. 9000.

Hearings—House and Senate Committees on Appropriations on H. R. 9481.

Second session, Dec. 3, 1928—  
Mar. 4, 1929 (page references  
are to vol. 70, Cong. Rec.).

S. 5452—To amend the Trading with the Enemy Act so as to extend the time within which claims may be filed with the Alien Property Custodian.

Mr. Smoot; Committee on Finance, p. 1959:  
Passed Senate, p. 2290.  
Senate Report No. 1543, p. 2313.  
House Report No. 2323, p. 2654.  
Passed House, p. 3691.  
Approved (Public Law No. 794), p. 4120.

H. R. 15848—Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929 and for other purposes.

Mr. Anthony; Committee on Appropriations:  
House Report No. 2006, p. 1147, 1166.  
Debated, p. 1194-1234, 1314, 2377.  
Passed House amended, p. 1324.  
Senate Report No. 1417, p. 1320.  
Debated, p. 1638, 1809, 1813, 1840, 1849, 1971, 1977, 2031, 2092.  
Passed Senate amended, p. 2118.  
Conference—House Report No. 2813, p. 5182.  
Debated, p. 4968, 4982, 5009.  
Agreed to, p. 5014, 5184.  
Approved (Public Law No. 1034), p. 5230.

1. Annual Report of Alien Property Custodian, p. 3423, 3489.

Property of domestic corporations whose shares are owned by alien enemies as enemy owned property, Michigan Law Review, Vol. 27, p. 468-469, February 1929.

United States, Alien Property Custodian, rents and damages, Notre Dame Lawyer, Vol. 4, p. 408-409, March 1929.

Agreement with Germany ext  
of the Mixed Claims Commission  
Series No. 768; 45 Stat. 2698).

Seventieth Congress—Continued  
Second session, Dec. 3, 1928—  
Mar. 4, 1929—Continued

Hearings—House and Senate Committee on Appropriations on H. R. 15848.

H. R. 16032—To amend an act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria and Hungary against the United States and for the ultimate return of all property held by the Alien Property Custodian."

Mr. Cohen; Committee on Ways and Means, p. 1396.

H. R. 16566—To validate devises, bequests and gifts from alien enemies to American citizens.

Mr. Carew; Committee on Ways and Means, p. 2220.

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Seventy-first Congress

First session, Apr. 15-Nov. 22,  
1929 (page references are to  
vol. 71, Cong. Rec.).

S. 60—To amend subsection (a) of section 26 of the Trading With the Enemy Act so as to authorize the allocation of the unallocated interest fund in accordance with the records of the Alien Property Custodian.

Mr. Smoot; Committee on Finance, p. 103:

Senate Report No. 4, p. 625.

Debated, p. 1390.

Indefinitely postponed (see H. R. 3083), p. 2314.

S. 198—To amend an act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian."

Mr. King; Committee on Finance, p. 105.

S. 936—To amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy and for other purposes," approved Oct. 6, 1917, as amended.

Mr. Shortridge; Committee on the Judiciary, p. 815.

H. R. 1233—To amend subsection (a) of section 26 of the Trading With the Enemy Act so as to authorize the allocation of the unallocated interest fund in accordance with the records of the Alien Property Custodian.

Mr. Hawley; Committee on Interstate and Foreign Commerce, p. 152.

H. R. 1395—To validate devises, bequests and gifts from alien enemies to American citizens.

Mr. Carew; Committee on Ways and Means, p. 189.

H. R. 3083—To amend subsection (a) of section 26 of the Trading With the Enemy Act, as amended by the Settlement of War Claims Act of 1928, so as to authorize the allocation of the unallocated interest fund in accordance with the records of the Alien Property Custodian.

Mr. Hawley; Committee on Ways and Means, p. 1492:

House Report No. 14, p. 2184.

Passed House, p. 2179.

Debated in Senate, p. 2374.

Passed Senate, p. 2375.

Approved (Public Law No. 6), p. 2978.

S. Res. 171—Requesting certain information relative to the appearance as attorneys before the Alien Property Custodian or Department of Justice of former employees of the Alien Property Custodian.

Mr. Heflin; ordered to lie on the table, p. 31.

1. Remarks in House, on return of property by Alien Property Custodian, p. 279.

2. Remarks in the Senate on allocation of unallocated interest, p. 2333, 2374.

E. O. 5113A—May 14, 1929 powers as to deposit of money, etc.

Second session, Dec. 2, 1929-  
July 3, 1930 (page references  
are to vol. 72, Cong. Rec.).

1. Annual Report of Alien Property Custodian (House Doc. 200), p. 3741, 3807.

E. O. 5263—Jan. 22, 1930 private sale of stock of United States Metals Refining Company.

Seventy-first Congress—Continued  
Second session, Dec. 2, 1929—  
July 3, 1930—Continued

- S. J. Res. 109—Extending for two years the time within which American claimants may make application for payment under the Settlement of War Claims Act of 1928 of awards of the Mixed Claims Commission and of the Tripartite Claims Commission and for one year the time within which claims may be filed with the Alien Property Custodian.
- Mr. Sinoot; Committee on Finance, p. 874:  
Passed Senate, p. 875.  
House Report No. 696, p. 3828.  
Passed House amended, p. 4959.  
Senate concurs, p. 4995.  
Approved (Public Law No. 48), p. 5052.
- S. 3281—To amend section 24 of the Trading with the Enemy Act, as amended.
- Mr. Copeland; Committee on Finance, p. 2265.
- H. R. 9142—To extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States pursuant to an obligation arising out of their sale by the Alien Property Custodian.
- Mr. Hawley; Committee on Ways and Means, p. 2412:  
House Report No. 695, p. 3828.  
Debated, p. 8367.
- H. R. 9800—To amend the Trading with the Enemy Act so as to extend the time within which claims may be filed with the Alien Property Custodian.
- Mr. Hawley; Committee on Ways and Means, p. 3546.
- H. R. 9979—Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.
- Mr. Wood; Committee on Appropriations:  
House Report No. 685, p. 3782.  
Debated, p. 3879; 4008-4029, 4087.  
Passed House amended, p. 4093.  
Senate Report No. 262, p. 5020.  
Debated, p. 5020-5051.  
Passed Senate amended, p. 5051.  
Conference—House Report No. 907, p. 5630.  
Agreed to, p. 5374-5376, 5634.  
Approved (Public Law No. 78), p. 6306.
- Hearings—House and Senate Committees on Appropriations on H. R. 9979.
- H. R. 10073—To amend section 24 of the Trading With the Enemy Act, as amended.
- Mr. Celler; Committee on Ways and Means, p. 3961.
- H. R. 10585—To amend section 9 of the Trading With the Enemy Act.
- Mr. Hawley; Committee on Ways and Means, p. 4993:  
House Report No. 1028, p. 6219.  
(3rd Session—Vol. 74, Cong. Record).  
Debated, p. 3805.  
Passed House, p. 5054.

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Special Session of the Senate,  
July 7-21, 1930.

Third session, Dec. 1, 1930-Mar.  
4, 1931 (page references are to  
vol. 74, Cong. Rec.).

Seventy-second Congress:  
First session, Dec. 7, 1931-July  
16, 1932 (page references are  
to vol. 75, Cong. Rec.).

Second session, Dec. 5, 1932-  
Mar. 4, 1933 (page references  
are to vol. 76, Cong. Rec.).

Seventy-third Congress:  
First session, Mar. 4-June 16,  
1933 (page references are to  
vol. 77, Cong. Rec.).

S. 1109—To amend section 24 of the Trading With the  
Enemy Act, as amended.  
Mr. Copeland; Committee on Finance, p. 205.  
H. R. 5621—To amend the Trading With the Enemy  
Act, as amended.  
Mr. Parker of New York; Committee on Inter-  
state and Foreign Commerce, p. 490.  
H. R. 6017—To amend section 24 of the Trading With  
the Enemy Act, as amended.  
Mr. Celler; Committee on Ways and Means, p.  
659:  
(2nd Session—Vol. 76, Cong. Record).  
House Report No. 2100, p. 4956.  
Hearings—House Committee on Ways and Means on  
H. R. 6017 L. C. call no. JX 5270 U6 1933.  
H. R. 12947—To abolish the Alien Property Custodian,  
the United States and Mexico Claims Commis-  
sion, and the United States Railroad Admin-  
istration and for other purposes.  
Mr. Shallenberger; Committee on Expenditures in  
Executive Departments, p. 15168.

S. 454—To amend section 24 of the Trading with the  
Enemy Act, as amended.  
Mr. Copeland; Committee on Finance, p. 370.  
S. 852—To amend section 24 of the Trading with the  
Enemy Act, as amended.  
Mr. Copeland; Committee on Finance, p. 907 (2nd  
Session—vol. 78, Cong. Rec.):  
Senate Report No. 1219, p. 10174.  
Passed Senate amended, p. 11274.  
Debated in House, p. 11831, 11522.  
Passed House (in lieu of H. R. 4798), p. 11523.  
Approved (Public Law No. 374), p. 12451.  
H. R. 1491—To provide relief in the existing national  
emergency in banking, and for other purposes.  
Mr. Steagall; Committee on Banking and Currency,  
p. 89:  
Debated, p. 76, 82.  
Passed House, p. 81.  
Passed Senate (in lieu of S. 1), p. 49, 50-67.  
Approved (Public Law No. 1), p. 283.

1. Proposed amendment in the Senate on H. R. 10585,  
p. 6040.  
2. Annual Report of Alien Property Custodian, p. 4121,  
4194.  
The German ship claims. American Journal of Inter-  
national law, Vol. 25, p. 101-107, January 1931.

1. Annual Report of Alien Property Custodian (House  
Doc. 25), p. 3569, 3626.  
2. Claims for refund of internal revenue taxes, p. 7244.  
3. Automobiles, use by Alien Property Custodian, p.  
13865, 13982.  
Enemy patents in the United States. American  
Journal of International Law, Vol. 26, p. 272  
(1932).

1. Annual Report of Alien Property Custodian, p. 2198,  
2237, 2242.  
2. Appropriations for, p. 3129.

Income tax, enemy alien's interest in property held by  
the Alien Property Custodian. George Washington  
Law Review, Vol. 2, p. 104-106, November 1933.

E. O. 5645—June 8, 1931 delegation of power relating  
to deposit and payment of money and accrued in-  
terest (see also E. O. 6018).

E. O. 5968—Dec. 19, 1932 transfer of Alien Property  
Custodian's powers, duties, and activities to the  
Department of Justice (repealed, see House Res.  
334).  
E. O. 6018 Feb. 7, 1933 delegation of power relating  
to deposits and payment of money and accrued  
interest (see E. O. 5645).  
E. O. 6237A—July 3, 1933; powers as to money de-  
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1963—H. Sutherland resigns as Alien Property C  
todian, May 1, 26:2

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H. R. 3644—To amend section 24 of the Trading with the Enemy Act, as amended.  
Mr. Celler; Committee on Ways and Means, p. 580.  
H. R. 4798—To amend section 24 of the Trading with the Enemy Act, as amended.  
Mr. Celler; Committee on Ways and Means, p. 1453:  
(2nd Session—Vol. 78, Cong. Record).  
House Report No. 1720, p. 9205.  
Laid on table (S. 852 passed in lieu), p. 11522.

Second session, Jan. 3—June 18,  
1934, (page references are to  
vol. 78, Cong. Rec.).

H. R. 6063—Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1935, and for other purposes.  
Mr. Woodrum; Committee on Appropriations:  
(House Report No. 277) p. 350, 400.  
Debated, p. 480-512, 550-597.  
Passed House amended, p. 597.  
Senate Report No. 294, p. 2387.  
Debated, p. 2578, 2953, 3047, 3069, 3180, 3210, 3287, 3308.  
Passed Senate amended, p. 3308.  
Conference—House Report No. 963, p. 4427.  
Debated, 3508, 3517, 3577, 4427, 4428, 4614, 5174.  
Agreed to, p. 5177, 5221, 5446, 5447.  
Vetoed (House Doc. 291), p. 5540.  
Debated, 5541.  
Passed House over veto, p. 5541-5544.  
Debated in Senate, p. 5511, 5572-5606, 5743.  
Passed Senate over veto, p. 5606.  
(Public Law No. 141).

H. R. 8480—To amend the Trading with the Enemy Act.  
Mr. Peyser; Committee on Interstate and Foreign Commerce, p. 3758.

Seventy-fourth Congress:  
First session, Jan. 3—Aug. 26,  
1935 (page references are to  
vol. 73, Cong. Rec.).

S. 3224—To amend subsection (e) of section 24 of the Trading with the Enemy Act, as amended.  
Mr. Fletcher; Committee on Commerce, p. 10909.

Second session, Jan. 3—June 20,  
1936 (page references are to  
vol. 80, Cong. Rec.).

Seventy-fifth Congress:  
First session, Jan. 5—Aug. 21,  
1937 (page references are to  
vol. 81, Cong. Rec.).

S. 2901—To amend subsection (e) of section 9 of the Trading with the Enemy Act, as amended.  
Mr. Pettman; Committee on Foreign Relations, p. 8070:  
Senate Report No. 1076, p. 8163.  
Passed Senate, p. 8487.  
House Report No. 1566, p. 9081.  
Passed House, p. 9375, 9376.  
Approved (Public Law No. 347), p. 9611.

1. Annual Report of Alien Property Custodian (House Doc. 133), p. 2190, 2227.  
2. Executive order abolishing Office of Alien Property Custodian (House Doc. 337), p. 7765, 7869.  
3. Letters on proposed amendment of act, p. 11522.  
4. Use of property or income for administrative expenses of office, p. 5220.  
5. Prohibition of allowance of claims of former alien enemies, p. 765.  
6. Remarks on S. 852, p. 11522.

E. O. 6694—May 1, 1934, transfer of Alien Property Custodian's powers, duties and activities to Department of Justice.

1. Annual Report of Alien Property Custodian (House Doc. 135), p. 3426, 3470.

E. O. 7163—Aug. 29, 1935 claimants—revocation of certain orders in favor of suits.

War powers of Congress, withholding of seized alien enemy property. University of Chicago Law Review, Vol. 4, p. 137-138, December 1936.

*Cummings, Attorney General, et al. v. Deutsche Bank und Discontogesellschaft, Feb. 1, 1937, 300 U. S. 115*

This is a suit in equity brought in 1934 by respondent in the Supreme Court of the District of Columbia against petitioners praying a decree directing delivery of property seized by the Alien Property Custodian. Petitioners moved to dismiss the bill upon the ground that the court had no jurisdiction to entertain it because by Public Resolution No. 53 of 1934, the return of the money and property sought had been postponed. The Alien Property Custodian found respondent entitled to property; however, Public Resolution No. 53 was passed postponing return until Germany caught up on its obligations to United States. The Court sus-

**INTERNATIONAL RELATIONS**

**CHRONOLOGY OF EVENTS  
(N. Y. Times)**

1934—Alien Property Custodian Office abolished, work, records, and personnel transferred to Department of Justice, May 2, 17:5.

Agreement of June 3, 1935 terminating parts of Article VII of Treaty of Friendship, Commerce and Consular Rights of December 8, 1923 with Germany (Treaties, etc., Senate Doc. 348, 67th Cong., 4th sess., p. 4221).

1937—United States Supreme Court rules that United States was defrauded in 1921 by an over allowance by the Alien Property Custodian to the Societe Suisse pour Valeur de Metaux, Jan. 28, 3:1.

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Seventy-fifth Congress—Continued  
First session, Jan. 5-Aug. 21,  
1937—Continued

Second session, Nov. 15-Dec. 21,  
1937 (page references are to  
vol. 82, Cong. Rec.).

Third session, Jan. 3-June 16,  
1938 (page references are to  
vol. 83, Cong. Rec.).

Seventy-sixth Congress;  
First session, Jan. 3-Aug. 5,  
1939 (page references are to  
Vol. 84, Cong. Rec.).

*Cummings, Attorney General, et al. v. Deutsche Bank—*  
Continued

tained the motion and dismissed the bill. Court of Appeals reversed; Supreme Court affirmed lower court.

This is a case wherein the Custodian determined that a piece of property belonged to an alien enemy and seized it, its money and property in this country, and deposited same in bank. The court said, among other things, that the suit under Section 9 (a) of the Act against the Attorney General and the Treasurer of the United States to recover property seized is a suit against the United States. In postponing restoration of property to former enemy owners, Public Resolution No. 53 did not infringe their rights under the Fifth Amendment. Further, that the seizures under the Trading with the Enemy Act divested the enemy owners of all right to the property seized and vested absolute title in the United States. This case holds that with the *United States v. Chemical Foundation*, 272 U. S. 1, 9-11, supra, p. 10, and *Woodson v. Deutsche, etc. Vormals*, 292 U. S. 449. The court continuing said that the fact that the Congress had manifest from the beginning that it was the intention that after the war the property seized would be dealt with justly, and the former owners would, by restitution or compensation, be able to ameliorate hardships resulting from such seizure. But this did not detract from the title acquired by the United States or its power to retain or dispose of the property under such terms. The court said that by a suit under the Settlement of War Claims Act, a former enemy owner could not gain title to the property prior to final judgment, and that the privileges of becoming re-entitled to the seized property extended the former enemy owners, and upon specific conditions by the War Claims Act was a matter of grace and was subject to withdrawal by Congress.

E. O. 7894—May 23, 1938 powers under section 12 of the Trading with the Enemy Act delegated to the Attorney General.

E. O. 7901—May 31, 1938 property—sale by the Attorney General, 3 F. R. 1055.

E. O. 8136—May 15, 1939, Alien Property Custodian's powers transferred to Attorney General.

*Balkan National Insurance Company v. Commissioner of Internal Revenue, Jan. 9, 1939, 101 F. 2d 75*

In this case the court, among other things, had this to say: that the seizure of alien property under Trading With the Enemy Act divested alien owner of every right in respect of property or money so seized and passes title thereto to the United States. This again is one of the cases which establishes the absolute title vested in the Alien Property once a vesting order has been issued. The alien enemy retains no right or interest in the property whatsoever. The word "vest" itself means "a complete divesting of the

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Seventy-sixth Congress—Continued  
Second session, Nov. 1—Nov. 3,  
1939 (page references are to  
Vol. 85, Cong. Rec.).

Third session, Jan. 3, 1940—Jan.  
3, 1941 (page references are to  
vol. 86, Cong. Rec.).

**BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)**

- S. J. Res. 252—To amend section 5 (b) of the Act of October 6, 1917, as amended, and for other purposes.  
Mr. Wagner; Committee on Banking and Currency, p. 4943:  
Senate Report No. 1496, p. 4946.  
Debated, p. 5103, 5168.  
Passed Senate, p. 5184.  
Passed House (in lieu of H. J. Res. 522), p. 5335, 5326.  
Approved (Public Law No. 69), p. 6357.
- H. J. Res. 522—To amend section 5 (b) of the Act of October 6, 1917, as amended, and for other purposes.  
Mr. Steagall; Committee on Banking and Currency, p. 4979:  
House Report No. 2009, p. 5056.  
Laid on table (S. J. Res. 252 passed in lieu), p. 5335, 5336.

**CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES**

1. Allen Property Bureau—Letter from United States Archivist containing list of useless papers in, p. 8758.

**PRESIDENTIAL EXECUTIVE ORDERS**

**LEADING CASES IN THE COURTS**

*Balkan National Insurance Company v. Commissioner of Internal Revenue*—Continued

person who had title" in this case an enemy alien, and vested the complete title, without reservations, in the Allen Property Custodian.

**III. TOTAL WAR OPERATIONS, 1941-1946**

**CONGRESS**

Seventy-seventh Congress:  
First session, Jan. 3, 1941—Jan.  
2, 1942 (page references are to  
vol. 87, Cong. Rec.).

**BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)**

- S. 2129—To expedite the prosecution of the war effort.  
Mr. Van Nuys; Committee on the Judiciary, p. 9753.  
Senate Report No. 611, p. 9789.  
Debated, p. 9837.  
Passed Senate amended, p. 9846.  
Indefinitely postponed (see H. R. 6233), pp. 9803-9805.
- S. 2303—To provide for the use of patents in the interest of national defense or the prosecution of the war, and for other purposes.  
Mr. O'Mahoney, Mr. Bone, and Mr. La Follette; Committee on Patents, p. 1509.  
Hearings—Senate Committee on Patents on S. 2303.
- H. R. 6233—To expedite the prosecution of the war effort.  
Mr. Sumners of Texas; Committee on the Judiciary, p. 9828.  
House Report No. 1507, p. 9801, 9828.  
Special order (H. Res. 389), p. 9855-9858.  
Passed House amended, p. 9858-9868.  
Passed Senate (in lieu of S. 2129), p. 9803-9805.  
House concurs in Senate amendment, p. 9946-9947.  
Approved (Public Law No. 354), p. 10100, December 18, 1941 (First War Powers Act, 1941).

**CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES**

1. Remarks in Senate on the Trading with the Enemy Act, pp. 9837, 9838, 9833.  
Practical aspects of foreign property control. *New York University Law Quarterly Review*, Vol. 19, pp. 1-39, November 1941.

**PRESIDENTIAL EXECUTIVE ORDERS**

Presidential Declaration (General Licenses under section 3 (a) of Trading with the Enemy Act), December 13, 1941, 6 F. R. 6420.

**LEADING CASES IN THE COURTS**

**INTERNATIONAL RELATIONS**

**CHRONOLOGY OF EVENTS**  
**(N. Y. Times)**

**INTERNATIONAL RELATIONS**

Declaration of War with Japan, Dec. 8, 1941 (55 Stat. 795).

Declaration of War with Germany, Dec. 11, 1941 (55 Stat. 796).

Declaration of War with Italy, Dec. 11, 1941 (55 Stat. 797).

**CHRONOLOGY OF EVENTS**  
**(N. Y. Times)**

1941—Allen Property Custodian revival and appointment of L. T. Crowley forecast, Dec. 8, 7:1.

L. T. Crowley appointed, Dec. 11, 24:2.

CONGRESS

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)

Seventy-seventh Congress:  
Second session, Jan. 5-Dec. 10,  
1942 (page references are to  
vol. 88, Cong. Rec.).

- S. Res. 107—Authorizing a study of the possibilities of better mobilizing the national resources of the United States.  
Mr. Kilgore; Committee on Military Affairs, p. 1186:  
Committee to Audit and Control the Contingent Expenses of the Senate, p. 1461.  
Agreed to, p. 3028.  
Hearings—Senate Committee on Military Affairs on S. Res. 107.
- H. R. 3030—Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1944, and for other purposes.  
Mr. Cannon of Missouri; Committee on Appropriations:  
House Report No. 577, p. 6343, 6372.  
Passed House amended, p. 6420-6450.  
Senate Report No. 3861, p. 7106.  
Debated, p. 7169, 7174.  
Passed Senate amended, p. 7181.  
Conference—House Report No. 675, p. 7310.  
Agreed to, p. 7358-7362, 7363-7382, 7342.  
Second Conference—House Report No. 695, p. 7342-7345, 7406, 7479.  
Agreed to, p. 7485-7490, 7446.  
Approved (Public Law No. 140), p. 7550.  
Hearings—House and Senate Committees on Appropriations on H. R. 3030.

Seventy-eighth Congress:  
First session, Jan. 6-Dec. 21,  
1943 (page references are to  
Vol. 89, Cong. Rec.).

- H. R. 3672—To amend the Trading with the Enemy Act, as amended, and for other purposes.  
Mr. Gearhart; Committee on Interstate and Foreign Commerce, p. 9557.

CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES

- "Enemy Private Property", article by Edwin M. Borchard, p. A36.  
Enemy owned trade marks in Great Britain. Trade-Mark Reporter, Vol. 32, p. 119-121, November 1942.  
Regulations on alien property. California State Bar Journal, Vol. 17, p. 107-108, March-April 1942.  
Vesting orders under the First War Powers Act, 1941. American Journal of International Law, Vol. 36, p. 460-465, July 1942.
- Estimate of personnel requirements for Office of Alien Property Custodian, p. 7518, 7522, 8107, 8185.
- Disposal of property held by Alien Property Custodian, p. 9026, A4948.
- Location of an Alien Property Custodian Office in Portland, Oregon, p. A5336.
- Seizure of patents, p. 677.  
The Alien Property Custodian, Wisconsin State Bar Association Bulletin, Vol. 16, p. 12-18, February 1943.  
Alien Property Custodian—Powers and Duties, Title News, Vol. 23, p. 1-20, December 1943.  
Confiscation of the Property of Technical Enemies, Yale Law Journal, Vol. 52, p. 739-770, September 1943.  
Enemy Interests in Estates and Trusts and Other Court or Administrative Actions or Proceedings, Journal of the Bar Association of the District of Columbia, Vol. 10, 507-518, November 1943.  
Enemy Under the Trading with the Enemy Act and Some Problems of International Law, Michigan Law Review, Vol. 42, p. 383-408, December 1943.  
Foreign Funds and Property Control—the Power and Duties of the Alien Property Custodian, George Washington Law Review, Vol. 11, p. 357-366, April 1943.

PRESIDENTIAL EXECUTIVE ORDERS

- Presidential Memo, Feb. 12, 1942—section 3 (a) and 5 (b), delegation of powers to Secretary of the Treasury, 7 F. R. 1409.  
E. O. 9095 Mar. 11, 1942 establishment of Office of Alien Property Custodian in Office of Emergency Management, powers and duties, 7 F. R. 1971, see also E. O. 9193, 9567, 9788.  
E. O. 9012, section 5, Mar. 18, 1942 cooperation with Director of War Relocation authorized, 7 F. R. 2165.  
E. O. 9142—Apr. 21, 1942 transfer of Alien Property Custodian powers from Attorney General, 7 F. R. 2985.  
E. O. 9193—July 6, 1942 Office of Alien Property Custodian in Office of Emergency Management, powers and duties, 7 F. R. 5205; see also E. O. 9095, 9567, 9788.

- E. O. 9325—Apr. 7, 1943 expenses of Office payment from funds in custody of Alien Property Custodian, 8 F. R. 4682.

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*Ex Parte Kumeyo Kawato*, Nov. 9, 1942, 317 U. S. 69

Petitioner, a non-citizen of the United States but resident thereof, brought this suit against others for services, etc. Motion to abate case was allowed on grounds that petitioner had become an enemy alien under Trading with the Enemy Act. Section 2, of the Trading with the Enemy Act, defines an enemy as those residing within an enemy country or unless a citizen of enemy nation, wherever residing as the President may include. Since the President has not made any declaration as to resident aliens the Act does not bar petitioner suit. Lower court reversed.

*Stern v. Newton*, Feb. 5, 1943, 39 N. Y. S. 2nd 593

Plaintiff brought this action against defendant to recover possession of certain securities held in the account of a French Company. The Alien Property Custodian applied to intervene contending that he had issued a vesting order vesting the securities.

The court allowed the intervention, saying that where the Alien Property Custodian had issued an order vesting in himself the securities he was entitled to intervene.

The fact that securities were plaintiff's property and being held in name of French Company as nominee did not prevent seizure by Alien Property Custodian.

Where the Alien Property Custodian seizes only the right, title, and interest of an enemy national a question is presented as to the extent of that interest, but where the Alien Property Custodian vests the particular property, the Alien Property Custodian takes the entire right, title, and interest, regardless of the quantum owned by enemy national.

It was for Alien Property Custodian to determine whether interests of United States would be effectively served by vesting of enemy property, and validity of that determination, or validity on any other basis of vesting order was not for Supreme Court to review.

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Declaration of War with Hungary, June 5, 1942 (56 Stat. 307). Declaration of War with Bulgaria, June 5, 1942 (56 Stat. 307). Declaration of War with Rumania, June 5, 1942 (56 Stat. 307).

Unconditional Surrender of Italy, Sept. 3, and 29, 1943 (Treaties and International Agreement Series, 1604).

## CHRONOLOGY OF EVENTS (N. Y. Times)

1942—Transfer of Alien Property Division, Department of Justice to L. T. Crowley, Alien Property Custodian, Apr. 23, 15:4.

Alien Property Custodian function divided between Crowley and Secretary Morgenthau, July 8, 3:6.

Policy on sale by Alien Property Custodian not yet fixed, July 14, 27:4.

Order issued to speed up court administrative action, Aug. 10, 3:2.

Seizure of property of various kinds by Alien Property Custodian Crowley:

Armaments—In general, Apr. 10, 9:3; June 9, 13:7; June 23, 39:3; June 24, 15:4; June 24, 29:6; July 4, 7:6; July 5, 10:2; July 9, 3:3; July 28, 9:2; Aug. 13, 7:1; Aug. 19, 26:3.

Chemical Industry, Alien Property Custodian says American assets of French dye stuffs combine under German Dye Trust Control and the assets of 9 Japanese Companies, Oct. 27, 21:4.

Patents and Inventions, Alien Property Custodian ordered to seize all enemy owned or controlled patents, Apr. 22, 1:4; Apr. 23, 15:4; Apr. 26, IV, 7:1; Apr. 28, 4:7; Apr. 29, 20:7; May 1, 18:2; May 7, 18:7; May 14, 17:2; June 3, 41:4; June 11, 13:5; June 23, 39:3; June 24, 15:4; June 20, 7:2; Oct. 15, 16:2; Nov. 8, 25:3; Nov. 12, 2:6; Dec. 9, 21:1; Dec. 13, III, 1:3; Dec. 14, 22:3; Dec. 20, 20:1; Dec. 27, III, 2:4.

Ships, July 25, 4:4.

1943—Roosevelt indicates Alien Property Custodian Crowley may be relieved of duties after taking Office of Emergency Management post, July 17, 1:3.

Alien Property Custodian Crowley retains post, Sept. 27, 10:6.

Corporation:

Alien Property Custodian cites 285 Axis-Controlled Corporations, May 13, 5:4; Plans to bar purchase by monopolies, May 21, 40:3; establishes policy and procedure in sale of small enemy-owned companies, Aug. 22, III, 1:5.

Seventy-eighth Congress—Con.  
First session, Jan. 6-Dec. 21,  
1943—Continued

- Functions of the Estate and Trust Section of the Alien Property Custodian's Office, California State Bar Journal, Vol. 18, p. 39-41, January-February 1943.
- Legislation on Treatment of Enemy Property, American Journal of International Law, Vol. 37, p. 611-630, October 1934.
- Nationalization of Enemy Patents, American Journal of International Law, Vol. 37, p. 92-97, January 1943.
- New Concepts of Enemy in the Trading with the Enemy Act, Saint Johns Law Review, Vol. 18, p. 66-61, November 1943.
- Powers and Duties of the Alien Property Custodian, Title News, Vol. 23, p. 1-29, December 1943.
- Recent Innovations in Legal and Regulatory Concepts as to the Alien and His Property, American Journal of International Law, Vol. 37, p. 58-73, January 1943.
- Vesting Powers of the Alien Property Custodian, Cornell Quarterly, Vol. 28, p. 245-260, March 1943.
- War Measures, the Alien Property Custodian and Patents, Journal of the Patent Office Society, Vol. 25, p. 692-728, October 1943.

*Stern v. Newton*—Continued

The vesting order of Alien Property Custodian, vesting in himself securities in name of enemy national didn't determine whether plaintiff or enemy was entitled to securities, but it did give Alien Property Custodian right to immediate possession.

*Draeger Shipping Co., Inc., et al. v. Crowley, Alien Property Custodian, Feb. 13, 1943, 49 Fed. Supp. 215*

A case wherein the Draeger Shipping Company and Frederick Draeger, brought this suit under section 9 of the Act against the Alien Property Custodian for the return of their property. On plaintiff's motion for an order directing defendant to retain in his custody until final judgment plaintiff's property, and directing defendant to permit plaintiff corporation to carry on its business and individual plaintiff to act as its president under the supervision of the defendant, and on the defendant's motion to dismiss complaint. This case was tried and decided in 1943 in District Court of New York.

The plaintiff Draeger had been a citizen of the United States since 1898. He was not an "enemy," "ally of enemy" or a "national" of any foreign or enemy country within the meaning of the Act. The Custodian, acting under the Act, had taken the plaintiff's property and stock, and had elected another president in his place and had proceeded to liquidate the company. The order vesting in the Alien Property Custodian the stock of the corporation in Draeger's name alleges that he holds it for the benefit of an organization in Germany. Of course, this the plaintiff denies. The defendant contends further that the court is without jurisdiction and that section 9 (a) of the Act, as amended, applies only to seizures of property of enemies or allies of enemies under section 7 (c) of the Act and not to action taken with respect to property of a foreign "national" under section 5 (b) of the Act, as amended by the First War Powers Act 1941.

Where title 3 of the First War Powers Act by its language amended only "The first sentence of subdivision (b) of section 5 of the Act", it would be assumed that Congress intended that all provisions of the Act should be held applicable to such amendment as far as it consistently can be done. Section 9 (a) of the Act as amended authorizing a return of property seized under the Act to any person not an enemy or an ally of an enemy claiming title in property would apply to property taken by Alien Property Custodian under section 5 (b) of the Act as amended by First

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**CHRONOLOGY OF EVENTS  
(N. Y. Times)**

- Nippon Club property, asks bids on purchase of building and furnishings, Sept. 2, 81: 8.
- Patents and Inventions:**
- Seizure of patents, etc., Jan. 3, III, 5: 3; Jan. 24, III, 9: 1; Feb. 14, III, 9: 1; Feb. 21, III, 6: 2; Mar. 24, 29: 1; Apr. 24, 23: 4; May 1, 25: 7; May 6, 11: 5; Allen Property Custodian restates war time and post war policy, May 13, 4: 8; July 10, 16: 2; July 30, 21: 1; Aug. 21, 17: 2; Sept. 25, 21: 3; Rules for United States use of enemy patents described, Oct. 24, IV, 9: 6; Nov. 21, IV, 13: 7.
- Stocks:**
- Allen Property Custodian established policy and procedure on sale of enemy owned stocks, Aug. 22, III, 5: 5; Sept. 29, 29: 5.
- Trade-Marks:**
- Allen Property Custodian requests report on enemy owned marks, Nov. 23, 33: 2.
- United States—espionage:**
- Kertess sentenced and fined; Chemical Marketing Company owned by Kertess but operated by Allen Property Custodian, fined, July 3, 15: 2.
- United States—foreign population:**
- Relators Washington Committee pledges cooperation in handling seized property, June 27, VIII, 2: 1.
- Allen Property Custodian investigates enemy copyrights, Aug. 6, 9: 6.
- World War I:**
- United States sues R. D. Silliman charging fraud in recovery of property from Allen Property Custodian in 1924, Jan. 9, 8: 6; Feb. 3, 13: 6.

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Seventy-eighth Congress—Con.  
First session, Jan. 6—Dec. 21,  
1943—Continued

Second session, Jan. 10—Dec. 19,  
1944 (Page references are to  
Vol. 90, Cong. Rec.)

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)

- S. 1928—To amend the Trading with the Enemy Act, as amended.  
Mr. McCarran; Committee on the Judiciary, p. 4569.
- S. 2038—To amend the Trading with the Enemy Act, as amended, and for other purposes.  
Mr. Glass; Committee on the Judiciary, p. 6583.
- H. Res. 631—Requesting information from the Alien Property Custodian as to ownership and control of J. M. Lehmann Company, Inc.  
Mr. Deckstein; Committee on the Judiciary, p. 7481.
- H. R. 4840—To amend an act to authorize administrative returns and payment of debt claims.  
Mr. Sumner of Texas; House Committee on the Judiciary, p. 4776.
- Hearings—House Committee on the Judiciary on H. R. 4840.
- H. R. 5118—To amend the Trading with the Enemy Act, as amended, and for other purposes.  
Mr. Satterfield; Committee on the Judiciary, p. 6880.
- H. R. 5587—Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1944, and for prior fiscal years and to provide supplemental appropriations for the fiscal years ending June 30, 1945 and June 30, 1946, and for other purposes.  
Mr. Cannon of Missouri; Committee on Appropriations:  
House Report No. 2023, p. 8950.  
Debated, p. 8914-8946, 8993-8999, 9004-9078.  
Passed House amended, p. 9078.  
Senate Report No. 1384, p. 9448.  
Debated, p. 9483, 9501-9507, 9507-9516.  
Passed Senate amended, p. 9516.  
Conference—House Report No. 2087, p. 9608.  
Agreed to, p. 9608-9610, 9610-9617, 9630-9632, 9633.  
Approved (Public Law No. 529), p. 9806.
- Hearings—House and Senate Committees on Appropriations on H. R. 5587.

CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES

1. Sale of patents, p. 7292, A1563, A3710.
  2. Annual Report of Alien Property Custodian (House Doc. 417), p. 1627, 1632, 7655.
  3. Personnel estimates for office of, 3672, 3727, 5932.
  4. Proposed amendment to First War Powers Act, p. 4775.
- Coordination of Allied Enemy Property Department, Journal of the Society of Comparative Legislation (3d Series), Vol. 28, p. 51-55, November 1944.
- Power and Policies of the Alien Property Custodian Relating to Patents, George Washington Law Review, Vol. 12, p. 330-345, April 1944.
- Seizure of Property of Enemy Aliens, Fortnightly Law Journal, Vol. 43, p. 312-314, May 15, 1944.

PRESIDENTIAL EXECUTIVE ORDERS

- E. O. 9423—Feb. 18, 1944 cooperation with Director of War Relocation Authority (see E. O. 9102, section 5) 9 F. R. 1908.

LEADING CASES IN THE COURTS

*Draeger Shipping Co., Inc., v. Crowley*—Continued  
War Powers Act relating to taking of property of a foreign "national", as against contention that section 9 (a) applied only to seizures of property of enemies or allies of enemies under section 7 (c) of the Act. The plaintiff's motion to retain property pending determination of the litigation granted. Defendant's motion to dismiss denied.

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**CHRONOLOGY OF EVENTS  
(N. Y. Times)**

Unconditional Surrender of Rumania, Sept. 12, 1944  
(Executive Agreement Series, 490; 59 Stat. 1712).  
Unconditional Surrender of Bulgaria, Oct. 28, 1944  
(Executive Agreement Series 437; 58 Stat. 1488).

1944—Allen Property Custodian Annual Report, Feb. 15, 8:15.  
L. T. Crowley to resign as Allen Property Custodian, Feb. 18, 32:5.  
Transfers liquidation and business operations to New York City; cuts staff in Chicago and San Francisco, Feb. 22, 20:5; Feb. 25, 29:3; Mar. 25, 8:6.  
Crowley resigns, J. E. Markham appointed, Mar. 25, 9:6.  
G. N. Nelson on need for Congressional action on enemy-owned property, cites Crowley report, World War I experience and the Gearhart bill, Apr. 2, III, 4:5.  
Finnish property to be seized and claim filing date extended, July 2, 11:2; Nov. 19, III, 6:3.  
B. W. Lewis appointed Patents Contracts Commission Chairman, July 29, 10:1.  
F. C. Dressel, Business Operations Division analyst, resigns, Nov. 21, 32:4.  
Patents and Inventions, Feb. 15, 8:5; July 2, IV, 9:6; Sept. 14, 10:5; Oct. 14, 26:5; Nov. 10, 31:1.

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Seventy-ninth Congress:  
First session, Jan. 3- Dec. 21,  
1945 (page references are to  
Vol. 91, Cong. Rec.).

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)

- S. 1207—To promote the progress of science and the useful arts, to secure the national defense, to advance the national health and welfare, and for other purposes.  
Mr. Kilgore, Mr. Johnson of Colorado; Committee on Military Affairs, p. 7938.  
Hearings—Senate Committee on Military Affairs on S. 1207.
- S. 1322—To amend the Trading with the Enemy Act, as amended, and for other purposes.  
Mr. McCarran; Committee on the Judiciary, p. 8004.  
Hearings—Senate Committee on the Judiciary on S. 1322. L. C. call no. JX 5313 U6 A5 1946.
- H. Res. 133—Requesting information from the Allen Property Custodian as to ownership and control of J. M. Lehmann Company, Inc.  
Mr. Deckstein; Committee on the Judiciary, p. 1080.
- H. Res. 419—To authorize the Committee on Interstate and Foreign Commerce to conduct a study with respect to the holding and disposition of alien property.  
Mr. Beckworth; Committee on Rules, p. 11078.
- H. R. 2111—To extend temporarily the time for filing applications for letters, patents, and for other purposes.  
Mr. Boykin; Committee on Patents, p. 1043.  
Hearings—House Committee on Patents on H. R. 2111.
- H. R. 3368—Making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes.  
Mr. Cannon of Missouri; Committee on Appropriations:  
House Report No. 653, p. 5450, 5463.  
Debated, p. 5732-5750, 5785-5799, 5799-5831.  
Passed House, p. 5833.  
Senate Report No. 390, p. 6322.  
Debated, p. 6724-6739, 6803-6823, 6865-6893, 6895-6906, 6922-6929, 6991-7005, 7050-7058, 7057-7062, 7064-7068.  
Passed Senate amended, p. 7068.  
Conference—House Report No. 880, p. 7404, 7419, 7474-7494, 7452-7463, 7464.  
2nd Conference—House Report No. 913, p. 7519.  
Agreed to, p. 7519-7525, 7525-7534, 7500, 7513.  
Approved (Public Law No. 156), p. 8321.  
Hearings—House and Senate Committees on Appropriations on H. R. 3368.
- H. R. 3371—To amend the Trading with the Enemy Act, as amended, and for other purposes.  
Mr. Gearhart; Committee on Interstate and Foreign Commerce, p. 5528.

CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES

1. Disposition of Alien Enemy Property, p. 5523, A2722, A3376, A5026.
  2. "Postwar Problems for Treatment of Enemy Property", by Representative Gearhart, p. A3381.
  3. Letter from Secretary Byrnes to Representative Beckworth on, A5032.
  4. "Practical Democracy", editorial from New York Times, p. A5327.
  5. Estimates of personnel requirements for, p. 1094, 2072, 8335, 8574, 8583.
  6. Nazi films, release of, p. A2968.
  7. Annual Report of Allen Property Custodian, p. 4778, 4817.
  8. Estimate of appropriations (Senate Doc. 126), p. 11856.
  9. Hugo Stinnes Corporation, report of June 1944, p. A3337.
  10. Policy of Allen Property Custodian, p. 11358.
  11. Remarks on Trading with the Enemy Act, p. 5683, 5684, 11358, A3376.
- Enemy Property—a Symposium, Law and Contemporary Problems, Vol. 11, p. 1-201, Winter-Spring 1945.
- Foreign Funds Control and the Allen Property Custodian, Cornell Law Quarterly, Vol. 31, p. 1-30, September, 1945.

PRESIDENTIAL EXECUTIVE ORDERS

- E. O. 9567—June 8, 1945 Office of Allen Property Custodian in Office for Emergency Management, powers and duties, 10 F. R. 6917, see also E. O. 9065, 9193.
- E. O. 9789—Oct. 14, 1946 Transfer of pertinent powers to Philippine Alien Property Administrator 11 F. R. 11983, see also E. O. 9818 and 10254.

LEADING CASES IN THE COURTS

*United States v. Borax Consol., Limited, et al., July 27, 1945, 62 Fed. Supp. 220*

This action under the Sherman Antitrust Act by the United States of America against the Borax Consolidated, Ltd., and others charging defendants with monopoly and conspiracy and for dissolution of alleged combine and other relief. Allen Property Office had vested one of the alleged co-conspirators in 1942. On defendant's motion to dismiss, to separately state claims, to strike out parts of complaint, to make more certain or for bill of particulars, and on plaintiff's motion to strike certain affidavits.

In this case the important thing to bring out is that the court said that the Allen Property Custodian holds full and complete title to enemy property on behalf of the United States, without any beneficial interest remaining in the former owner, and he may deal with such property, including the selling of it, in any manner appropriate to the interests of the United States.

*Markham, Alien Property Custodian, v. Cobell, Dec. 10, 1945, 326 U. S. 404*

Respondent brought this suit against the Allen Property Custodian and Treasurer of the United States to recover, from the assets of an Italian, a debt for legal services. Motion to dismiss on ground that 9 (e) barred any debt not due and owing October 1917, or applications made prior to 1928, date of War Claims Act. Court maintained that Trading with the Enemy Act became effective at outbreak of World War II, and that 9 (e) relates to claims of World War I; 9 (e) is not applicable to this type of suit under 9 (a).

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Unconditional Surrender of Hungary, Jan. 20, 1945  
(59 Stat. 1321).  
Unconditional Surrender of Germany, May 8, 1945  
(59 Stat. 867).  
Unconditional Surrender of Japan, Aug. 16, 1945 (59  
Stat. 878).

## CHRONOLOGY OF EVENTS (N. Y. Times)

1945—Allen Property Custodian Report as of March  
1945, May 22, 28: 1.  
Treasury ends enemy classification of Finland,  
Poland and other Baltic areas, Feb. 16, 6: 5.  
Corporations:  
Allen Property Custodian to prevent return  
to Germany of enemy controlled corpora-  
tions, June 6, 11: 3.  
Patents and Inventions:  
Indices and policy on return of, Feb. 18, IV,  
9: 6; Apr. 27, 25: 7; June 6, 11: 3.  
Property:  
Seizure, return of, etc., Feb. 4, 4: 3; Report  
of Allen Property Custodian on, May 22,  
28: 1; June 17, 16: 3; July 8, III, 4: 1;  
Aug. 20, 17: 7; Aug. 25, 10: 6; Sept. 22,  
2: 4; Nov. 10, 18: 3; Nov. 20, 27: 5; Dec. 1,  
28: 7; Dec. 18, 32: 4; Dec. 29, 6: 7;  
Dec. 29, 9: 3; Dec. 29, 21: 1.  
Stocks and bonds; Dec. 18, 32: 4; Dec. 28, 2: 7.  
United States—Foreign population:  
Property of; Aug. 20, 17: 7; Sept. 15, 17: 4.

Seventy-ninth Congress—Continued  
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- H. R. 3750—To amend the First War Powers Act.  
Mr. Sumners of Texas; House Committee on the  
Judiciary, p. 7404.  
Hearings—House Committee on the Judiciary on H. R.  
3750.
- H. R. 4001—To amend the Trading with the Enemy Act,  
as amended.  
Mr. Burch; Committee on Interstate and Foreign  
Commerce, p. 8574.
- H. R. 4070—To extend temporarily the time for filing  
applications for patents, for taking action in the  
United States Patent Office with respect thereto,  
for preventing proof of acts abroad with respect  
to the making of an invention and for other  
purposes.  
Mr. Boykin; Committee on Patents, p. 8659.  
Hearings—House Committee on Patents on H. R. 4070.
- H. R. 4571—To amend the First War Powers Act, 1941.  
Mr. Sumners of Texas; Committee on the Judici-  
ary, p. 10321:  
House Report No. 1260, p. 10873.  
Debated, p. 11354-11366.  
Passed House, p. 11366.  
(2nd session, vol. 92, Cong. Record).  
Senate Report No. 920, p. 793.  
Passed Senate amended, p. 1524.  
House concurs, p. 1762.  
Approved (Public Law No. 322), p. 2056.
- H. R. 4805—Making appropriations to supply deficien-  
cies in certain appropriations for the fiscal year  
ending June 30, 1946, and for prior fiscal years,  
to provide supplemental appropriations for the  
fiscal year ending June 30, 1946, and for other  
purposes.  
Mr. Cannon of Missouri; Committee on Appropria-  
tions:  
House Report No. 1288, p. 11006.  
Debated, p. 11041-11075, 11124-11147, 11181-  
11228, 11255-11266.  
Passed House, p. 11266.  
Senate Report No. 857, p. 12030.  
Debated, p. 12034-12038, 12039-12061, 12106-  
12135, 12124-12132.  
Passed Senate amended, p. 12132.  
Conference—House Report No. 1464, p. 12354.  
Agreed to, p. 12354-12363, 12329, 12330, 12362,  
12419, 12482.  
Second Conference—House Report No. 1468, p.  
12448.  
Agreed to, p. 12448, 12483.  
Approved (Public Law No. 269), p. 12547.
- Hearings—House and Senate Committees on Appropria-  
tions on H. R. 4805.
- H. R. 4963—To create an Enemy Property Commission,  
to provide for the disposal of certain enemy prop-  
erty, and for other purposes.  
Mr. Beckworth; Committee on Interstate and  
Foreign Commerce, p. 11931.

Seventy-ninth Congress—Continued.  
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- S. 2039—To amend section 32 (a) of the Trading with the Enemy Act of October 6, 1917, as amended. Mr. Mead; Committee on the Judiciary, p. 3262. Hearings—Senate Committee on the Judiciary on S. 2039.
- S. 2101—To amend the Trading with the Enemy Act as amended, to permit the shipping of relief supplies. Mr. Bridges; Committee on the Judiciary, p. 4077; Senate Report No. 1262, p. 4174. Passed Senate, amended, p. 4208. Passed House, p. 4404. Approved (Public Law No. 382), p. 5168.
- S. 2330—To provide for the transfer of certain functions under the Trading with the Enemy Act, as amended, from the Treasury Department to the Department of Justice, and for other purposes. Mr. Bridges and Mr. Eastland; Committee on the Judiciary, p. 6773.
- S. 2345—To provide for the retention by the United States Government or its agencies or instrumentalities of real and personal property within the Philippines now owned or later acquired and for the administration of the Trading with the Enemy Act of October 6, 1917, as amended, in the Philippines; subsequent to independence. Mr. Tydings; Committee on Territories and Insular Affairs, p. 7039: Senate Report No. 1578, p. 7265. Passed Senate amended, p. 8107-8110. Passed House (in lieu of H. R. 6801), p. 8192. Approved (Public Law No. 485), p. 8347.
- S. 2378—To amend the First War Powers Act, 1941. Mr. McCarran; Committee on the Judiciary, p. 7603: Senate Report No. 1889, p. 10115. Debated, p. 10367. Indefinitely postponed—H. R. 6890 passed in lieu, p. 10371. Hearings—Senate Committee on the Judiciary.
- H. R. 5089—To amend the First War Powers Act. Mr. Sumners of Texas; House Committee on the Judiciary, p. 12491. Hearings—House Committee on the Judiciary on H. R. 5089.
- H. R. 5223—To extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes. Mr. Boykin; Committee on Patents, p. 313: House Report No. 1498, p. 490. Passed House, p. 1432. Senate Report No. 1502, p. 6886. Passed Senate amended, p. 9223. Conference Report—House Report No. 2696, agreed to in both Houses, p. 10477, 10525. Approved (Public Law No. 690), p. 10789.

- Disposition of certain property, p. 10217.
- Annual Report of Alien Property Custodian, p. 7006, 7037.
- Shipment of relief supplies, p. A2597. Duties of Citizens Concerning Property of Alien Enemies, Nevada State Bar Journal 11:14-15, January 1946. Enemy Business Enterprises and the Alien Property Custodian, Fordham Law Review, Vol. 15, p. 222-247 and Vol. 16, p. 55-85, November 1946 and March 1947. Judicial Review of Alien Property Control, Yale Law Journal, Vol. 55, p. 836-842, June 1946. Representational Jurisdiction of the Alien Property Custodian, Fordham Law Review, Vol. 17, p. 82-91, March 1946. Shall Enemy Property Be Returned?, American Political Science Review, Vol. 40, p. 101-112, February 1946. Treatment of Enemy Property, Georgetown Law Journal, Vol. 34, p. 389-406, May 1946.

- E. O. 9725—May 16, 1946 Alien Property Custodian to administer sections 20 and 32—return of property, 11 F. R. 5381.
- E. O. 9742—June 25, 1946 cooperation with Director of War Relocation Authority 11 F. R. 7125 see also E. O. 9423 and 9102, section 5.
- E. O. 9747—July 3, 1946 continuation of functions in Philippines after July 4, 1946, 11 F. R. 7518.
- E. O. 9760—July 23, 1946 restriction on authority over diplomatic and consular property of Germany and Japan, 11 F. R. 7999.
- E. O. 9788—Oct. 14, 1946 Office of Alien Property Custodian in office of Emergency Management terminated, 11 F. R. 11981, see also E. O. 9095, 9193, 9567.

*Central Hanover Bank and Trust Co. v. Markham, Alien Property Custodian, et al. Oct. 11, 1946, 68 Fed. Supp. 829*

Action by the Trust Company to recover stock and dividends vested by Alien Property Custodian, as successor trustee. Cross-motion for summary judgment. The Plaintiff does not dispute the right of Alien Property Custodian to vest or seize the interest of the life beneficiary, but does contend as successor in title to the interest of life beneficiary and the remainderman that Alien Property Custodian does not become entitled to possession of the corpus of the trust.

The court held that the Alien Property Custodian was entitled to possession and dividends where beneficiaries and remainderman, of a trust agreement, were residents and citizens of Germany; notwithstanding a New York statute prohibiting assignment of a trust interest.

When he so takes corpus of a trust he may handle trust property as though he were absolute owner, though he is not required to do anything but preserve it (section 12, as amended).

*In Re: Yokohama Specie Bank, Ltd., Nov. 12, 1946, 66 N. Y. S. 2d 239*

This is an action by the Superintendent of Banks who is making an application for an order authorizing him to pay to the Alien Property Custodian certain funds which he holds as legator of the New York agency of the Yokohama Specie Bank. Bondholders who claim to be beneficiaries of a trust of the funds in question opposed the application. The United States supports the application. The court held that the Alien Property Custodian had authority to take possession of what he determines to be property of enemy nationals and his determination is conclusive. The fact that the fighting has ceased does not affect the statutory power of the Alien Property Custodian on the constitutional validity of the statutes which grant those powers.

This application by the Superintendent authorizes him to pay over to the Alien Property Custodian certain funds which could not be opposed by bondholders on the ground that the funds constituted trust funds in their favor and that the finding and determination of the Alien Property Custodian was conclusive and should not be determined by the Supreme Court. Determination by the Alien Property Custodian that these funds represent obligations owed by the bank to obligators but did not constitute trust funds in favor of bondholders was conclusive upon bondholders. Notwithstanding bondholder's actions against the Superintendent to determine their interest prior to turnover directive.

A determination by the Alien Property Custodian that property is property of an enemy country or national would be equally effective whether or not it appeared in vesting orders or turnover directives, since statute does not specify any particular form that the

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## CHRONOLOGY OF EVENTS (N. Y. Times)

1946—Resignation of H. R. Johnson as Assistant Chief of Patent Administration Division, May 28, 29: 3.

President ends Office of Alien Property Custodian following resignation of J. E. Markham as Alien Property Custodian, Sept. 25, 13: 1; Oct. 15, 27: 2.

### Copyright:

Alien Property Custodian seizes German copyrights issued from 1935-1945, Mar. 23, 2: 2.

### Patents and inventions:

June 27, 31: 3; Aug. 9, 8: 4.

Philippine Islands, right to all enemy property, May 21, 14: 5.

### Property:

Mar. 6, 37: 1; Mar. 21, 39: 1; Mar. 22, 31: 1; return of seized property, May 17, 13: 2; May 30, 19: 6; United States power to seize property extended by War Powers Extension Act, June 4, 24: 3; June 18, 35: 1.

### Stocks—Foreign investment:

Alien Property Custodian order banning alien stock acquisition of seized corporations—World War I action reviewed, Sept. 12, 15: 4.

Seventy-ninth Congress—Continued  
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1946—Continued

- H. R. 6521—To amend section 32 (a) of the Trading with the Enemy Act of October 6, 1917, as amended.  
Mr. Lynch; Committee on Interstate and Foreign Commerce, p. 5450.
- H. R. 6801—To provide for the retention by the United States or its agencies or instrumentalities of real and personal property within the Philippines now owned or later acquired and for the administration of the Trading with the Enemy Act of October 6, 1917, as amended, in the Philippines, subsequent to independence.  
Mr. Bell; Committee on Insular Affairs, p. 7036:  
House Report No. 2296, p. 7122.  
Passed House amended, p. 8165.  
Proceedings vacated—S. 2845 passed in lieu, p. 8192.
- H. R. 6885—Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes.  
Mr. Cannon of Missouri; Committee on Appropriations:  
House Report No. 2345, p. 7587, 7601.  
Debated, p. 7734-7768, 7911-7923.  
Passed House, p. 7925.  
Senate Report No. 1708, p. 8731.  
Passed Senate, p. 9067-9089.  
Conference—House Report No. 2547, p. 9432.  
Conference—House Report No. 2547, p. 9432.  
Agreed to, p. 9432, 9434, 9448-9455.  
Approved (Public Law No. 521), p. 10106.
- Hearings—House and Senate Committees on Appropriations on H. R. 6885.
- H. R. 6800—To amend the First War Powers Act, 1941.  
Mr. Sumners of Texas; Committee on the Judiciary, p. 7601:  
House Report No. 2398, p. 7780.  
Passed House, p. 10218.  
Passed Senate in lieu of S. 2378, p. 10371.  
House concurs in Senate amendments, p. 10486.  
Approved (Public Law No. 671), p. 10789.

*In Re: Yokohama Specie Bank, Ltd.*—Continued

determination must take. The determination that this property represented obligations owed by the bank to the obligator was in a final determination that the trust funds were not trust funds in the favor of bondholders, because they were afforded access to the court under § 9 of the Act.

## IV. THE COLD-HOT WAR OPERATION, 1947-1952

### CONGRESS

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### BILLS, RESOLUTIONS AND LAWS (with actions indicated)

- S. J. Res. 138—To provide for the return of Italian property in the United States, and for other purposes.  
Mr. Vandenberg; Committee on Foreign Relations: Senate Report No. 390, p. 7685.  
Passed Senate, p. 8247.  
House Report No. 1009, p. 9462.  
Debated, p. 10251.  
Passed House, p. 10258.  
Approved (Public Law No. 370), p. 10567.  
Hearings—House Committee on Interstate and Foreign Commerce on S. J. Res. 138.
- S. 989—To amend the Trading with the Enemy Act so as to permit certain aid to civilian recovery in occupied zones.  
Mr. Langer and Mr. Chavez; Committee on Civil Service, p. 2687.  
Hearings—Senate Committee on Civil Service on S. 989. L. C. call no. HE 6331 1047 A53.
- H. Res. 15—To authorize the Committee on Interstate and Foreign Commerce to conduct a study with respect to the holding and disposition of alien property.  
Mr. Beckworth, Committee on Rules, p. 49.
- H. Res. 209—Creating a select committee to make an investigation with respect to alien property, private war losses, foreign loans, and related matters.  
Mr. Gearhart; Committee on Rules, p. 5228.
- H. R. 873—To create an Enemy Property Commission, to provide for the disposal of certain enemy property, and for other purposes.  
Mr. Beckworth; Committee on Interstate and Foreign Commerce, p. 306.  
Hearings—House Committee on Interstate and Foreign Commerce on H. R. 873, 1823, 1000, 2823, etc.
- H. R. 1000—Creating a commission to examine and render final decisions on all claims by American nationals who were members of the Armed Forces of the United States and who were prisoners of war of Germany, Italy or Japan, for payment of its awards, and for other purposes.  
Mr. Van Zandt; Committee on Foreign Affairs and Interstate and Foreign Commerce, p. 330, 2417, 2423.  
Hearings—House Committee on Interstate and Foreign Commerce on H. R. 873, 1823, 1000, 2823, etc.
- H. R. 1823—To create an Enemy Property Commission, to provide for the disposal of certain enemy property and for other purposes.  
Mr. Hinshaw; Committee on Interstate and Foreign Commerce, p. 904.

### CONGRESSIONAL RECORD AND LAW REVIEW ARTICLES

1. Analysis of debt claims filed with Alien Property Custodian, p. A3698.
  2. Disposition of alien property, p. A2289.
  3. Annual Report of Alien Property Custodian (House Doc. 465), p. 10698, 10769.
- The Alien Property Custodian and Conclusive Determinations of Survivorship, Georgetown Law Journal, Vol. 35, p. 262-271 (January 1947).
- Enlarged Authority of Alien Property Custodian to Seize Property of Friendly Aliens Under Trading with the Enemy Act, Yale Law Journal, Vol. 56, p. 1068-1076, June 1947.
- Recovery by Friendly Alien of Property Seized under the Trading with the Enemy Act, Virginia Law Review, Vol. 33, p. 306-368, May 1947.
- Remedy Available to Alien Friend Where Property Has Been Vested by Alien Property Custodian, Columbia Law Review, Vol. 47, p. 1062-1061, September 1947.

### PRESIDENTIAL EXECUTIVE ORDERS

- E. O. 9818—Jan. 7, 1947 establishment of Philippine Alien Property Custodian in Office of Emergency Management, 12 F. R. 133, see also E. O. 9789 and 10254.

### LEADING CASES IN THE COURTS

*Drewry v. Onassis, Mar. 31, 1947, 69 N. Y. S. 2nd 850*

The plaintiff is a French corporation. A previous action brought by it against this defendant was dismissed by order of the court. The basis of that dismissal was that under the provisions of the Act the plaintiff was an enemy and therefore not entitled to prosecute an action in United States courts. That was in 1943 when France was occupied by the German armies. This suit was instituted in 1946 and France was no longer dominated by the German military authority and was no longer an enemy within the meaning of the Act. The defendant argued that the plaintiff continued to be an enemy until the war had officially come to an end. The court held that at the time of this action, France was freed from the German forces and that such a corporation was not barred from maintaining the action as an enemy, and further that a license from the Treasury Department was not a condition precedent to maintenance of this action even though a license would be necessary before any judgment obtained by the plaintiff could be enforced.

*Clark v. Allen, June 9, 1947, 331 U. S. 503*

This is a suit by the United States against the executor under the will and the California heirs-at-law for determination that they had no interest in the estate of Alvina Wagner, a resident of California, who had died and left her property by will to four relatives who are nationals and residents of Germany. Six heirs-at-law residents of California filed a petition for the determination of heirship claiming that the German nationals were ineligible as legatees under California law. The Alien Property Custodian had vested all right, title, and interest, of the German nationals in the estate of the deceased. The court held that the provisions of the Treaty of 1923 with Germany prevail over any conflicting provisions of California law unless the provisions of the treaty have been abrogated. They held further that the treaty had not been abrogated though the right to sell and withdraw the proceeds may have been abrogated and that the Federal Government had discretionary powers to vest the property in itself. That the outbreak of war does not necessarily suspend or abrogate treaty provisions. And further that the Trading with the Enemy Act as amended by the First War Powers Act is not incompatible with the right of inheritance of realty granted German aliens under the treaty.

The provisions of the treaty did not cover personality located in this country which an American citizen undertakes to leave to German nationals, but it does

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Peace Treaty with Italy, February 10, 1947 (61 Stat. 1245).

Peace Treaty with Rumania, February 10, 1947 (61 Stat. 1649).

Peace Treaty with Bulgaria, February 10, 1947 (61 Stat. 1915).

Peace Treaty with Hungary, February 10, 1947 (61 Stat. 2065).

Memorandum of Understanding with Italy regarding Italian assets in United States and claims of American nationals, August 14, 1947 (Treaties and International Agreements Series, 1694).

## CHRONOLOGY OF EVENTS (N. Y. Times)

1947—Alien Property Custodian Office, Director, needs more employees, Feb. 12, 38: 7.

Merger of Alien Property Custodian Office with Department of Justice under the Attorney General, Apr. 23, 18: 7, May 2, 26: 1.

H. I. Baynton appointed Alien Property Office deputy director, Sept. 27, 9: 5.

Philippine Islands, Congress acquires land and buildings from United States Alien Property Custodian for token sum, June 11, 19: 2.

Property:

Seizure and sale on return of, Feb. 12, 38: 7;

Feb. 23, 30: 1; The Uebersee Finanz Korp.

Case, Feb. 20, 37: 1; return of Italian

property, June 20, 5: 2; June 26, 3: 5;

Aug. 27, 33: 1; Dec. 20, 26: 1.

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Hearings—House Committee on Interstate and Foreign Commerce on H. R. 1823, 1000, 2823, etc.

H. R. 2823—To provide for a commission to adjudicate claims of American nationals who were prisoners of war of Japan, for payment of its awards, and for other purposes.

Mr. Fernandez; Committee on Interstate and Foreign Commerce, p. 2788.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 873, 1823, 1000, 2823, etc.

H. R. 2849—Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes.

Mr. Taber; Committee on Appropriations:

House Report No. 200, p. 2842.

Debated, p. 2901, 2915, 2971.

Passed House amended, p. 2992.

Senate Report No. 107, p. 3707.

Passed Senate amended, p. 3917—3935.

Conference—House Report No. 328, p. 4332.

Agreed to, p. 4332, 4359.

Approved (Public Law No. 46), p. 5275.

Hearings—House and Senate Committees on Appropriations on H. R. 2849.

H. R. 3311—Making appropriations for the Departments of State, Justice and Commerce, and the Judiciary, for the fiscal year ending June 30, 1948, and for other purposes.

Mr. Stefan; Committee on Appropriations:

House Report No. 336, p. 4540, 4551.

Debated, p. 5185, 5211, 5282, 5296.

Passed House amended, p. 5386.

Senate Report No. 343, p. 7580.

Debated, p. 7880, 7886, 7972.

Passed Senate amended, p. 7962.

Conference—House Report No. 787, p. 8262.

Agreed to, p. 8262, 8264, 8210, 8211.

Approved (Public Law No. 166), p. 9085.

Hearings—House and Senate Committee on Appropriations on H. R. 3311.

H. R. 4044—To amend the Trading with the Enemy Act, as amended, to create a commission to make inquiry and report with respect to war claims and to provide for relief of internees in certain cases.

Mr. Hinshaw; Committee on Interstate and Foreign Commerce, p. 7965:

House Report No. 976, p. 9235.

(2nd Session—Vol. 94, Cong. Record).

Debated, p. 550—553.

Passed House, p. 533.

Senate Report No. 1742, p. 8410.

Debated, p. 8751.

Passed Senate amended, p. 8757.

Conference Report—House Report No. 2439,

agreed to in both Houses, p. 9001, 9289.

Approved (Public Law No. 896), p. 9368.

Hearings—Senate Committee on the Judiciary on H. R. 4044.

Reorganization Plan No. 1 of 1947 (61 Stat. 951).

*Clark v. Allen*—Continued

cover personality in this country which a German national undertakes to dispose of by will. The section of the California code which made the right of non-resident aliens to acquire personal property dependent upon the reciprocal rights of Americans to do likewise in the countries of which such aliens or residents is not unconstitutional.

*Standard Oil Company v. Clark*, Sept. 22, 1947, 163 F. 2d 917

This is an action by the Standard Oil Company et al against the Attorney General under § 8a of the Act to recover property. From a judgment granting partial relief both parties appealed. The court held among other things that violations of the antitrust laws did not create such "unclean hands" as would prevent an American Company from bringing action under the Trading with the Enemy Act to recover property.

*Silesian-American Corporation et al v. Clark*, Dec. 8, 1947, 338 U. S. 469

The Alien Property Custodian, by vesting order, 1942, vested stock in petitioner as being property of Germans. Alien Property Custodian requested that the stock, held by Swiss banks, be cancelled and new shares issued to Alien Property Custodian. The question of whether the Swiss bank owned or merely held stock was not raised. Bank was treated as holding stock as pledge for loan. Court held that section 5 (b) rendered 8 (a) inapplicable to property of friendly aliens. The Alien Property Custodian had the right to vest and require the issuing of certification of new stock; merely because the Alien Property Custodian did not have physical possession was immaterial. Supreme Court affirmed lower court.

*Clark v. Uebersee Finanz Korporation*, December 8, 1947, 322 U. S. 480

This is a suit to recover property vested by the Alien Property Custodian acting under section 5 (b) of the Act as amended by the First War Powers Act of December 1941. This suit is brought under Section 9 (a) of the Act by this Corporation organized under the laws of Switzerland. The Plaintiff alleges that it is not an enemy or ally of enemy nor a national of either, and has not done business in the territory of the enemy or an ally of an enemy. These allegations are assumed to be true since the motion to dismiss is based solely on the fact that Respondent is a national of a foreign country. District Court granted motion to dismiss; Court of Appeals reversed, and the case here on certiorari.

Under the Act prior to the 1941 amendment, the Plaintiff would have been able to maintain this action on a showing, without more, that it was a corporation organized under the laws of a friendly nation and not doing business in territory of an enemy or ally of an enemy. In 1941, section 5 (b) of the Act was amended to allow the President to vest any property or interest of any foreign country or national thereof.

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This was done to allow the property of all foreigners, whether masquerading under friendly fronts, to be reached. The Court found that 9 (a) of the Act granting persons not an enemy or ally of enemy claiming interest in property seized by the Custodian the right to reclaim it, should not in view of the amendment of section 5 (b) be construed as permitting a corporation organized under the laws of a friendly nation and not doing business in the territory of an enemy nation or of any of its allies to reclaim irrespective of enemy ownership, property seized by the Alien Property Custodian. The enlargement of Section 5 (b) of the Act which granted the power to vest "any property or interest of any foreign country or national thereof", does not have the effect of abrogating the provisions of section 9 (a) which permits any person not an enemy or ally claiming an interest in the property to sue and recover. Therefore, such remedies are available to a corporation organized under the laws of a friendly country. Hasty legislation enacted from time to time in the exercise of the war power should be given the most harmonious comprehensive meaning possible. The motion was over-ruled. See *Uebersee Finanz-Korporation v. McGrath*, 96 L. ed. 517 infra p. 50.

*Shinsaku Nagano v. McGrath*, 187 F. 2nd 753  
*Kaku Nagano v. McGrath*, 187 F. 2nd 759

Heard and decided in 1951

Shinsaku Nagano's case is one of appeal of a judgment dismissing his action under section 9 (a) of the Act for return of 8,780 shares of the Fuji Trading Company. The stock was seized by the Alien Property Custodian in 1943 on the basis of his finding the shares of stock of his wife, Kaku Nagano to be the property of an alien enemy. The complaint brought by Nagano was drawn on the theory that the plaintiff, as owner, was entitled to recover 3,105 of the 8,780 shares and as bailee of his wife to return to his possession the remaining shares. This particular appeal deals only with those shares of stock that he claims as his property, that is 3,105, because the wife in her companion case seeks return of the remaining shares in her own name. In the Shinsaku Nagano case, the court held that the plaintiff, Nagano, was entitled to recover 3,105 shares. In his wife's appeal we have several important questions. The one with which we are mostly concerned deals with the important distinction between residence and domicile. The court had this to say by way of dicta: Where wife of permanent United States resident had returned to Japan because of family necessity of giving her children Japanese education and of arranging marriages, according to Japanese tradition, for daughters who could not obtain entry into America under laws of United States, did not abandon her permanent residence in United States and was not a "resident within" enemy territory within definition of "enemy" contained in Trading with the Enemy Act, so as to preclude her from maintaining action to establish her right, title and interest in shares of corporate stock which were vested in Alien Property

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Custodian, notwithstanding the fact that because of war and other considerations she had remained in Japan for approximately 29 years.

In this particular case, Nagano had come to the United States before the first World War and set up an Oriental Trading Company, which he later incorporated and called the Fuji Trading Company. Subsequent to that he returned to Japan on a visit and married Kaku and they had two daughters born in Japan, and a son born in this country.

The wife in 1924 had returned to Japan to educate the daughters and marry them off, etc. The husband had constantly remained in Chicago and continued to operate his business. He had come in under a permanent residence contract and so had his wife. The court had this further to say: A friendly, loyal resident alien, even though of enemy nationality, would be entitled to constitutional guarantees, including right to just compensation for requisitioning of her property. The War Claims Act provision that no property of any national of Japan shall be returned to former owners or his successor, and no compensation be paid them, is not applicable to action brought under Trading with the Enemy Act authorizing person other than enemy to sue to establish his right, title or interest in property vested. The court in this case by way of dicta said, that Kaku had never abandoned her residence and had no intention to abandon same, and that the war intervened, making it impossible for her to return, and that residence being mostly a matter of intention from the facts heard it is clear that the plaintiff never intended to change their established residence of Chicago. They said further that permanent residence does not arise out of a transitory abode or out of a temporary sojourn in a place other than that of residence. The court said: "resident within the territory" as employed in the Act connotes something different from and more than living within the specified areas. It is rather indicative of a settled and permanent place of abode, voluntarily acquired and voluntarily assumed. It is a habitation having "domiciliary properties." It might be wise to mention that the court had in several previous cases held in this same view that the conflict which exists between Sections 39, 9 (a), 2, and 7 (c), of the Act, must all be read together, and looking at the intention of Congress the results as herein announced in this case are reached. It was not the intention of Congress in one section to preclude and in another section to include persons of designated statute, but it was their intention to write a harmonious act and those conflicts must be settled and are settled herein by this court, in the light that they are read harmoniously and are not in serious conflict with each other; that a person in this type situation who has returned for a very definite purpose to a country for expressed purpose of remaining there only temporarily to educate her children and for other reasons and that she was the only one who could have done so, and looking behind the veil so to speak, they find that there was no intention to give up a permanent residence, and the

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1948 (Page references are to  
Vol. 94, Cong. Rec.).

- S. 2124—To amend the Trading with the Enemy Act, as amended, so as to permit American citizens and charitable, religious, and other nonprofit organizations to make donations for use in the repair of war damage in any area of Germany occupied by or under the control of the United States. Mr. Langer and Mr. Eastland; Committee on the Judiciary, p. 944.
- S. 2431—To amend the Trading with the Enemy Act. Mr. Wiley; Committee on the Judiciary, p. 4007.
- S. 2764—To amend the Trading with the Enemy Act. Mr. Taft; Committee on the Judiciary, p. 6551; Senate Report No. 1619, p. 8075. Passed Senate amended, p. 8722.
- H. R. 4903—To amend section 32 of the Trading with the Enemy Act. Mr. Buck; Committee on Interstate and Foreign Commerce, p. 117.
- H. R. 5188—To amend section 32 of the Trading with the Enemy Act. Mr. Leonard W. Hall; Committee on Interstate and Foreign Commerce, p. 716.
- H. R. 5200—To amend section 32 of the Trading with the Enemy Act. Mr. Wolverton; Committee on Interstate and Foreign Commerce, p. 717.
- H. R. 5607—Making appropriations for the Departments of State, Justice, Commerce, and the Judiciary for the fiscal year ending June 30, 1949, and for other purposes. Mr. Stefan; Committee on Appropriations: House Report No. 1433, p. 1873, 1912. Debated, p. 2062, 2143, 2226. Passed House amended, p. 2251. Senate Report No. 1166, p. 4804. Passed Senate amended, p. 4823. Conference—House Report No. 2068, p. 6827. Agreed to, p. 6827, 6811, 6812, 6830, 6835. Approved (Public Law No. 597), p. 7980.
- Hearings—House and Senate Committees on Appropriations on H. R. 5607.
- H. R. 5680—To amend Section 32 (a) (2) of the Trading with the Enemy Act. Mr. Wolverton; Committee on Interstate and Foreign Commerce, p. 2065.
- H. R. 5960—To amend section 32 (a) (2) of the Trading with the Enemy Act. Mr. Wolverton; Committee on Interstate and Foreign Commerce, p. 3343; House Report No. 1842, p. 1566. Stricken from calendar, p. 7378.

1. Property returned to owners, p. A300, A1378.
  2. List of larger debt and title claims filed, p. A1447.
  3. Remarks in House on property held by Allen Property Custodian, p. 551, 2243, 8722, 8757, 9001.
- Payment of American Creditors from Vested Assets, Federal Bar Journal, Vol. 9, p. 233-247, April 1948.
- Policy and Practice of the United States in the Treatment of Enemy Private Property, Virginia Law Review, Vol. 34, p. 928-943, November 1948.
- Removal of United States Control over Foreign Owned Property, Federal Bar Journal, Vol. 10, p. 3-31, October 1948.
- Trading with the Enemy Act—Vesting Power of the Allen Property Custodian, Pittsburgh Law Review, Vol. 9, p. 228-235, March 1948.

*Kaku Nagano v. McGrath*—Continued  
husband remaining in this country—she was entitled under the Act and that the District Court who had dismissed her complaint that that decree of the lower court in granting motion to dismiss should be set aside and the case remanded with instructions.

*Clark v. Manufacturer's Trust Company, Aug. 5, 1948, 169 F. 2d 932*

Petition by Attorney General, under section 17, against Trust Company to compel bank to pay over to him a debt alleged to be owed by an alien enemy. A vesting order had been issued, and also a turnover directive; the bank had refused to comply. Bank contended that the alien enemy owed it monies and contended that it had a right to apply depositor's balance against depositor's debt as a possessory lien within section 8, of the Act. District Court order respondent to pay over the money.

The respondent conceded that a debtor must pay to the Allen Property Custodian an acknowledged debt regardless of any controversy as to who is the creditor. *American Exchange National Bank v. Garvan*, 2 dir, 273 F. 48 affirmed *sub nom. Simon v. American Exchange National Bank*, 260 U. S. 706, 43 S. Ct. 165. But they contend that when the existence of a debt is denied, and it is required to be paid before judicial determination is in effect by Allen Property Custodian, ex parte determination—a creation of a debt. (See *D. C. S. D. N. Y.*, 298 F. 520, 524, 236 F. 525, and 72 F. Supp. 497.)

Section 17 of Trading with the Enemy Act gives court jurisdiction in a summary proceeding to compel delivery of enemy owned property. A debtor must pay to Allen Property Custodian an acknowledged debt owed to an alien enemy, regardless of any controversy as to who is the creditor. A set-off is not allowable—the admitted indebtedness is to be paid over to Allen Property Custodian, and bank is required to resort to provisions of the act.

The bank alleged set-off didn't give it a possessory lien against Allen Property Custodian.

*Koehler et al. v. Clark, Attorney General, et al. Nov. 15, 1948, 170 F. 2d 779*

This is an action to establish interest in property which had been vested in the Allen Property Custodian by Kurt H. Koehler and William L. Brewster, as executors of the last will and testament and codicil thereto of Bertha Koehler, deceased, and as trustees under the last will and testament and codicil thereto of Bertha Koehler, deceased, and Kurt H. Koehler in his individual capacity against Tom C. Clark, and others. From a judgment of dismissal, the plaintiffs appeal.

The defendant Clark contends that this is a suit against the United States, and inasmuch as the sovereign has not consented to be made a codefendant, no foundation in law existed for this suit. Specifically, the plaintiffs in this case did not have a right, title or

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1948—Suit by Internationale Industrie- und Handels  
Betelligungen A. G. for return of assets seized  
including stock of General Aniline & Film  
Company, Oct. 22, 39: 8; Nov. 29, 34: 6.  
United States Circuit Court sets aside judgment  
obtained by United States against R. D. Sill-  
man for property seized during World War I,  
Mar. 26, 22: 2.  
Dutch property and Alien Property Custodian,  
Mar. 8, 27: 1.

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- H. R. 6116—To amend the Trading with the Enemy Act.  
Mr. Wolverton: Committee on Interstate and Foreign Commerce, p. 4079:  
House Report No. 1843, p. 5168.  
Passed House amended, p. 5994.  
Senate Report No. 1532, p. 7221.  
Passed Senate amended, p. 8718.  
House concurs, p. 9223.  
Approved (Public Law No. 874), p. 9368.
- H. R. 6817—To amend the Trading with the Enemy Act.  
Mr. Wolverton: Committee on Interstate and Foreign Commerce, p. 7219.

Eighty-first Congress:  
First Session, Jan. 3-Oct. 19,  
1949 (page references are to  
vol. 85, Cong. Rec.).

- S. 603—To amend the Trading with the Enemy Act.  
Mr. Taft and Mr. McGrath: Committee on the Judiciary, p. 487:  
Senate Report No. 784, p. 10049.  
Passed Senate amended, p. 11067.  
(2nd Session—Vol. 96, Cong. Record).  
House Report No. 2338, p. 9223.  
Objected to, p. 10412, 11225.
- Hearings—House Committee on Interstate and Foreign Commerce on S. 603.
- S. 729—To amend the Trading with the Enemy Act so as to extend the time within which claims may be filed for return of any property or interest acquired by the United States on or after December 18, 1941.  
Mr. Butler; Committee on the Judiciary, p. 671:  
Senate Report No. 242, p. 4228.  
Passed Senate amended, p. 4275.
- S. 1017—To amend the Trading with the Enemy Act of 1917, as amended.  
Mr. Magnuson; Committee on the Judiciary, p. 1418.

1. Remarks in Senate on S. 603, p. 11067.  
2. Remarks in Senate on S. 729, p. 4275.
- Allen Property Custodian May Not Recover Interest From Date of Demanding Payment of Debt Owed Allen, *University of Pennsylvania Law Review*, vol. 97, p. 567-568, March 1949.
- Areas Under the Jurisdiction of the United States, *George Washington Law Review*, vol. 17, p. 301-320, April 1949.
- Enforcement of Seizures of Enemy-Owned Property by the Allen Property Custodian—Remedies, *George Washington Law Review*, Vol. 17, p. 292-296, February 1949.
- Judicial Construction of the Trading with the Enemy Act, *Howard Law Review*, vol. 62, p. 721-759, March 1949.
- Seizure of Disputed Enemy Claims by the Allen Property Custodian, *Columbia Law Review*, vol. 49, p. 403-408, March 1949.
- The Supreme Court on Trading with the Enemy, *Phi Delta Delta*, Vol. 27, p. 8-9, Jan., 1949.

*Kochler et al. v. Clark, Attorney General*—Continued

interest to the property vested which would bring him within the purview of Section 9 (a) of the Act. The court had this to say, among other things: The dominant objective of Trading with the Enemy Act is to sequester, under government control the property of alien enemies and their nationals, so that such property may not be employed in the interest of enemy government and against interests of the United States, and to accomplish such objective the Alien Property Custodian can employ summary and drastic procedures under the Act. The court further said that the consequences of an executed vesting order cannot be frustrated by withholding delivery of accused property from custodian. In this particular situation where the mother dies and leaves property to the son, a resident of the United States, as trustee for a daughter in Germany, and a national therefore of Germany, which property is seized or vested by the Alien Property Custodian, that the son and trustee does not have such an interest, right or title in the vested property which would permit him to maintain a suit under 9 (a) of this Act, since his interest, even though he would receive the property eventually, provided the sister and all her heirs were to die, his interest is so remote that the law does not favor contingent remainders.

*Clark, Attorney General of the United States, v. Drano Corporation, Mar. 28, 1949, 83 F. Supp. 128*

Attorney General brought this action to compel defendant to pay over to the Alien Property Custodian royalties accruing in account of an enemy national. The Alien Property Custodian had vested the royalties. The amount accumulated in enemy's account was the amount of \$15,000. Defendant secured a general license to pay withholding taxes of this amount—of \$5,000. The defendant paid over to the Alien Property Custodian \$10,000. The Alien Property Custodian demanded the other \$5,000.

By virtue of the General License, the payment to the Bureau of Revenue constituted a defense to plaintiff's claim in this case.

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1948—Suit by Internationale Industrie- und Handels  
Beteiligungen A. G. against the United States  
for the General Aniline & Film Company stock,  
Mar. 5, 21: 5; Mar. 7, 25: 7; May 20, 43: 4;  
July 10, III, 1: 6; July 20, 39: 4; July 27,  
37: 5; Dec. 25, III, 2: 4.  
Suit by Mrs. E. B. von Stoekelberg for recovery  
of property, Apr. 24, 62: 4.  
Seizure and release of property by Alien Prop-  
erty Custodian, a discussion, Jan. 20, 12: 6.  
Sale of stocks by Alien Property Custodian,  
Jan. 5, 40: 6.

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1949—Continued

S. 1292—To amend section 32 (a) (2) of the Trading with the Enemy Act.

Mr. Green; Committee on the Judiciary, p. 2661:  
(2nd Session—Vol. 96, Cong. Record).  
Senate Report No. 2097, p. 10472.  
Passed Senate, p. 11109.  
House Report No. 3095, p. 14980.  
Passed House amended, p. 15128.  
Senate concurs, p. 15350.  
Approved (Public Law No. 859), p. 15772.

Hearings—House Committee on Interstate and Foreign Commerce on S. 1292.

S. 1837—To amend the Trading with the Enemy Act.

Mr. McCarran; Committee on the Judiciary, p. 6006:  
Senate Report No. 734, p. 9744.  
Objected to, p. 13398, 14725.  
(2nd Session—Vol. 96, Cong. Record).  
Objected to, p. 13308, 14725.  
Passed Senate amended, p. 11952.  
House Report No. 2985, p. 13400.

H. R. 1848—To amend section 32 (a) (2) of the Trading with the Enemy Act.

Mr. Wolverton; Committee on Interstate and Foreign Commerce, p. 540.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 1848.

H. R. 1849—To amend the Trading with the Enemy Act.

Mr. Wolverton; Committee on Interstate and Foreign Commerce, p. 540.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 1849.

H. R. 1889—To amend section 9 (a) of the Trading with the Enemy Act as amended.

Mr. Crosser; Committee on Interstate and Foreign Commerce, p. 664.

H. R. 2780—To amend the Trading with the Enemy Act.

Mr. Crosser; Committee on Interstate and Foreign Commerce, p. 1277.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 2780.

H. R. 4016—Making appropriations for the Departments of State, Justice, Commerce, and the Judiciary for the fiscal year ending June 30, 1950; and for other purposes.

Mr. Rooney; Committee on Appropriations:  
House Report No. 388, p. 3900, 3964.  
Debated, p. 4077, 4080.  
Passed House, p. 4111.  
Senate Report No. 435, p. 7041.  
Debated, p. 7250, 7321, 7329, 7345.  
Passed Senate amended, p. 7353.  
Conference—House Report No. 1068, p. 9506.  
Agreed to, p. 9506, 9533.  
Approved (Public Law No. 179), p. 10094.

Hearings—House and Senate Committees on Appropriations on H. R. 4016.

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Eighty-first Congress—Continued  
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H. R. 4436—To amend the Trading with the Enemy Act of 1917 as amended.  
Mr. Klein: Committee on Interstate and Foreign Commerce, p. 5280.  
H. R. 6000—To amend the Trading with the Enemy Act.  
Mr. Fugate: Committee on Interstate and Foreign Commerce, p. 12104.  
Hearings—House Committee on Interstate and Foreign Commerce on H. R. 6000.  
H. R. 6300—To amend the Trading with the Enemy Act.  
Mr. O'Brien of Michigan: Committee on Interstate and Foreign Commerce, p. 13737.  
Hearings—House Committee on Interstate and Foreign Commerce on H. R. 6300.  
H. R. 6431—To amend the Trading with the Enemy Act.  
Mr. Hale: Committee on Interstate and Foreign Commerce, p. 14029.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 6431.

H. R. 6808—To amend the War Claims Act of 1948, as amended, to extend the time for the filing of the report of the War Claims Commission pursuant to section 8 of such act. (See hearings below.)  
Hearings—House Committee on Interstate and Foreign Commerce on H. R. 6808 (amendments to War Claims Act of 1948 and Trading with the Enemy Act).

L. C. call no. JX 5486 U6A5 1050c.

Second session, Jan. 3, 1950—Jan.  
2, 1951 (page references are  
to vol. 96, Cong. Rec.).

S. 2920—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired by gift, devise, bequest or inheritance from an American citizen.  
Mr. Langer, Mr. O'Connor, Mr. Butler and Mr. Wherry: Committee on the Judiciary, p. 873:  
Senate Report No. 2024, p. 9069.  
Debated, p. 11058.  
Passed Senate, p. 11058.

S. 3901—Amending section 34 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended.  
Mr. Eastland: Committee on the Judiciary, p. 9873:  
Senate Report No. 2051, p. 10357.  
Passed Senate, p. 11067.

S. 4244—To extend to nations with which the United States engages in armed conflict the provisions of the Trading with the Enemy Act.  
Mr. Bricker: Committee on the Judiciary, p. 16382.

H. J. Res. 475—Authorizing the President or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property.  
Mr. Kee: Committee on Foreign Affairs, p. 7291.

Hearings—House Committee on Foreign Affairs on H. J. Res. 475.  
L. C. call no. JX 5313 U6A5 1950c.

1. Remarks on return of property (various bills), p. 937, 11058, 11109, 11052, 12466, 14667, 15126, 15350, 15484, A5182.  
2. Tables: nullification and divesting orders, p. A720-725.

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1950—Suit by Internationale Industrie- und Handels  
Beteiligungen A. G. for General Aniline &  
Film Company stock, Jan. 18, 45: 2; Feb. 5,  
111, 1: 4; Feb. 14, 37: 2; Apr. 1, 21: 7; May 12,  
41: 3; May 25, 45: 5; June 1, 37: 4; Nov. 18,  
55: 1.  
H. I. Baynton appointment as Assistant Attorney  
General attack on role played as Alien Prop-  
erty Custodian, June 17, 3: 1; June 24, 3: 1.  
Recovery of property, Feb. 21, 13: 4.

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Second session, Jan. 3, 1950—  
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H. J. Res. 516—Authorizing the President or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercistodial conflicts involving enemy property.

Mr. Ribicoff: Committee on Foreign Relations, p. 11446:

House Report No. 2770, p. 11343.

Debated, amended and passed the House, p. 12468, 12469.

Senate Report No. 2508, p. 14228.

Objected to, p. 14667.

Passed Senate, p. 15484.

Approved (Public Law No. 857), p. 15790.

H. R. 7001—To amend the War Claims Act of 1948, as amended.

Mr. Miles: Committee on Interstate and Foreign Commerce, p. 1009.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 7001.

H. R. 7002—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return of property which an alien acquired by gift, devise, bequest, or inheritance from an American citizen.

Mr. O'Sullivan: Committee on Interstate and Foreign Commerce, p. 1009.

Hearings—House Committee on Interstate and Foreign Commerce on H. R. 7002.

H. R. 7030—To amend the War Claims Act of 1948, as amended.

Mr. Fernandez: Committee on Interstate and Foreign Commerce, p. 1046.

Hearings—House Committee on Interstate and Foreign Commerce, on H. R. 7030.

H. R. 7786—Making appropriations for the support of the government for the fiscal year ending June 30, 1951, and for other purposes.

Mr. Cannon: Committee on Appropriations:

House Report No. 1797, p. 3745, 3752.

Debated, p. 4614, 4615, 4680, 4643, 4922, 5307, 5384, 5463, 5524, 5621, 5715, 5797, 5910, 6008, 6175, 6284, 6391, 6505, 6570, 6643, 6720, 6725, 6731, 6812.

Passed House amended, p. 6846.

Senate Report No. 1941, p. 9730.

Debated, p. 9870, 9875, 9982, 10000, 10004, 10012, 10048, 10055, 10066, 10071, 10132, 10141, 10154, 10165, 10175, 10361, 10362, 10373, 10381, 10398, 10496, 10507, 10583, 10610, 11173, 11183, 11300, 11307, 11327, 11334, 11360, 11452, 11457, 11460, 11470, 11547, 11553, 11558, 11581, 11586, 11645, 11670, 11688, 11779, 11784, 11786, 11800, 11803.

Passed Senate amended, p. 11822.

Conference—House Report No. 2991, p. 12694.

Agreed to, p. 13458, 13577, 13656.

Approved (Public Law No. 759), p. 14452.

Hearings—House and Senate Committees on Appropriations on H. R. 7786.

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Eighty-second Congress:  
First session, Jan. 3—Oct. 20,  
1951 (Page references are to  
Vol. 97, Cong. Rec.).

H. R. 8998—Amending section 34 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411) as amended.  
Mr. Keogh: Committee on Interstate and Foreign Commerce, p. 9523.  
Hearings—House Committee on Interstate and Foreign Commerce on H. R. 8998.

S. Res. 72—Authorizing a study of the administration of the Trading with the Enemy Act concerning assets of foreign countries.

Mr. Langer: Committee on the Judiciary, p. 1108.  
S. 29—To amend the Trading with the Enemy Act.  
Mr. McCarran: Committee on the Judiciary, p. 86: Senate Report No. 59, p. 707.  
Passed Senate amended, p. 2232.

S. 172—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired by gift, devise, bequest, or inheritance, from an American citizen.

Mr. Langer: Committee on the Judiciary, p. 88: Senate Report No. 572, p. 8700.  
Objected to, p. 9691, 12942.  
(2nd Session—Vol. 98, Daily Cong. Record).  
Objected to, p. 480, 9180.

S. 302—To amend section 32 (a) (2) of the Trading with the Enemy Act.

Mr. Green: Committee on the Judiciary, p. 127: Senate Report No. 503, p. 7784.  
Passed Senate, p. 8642.  
(2nd Session—Vol. 98, Daily Cong. Record).  
House Report No. 1723, 3711.  
Passed House amended, p. 3822.  
Conference—House Report No. 2003, p. 6167.  
Agreed to both Houses, p. 6185, 6237.  
Approved (Public Law No. 378), p. 6791.

S. 885—To amend the Trading with the Enemy Act of 1917, as amended.

Mr. Magnuson: Committee on the Judiciary, p. 1186.

S. 873—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired by gift, trust, annuity, devise, bequest, inheritance, or as beneficiary of any insurance policy from an American citizen or national and to provide that in any present or future conflict similar property be held in trust for such enemy aliens by courts of competent jurisdiction or by an agency of the government appointed by the President subject to the use of the United States for the successful conclusion of hostilities, to be returned to such alien after the end of hostilities under certain conditions set out herein.

Mr. Langer: Committee on the Judiciary, p. 1281.

S. 967—To extend to nations with which the United States engages in armed conflict the provisions of the Trading with the Enemy Act.

Mr. Bricker: Committee on the Judiciary, p. 1419.

1. Confiscation of German property, p. 977, 978, 3633-3640.

2. Halbach—I. G. Farben case, p. 13211, 13352, 13353, 13439.

3. Senator Wiley, statements, p. A6502, A6931.

4. Discrimination against certain individuals, p. 10052.

5. Statements on various bills, p. 1419, 7015, 8642, 9691, 10088, 13409.

6. Investigation of Alien Property Custodian, p. 3653.

7. Administration of Alien Property Custodian, p. 977. Control of Alien Property in Time of War or National Emergency—Avoidance of Vesting under Trading with the Enemy Act, Cornell Law Quarterly, Vol. 37, p. 110-119, Fall 1951.

Confiscation of Alien Enemy Property—Alien Enemy Character of Shinto Shrine in Hawaii, Michigan Law Review, Vol. 49, p. 1241-1244, June 1951.

E. O. 10244—May 17, 1951, property functions of the Secretary of State and the Attorney General concerning intercustodial conflicts.

E. O. 10254—June 15, 1951 transfer of pertinent powers to Philippine Alien Property Administrator, 18 F. R. 5820 (see also E. O. 9789 and 9818).

**INTERNATIONAL RELATIONS**

**CHRONOLOGY OF EVENTS  
(N. Y. Times)**

Treaty of Peace with Japan, Sept. 1951 (U. S. Code,  
Cong. Service, 82d Cong., 1st sess., p. 2730).

1951—Investigation of Alien Property Custodian—  
Senators Wiley and McCarthy urge investiga-  
tion, Nov. 1, 7: 3; Nov. 24, 28: 1; Dec. 15, 8: 2;  
Dec. 8, 5: 1; the Grunewald connection, Dec.  
16, 77: 1; Dec. 21, 15: 1; Dec. 25, 1: 7; Dec.  
28, 8: 2; Dec. 29, 6: 6; Fees, etc., paid various  
individuals, Dec. 22, 21: 1; Dec. 11, 27: 4; Dec.  
19, 3: 5; Dec. 8, 5: 1; Dec. 9, III, 3: 3; Dec. 15,  
8: 2; Dec. 22, 21: 1; Dec. 19, 3: 5; Dec. 19, 3: 6.  
Property, seizure and return: Uebersee Finanz  
Korp., Oct. 16, 51: 2; General Aulline and Film  
Company, Mar. 30, 37: 5; Oct. 10, 35: 3.

Eighty-second Congress—Continued  
First session, Jan. 8—Oct. 20,  
1951—Continued

- S. 1748—To amend section 32 of the Trading with the Enemy Act, as amended, with reference to the designation of organizations as successors in interest to deceased persons.  
Mr. O'Connor and Mr. Taft: Committee on the Judiciary, p. 7015.  
Senate Report No. 600, p. 9115.  
Objected to, p. 9699, 10688, 12942.  
(2d Session—Vol. 98, Daily Cong. Record.)  
Objected to, p. 481, 9180.
- S. 1960—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired while a bona fide resident of the United States.  
Mr. Langer: Committee on the Judiciary, p. 9468.
- S. 2023—To amend section 32 of the Trading with the Enemy Act to provide for judicial reviews.  
Mr. Wiley: Committee on the Judiciary, p. 10302.
- S. 2295—To amend the Trading with the Enemy Act, as amended.  
Mr. Langer: Committee on the Judiciary, p. 13409.
- S. 2339—Amending section 34 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended.  
Mr. Magnuson: Committee on the Judiciary, p. 13857.
- H. J. Res. 289—To terminate the State of War between the United States and the government of Germany.  
Mr. Richards: Committee on Foreign Affairs, p. 8111.  
House Report No. 706, p. 8419.  
Debated and passed House, p. 9036, 9038.  
Senate Report No. 892, p. 12736.  
Objected to, p. 12960.  
Passed Senate, p. 13438.  
Approved (Public Law No. 181), p. 13785.
- H. R. 133—Amending section 34 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended.  
Mr. Keogh: Committee on Interstate and Foreign Commerce, p. 25.
- H. R. 1620—To amend the Trading with the Enemy Act, as amended.  
Mr. Keogh: Committee on Interstate and Foreign Commerce, p. 434.
- H. R. 2100—To amend the Trading with the Enemy Act to provide for judicial review.  
Mr. O'Hara: Committee on Interstate and Foreign Commerce, p. 698.
- H. R. 2263—Amending section 34 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended.  
Mr. McGuire: Committee on Interstate and Foreign Commerce, p. 841.
- H. R. 2264—To amend section 32 of the Trading with the Enemy Act to provide for judicial review.  
Mr. McGuire: Committee on Interstate and Foreign Commerce, p. 841.

Eighty-second Congress—Continued  
First session, Jan. 3—Oct. 20,  
1951—Continued

- H. R. 2556—To amend the Trading with the Enemy Act, as amended.  
Mr. Gwinn: Committee on Interstate and Foreign Commerce, p. 1246.
- H. R. 2656—To amend section 32 (a) (2) of the Trading with the Enemy Act.  
Mr. McGuire: Committee on Interstate and Foreign Commerce, p. 1276.
- H. R. 2758—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired by gift, trust, annuity, devise, bequest, inheritance, or as beneficiary of any insurance policy from an American citizen or national and to provide that in any present or future conflict similar property be held in trust for such alien enemy by courts of competent jurisdiction or by an agency of the government appointed by the President, subject to the use of the United States government for the successful conclusion of hostilities, to be returned to such alien after the end of hostilities under certain conditions as set out herein.  
Mr. Buffett: Committee on Interstate and Foreign Commerce, p. 1382.
- H. R. 4234—To amend the Trading with the Enemy Act.  
Mr. Fugate: Committee on Interstate and Foreign Commerce, p. 5768.
- H. R. 4234—Amending section 34 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended.  
Mr. Keogh: Committee on Interstate and Foreign Commerce, p. 5912.
- H. R. 4611—To amend the Trading with the Enemy Act to extend the time for filing claims in the case of certain Italians.  
Mr. Havenner: Committee on Interstate and Foreign Commerce, p. 7185.
- H. R. 4740—Making appropriations for the Departments of State, Justice, Commerce, and the Judiciary for the fiscal year ending June 30, 1952, and for other purposes.  
Mr. Rooney: Committee on Appropriations:  
House Report No. 685, p. 7871, 7930.  
Debated, p. 8674, 8682, 8743, 8677, 8943.  
Passed House, p. 8984.  
Senate Report No. 697, p. 10411.  
Debated, p. 10617, 10642, 10644, 10651, 10657, 10693, 10695, 10699.  
Passed Senate, p. 10661.  
Conference—House Report No. 1123, p. 12963.  
Agreed to, p. 12983, 13074, 13082.  
Approved (Public Law No. 18), p. 13785.  
Hearings—House and Senate Committee on Appropriations on H. R. 4740.

Eighty-second Congress—Continued  
First session, Jan. 3—Oct. 20,  
1951—Continued

H. R. 5171—To authorize the return to the estate of certain decedents of property and interests devised or bequeathed to or inherited by certain persons ineligible for return thereof under the Trading with the Enemy Act, and for other purposes.

Mr. Reams: Committee on Interstate and Foreign Commerce, p. 10101.

H. R. 5249—To amend the Trading with the Enemy Act.

Mr. Herter: Committee on Interstate and Foreign Commerce, p. 10419.

H. R. 5487—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired by gift, devise, bequest or inheritance from an American citizen.

Mr. Klein: Committee on Interstate and Foreign Commerce, p. 12093.

H. R. 5678—To revise the laws relating to immigration, naturalization and nationality, and for other purposes.

Mr. Walter: Committee on the Judiciary, p. 12376  
(2nd Session—Vol. 98, Daily Cong Record):

House Report No. 1365, p. 1070.

Debated, p. 4367, 4466, 4490.

Passed House amended, p. 4510.

Ordered placed on Senate Calendar, p. 4562.

Objected to, p. 4736.

Passed Senate amended (in lieu of S. 2550),  
p. 5331.

Conference—House Report No. 2006, p. 6990.

Agreed to both Houses, p. 7109, 7163.

Vetoed (House Doc. 520), p. 8225.

Passed over veto, p. 8357, 8461.

H. R. 5789—To amend the Trading with the Enemy Act, as amended.

Mr. Hart: Committee on Interstate and Foreign Commerce, p. 13488.

Second session, Jan. 8—Aug. 18,  
1952 (page references are to  
vol. 98, Daily Cong. Rec.).

S. Res. 245—To investigate the administration of the Trading with the Enemy Act since December 18, 1941.

Mr. Wiley, Mr. Kem, Mr. Jenner, Mr. Nixon, and Mr. Ferguson: Committee on the Judiciary, p. 63:

Senate Report No. 1135, p. 518.

Referred to Committee on Rules and Administration, p. 516.

Senate Report No. 1294, p. 2168.

Passed Senate amended, p. 2786.

S. 2544—To amend section 32 of the Trading with the Enemy Act to provide for judicial relief.

Mr. McCarran: Committee on the Judiciary, p. 568:

Senate Report No. 1235, p. 1720.

Passed Senate, p. 2781.

1. History of Office of Alien Property Custodian, 1917 to 1927, p. A194.
2. Remarks on investigation of Alien Property Custodian, p. 63, 64, A329, A472.
3. Summary of operation by Alien Property Custodian, p. A191, A193.
4. Articles "Alien Property Maladministration", p. 66 "Proposed Investigation", p. A197, A192.
5. Memorandum on Alien Property Custodian, p. 570.
6. Remarks on S. 2544 to return property, p. 2781.
7. Articles on Russian trade, p. A2268.
8. Remarks on S. 302, p. 3822, 5225, 6185.
9. Remarks on the sale of the Schering Corporation, p. 4388.
10. Department of Justice—correspondence on Alien Property, p. A3878, A3879.
11. Remarks on S. 172, p. 9180.

*Gusselidt v. McGrath*, Jan. 28, 1952, 348 U. S. 308, 810

Summary of Decision: After living continuously in Hawaii for forty-two years, a German citizen, while with his family in Germany for a vacation at the outbreak of World War II, was involuntarily detained there until July 1949, when he returned to the United States. In the meantime his property had been seized and vested by order of the Alien Property Custodian.

In an action to recover this property two issues were presented: (1) whether, at the time of seizure, he was "resident" within Germany within the meaning of 2 (a) of the Trading with the Enemy Act, which defines as "enemy" any person "resident within" enemy territory, and of 9 (a), which authorizes "any person not an enemy claiming title to vested property to institute a suit to establish his title; and (2) whether, even if he was entitled to bring suit under 9 (a), he was precluded from recovery by an amendment of the act, section 7, which prohibited the restoration of vested property to "any national" of Germany. Both issues were resolved in respondent's favor by the Supreme Court reversing the lower court granting of a motion

1952—Copyrights, July 6, II, 5:7.

Internationale Industrie- und Handels Belegungen A. G. suit for control of General Aniline and Film Company, Apr. 8, 41:8; May 27, 41:4.

Investigation of Alien Property Custodian, Jan. 2, 9:1; Jan. 5, 3:7; Jan. 6, 22:1; Jan. 11, 10:3; Jan. 13, 75:4; Jan. 13, IV, 4:7; Jan. 29, 7:2; Senate approves funds for probe, Mar. 25, 28:3; Apr. 8, 24:1; Apr. 27, 82:4; July 3, 3:8.

Resignation of Assistant Attorney General Baynton and appointment of Dr. R. F. Kirks as acting Director, Alien Property Office, June 15, 1:4; June 20, 32:2.

Schering Corporation, Jan. 19, 21:6; Feb. 1, 31:4; Mar. 8, 20:4; Mar. 14, 40:4.

Seized property: *United States v. Cities Service Company* suit, Jan. 29, 31:4; Jan. 12, 20:2; Feb. 1, 31:5; Feb. 16, 20:1; Uebersee Finanz-Korp., Apr. 8, 41:8; May 11, III, 1:8; May 15, 47:4; June 27, 34:5; July 8, 39:4; July 24, 35:4.

## CONGRESS

BILLS, RESOLUTIONS AND LAWS  
(with actions indicated)CONGRESSIONAL RECORD AND LAW REVIEW  
ARTICLES

## PRESIDENTIAL EXECUTIVE ORDERS

## LEADING CASES IN THE COURTS

Eighty-second Congress—Continued  
Second session, Jan. 8—Aug. 18,  
1952—Continued

S. 3080—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of amounts payable to aliens under trust funds created by American citizens.

Mr. Bennett and Mr. Watkins: Committee on the Judiciary, p. 4610.

S. 3484—To amend the Trading with the Enemy Act, as amended, and for other purposes.

Mr. Neely: Committee on the Judiciary, p. 6391.

H. R. 6039—To amend the Trading with the Enemy Act so as to prohibit the shipment of money and medicine to persons in Iron-curtain countries.

Mr. Heller: Committee on Interstate and Foreign Commerce, p. 217.

H. R. 7289—Making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1953 and for other purposes.

Mr. Rooney: Committee on Appropriations:

House Report No. 1665, p. 3189, 3177.

Debated, p. 3447, 3448, 3551.

Passed House amended, p. 3610.

Senate Report No. 1807, p. 8026.

Debated, p. 8140, 8239, 8242.

Passed Senate amended, p. 8268.

Conference—House Report No. 2454, recommended, p. 9332, 9334, 9340.

Conference—House Report No. 2493, 9498.

Agreed to, p. 9498, 9622.

Approved (Public Law No. 495), p. A4943.

Hearings—House and Senate Committees on Appropriations on H. R. 7289.

H. R. 7613—To amend section 32 of the Trading with the Enemy Act of 1917, as amended, so as to permit the return under such section of amounts payable to aliens under trust funds created by American citizens.

Mr. Hinshaw: Committee on Interstate and Foreign Commerce, p. 4557.

H. R. 8502—To amend section 34 of the Trading with the Enemy Act, so as to prevent allowance or payment of certain debt claims based upon bonds of Germany, Japan, Bulgaria, Hungary, Rumania or Italy, and for other purposes.

Mr. Flood: Committee on Interstate and Foreign Commerce, p. 8386.

H. R. 8503—To amend section 32 of the Trading with the Enemy Act, so as to permit the return of property to nationals of Germany or Japan, or their successors in interest.

Mr. Flood: Committee on Interstate and Foreign Commerce, p. 8386.

H. R. 8504—To amend section 32 of the Trading with the Enemy Act, so as to permit the return under such section of certain property owned by an alien individual.

Mr. Flood: Committee on Interstate and Foreign Commerce, p. 8386.

*Guessefeldt v. McGrath*, Jan. 28, 1952, 348 U. S. 308,  
310—Continued

to diamias, which decision was affirmed by Circuit Court of Appeals.

As regards the first issue, the Court's opinion, written by FRANKFURTER, J., pointed out that the term "resident within" enemy territory, though not the equivalent of domicile, implies something more than mere physical presence.

As regards the second issue, five members of the Court interpreted the prohibition of 39, notwithstanding its reference to "any national" of Germany, as not including a German national who was not an "enemy" within the meaning of 2 (a), expressing the view that 39 deals with property not otherwise subject to return and does not change the existing scope of 9 (a).

*Kaufman v. Societe Internationale, et al.*, Apr. 7, 1952,  
343 U. S. 156

This is a petition by Kaufman to intervene in the suit maintained by Interhandel (General Aniline & Film Corporation) against the Government.

Summary of Decision: Nonenemy stockholders of a corporation organized under the laws of a neutral or friendly country but enemy-dominated, whose assets in the United States have been seized by the Alien Property Custodian, were held by the Court to have an interest therein for the protection of which they may intervene in a suit by the corporation for the return of such assets.

*Uebersee Finanz-Korporation, A. G. v. McGrath*, Apr. 7, 1952, 343 U. S. 205

Summary of Decision: A corporation organized under the laws of a neutral country, was held by the Court not to be entitled to the return of assets vested in the Alien Property Custodian under the Trading with the Enemy Act as amended, where although legal title to 97 per cent of its stock was held by one not an alien enemy national, an enemy national was usufructuary of the income thereof to the extent of 80 per cent and, through the holder of the legal title, who was his son, controlled its operations.

The judgment below was vacated to permit the district court to consider what rights the son might have in virtue of his nonenemy status.

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