

Executive Documents

TRANSFER OF FUNCTIONS

Functions vested by law in Alien Property Custodian and Office of Alien Property Custodian transferred to Attorney General by Reorg. Plan No. 1 of 1947, § 101, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 951, set out in the Appendix to Title 5, Government Organization and Employees.

§ 4327. Attachment or garnishment of funds or property held by Custodian

Any money or other property returnable under subsection (b) or (n) of section 4309 of this title shall, at any time prior to such return, be subject to attachment in accordance with the provisions of the code of law for the District of Columbia, as amended, relating to attachments in suits at law and to attachments for the enforcement of judgments at law and decrees in equity, but any writ of attachment or garnishment issuing in any such suit, or for the enforcement of any judgment or decree, shall be served only upon the Alien Property Custodian, who shall for the purposes of this section be considered as holding credits in favor of the person entitled to such return to the extent of the value of the money or other property so returnable. Nothing in this section shall be construed as authorizing the taking of actual possession, by any officer of any court, of any money or other property held by the Alien Property Custodian or by the Treasurer of the United States.

(Oct. 6, 1917, ch. 106, § 30, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 275.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 30 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

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§ 4328. "Member of the former ruling family" defined

As used in this chapter, the term "member of the former ruling family" means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person.

(Oct. 6, 1917, ch. 106, § 31, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 275.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act Oct. 6, 1917, ch. 106, 40 Stat. 411, known as the Trading with the enemy Act, also known as the Trading with the Enemy Act, which is classified principally to this chapter. For complete

classification of this Act to the Code, see section 4301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 31 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4329. Return of property**(a) Conditions precedent**

The President, or such officer or agency as he may designate, may return any property or interest vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the net proceeds thereof, whenever the President or such officer or agency shall determine—

(1) that the person who has filed a notice of claim for return, in such form as the President or such officer or agency may prescribe, was the owner of such property or interest immediately prior to its vesting in or transfer to the Alien Property Custodian, or is the legal representative (whether or not appointed by a court in the United States), or successor in interest by inheritance, devise, bequest, or operation of law, of such owner; and

(2) that such owner, and legal representative or successor in interest, if any, are not—

(A) the Government of Germany, Japan, Bulgaria, Hungary, or Rumania; or

(B) a corporation or association organized

under the laws of such nation: *Provided*, That

any property or interest or proceeds which,

but for the provisions of this subdivision (B),

might be returned under this section to any

such corporation or association, may be re-

turned to the owner or owners of all the

stock of such corporation or of all the pro-

prietary and beneficial interest in such asso-

ciation, if their ownership of such stock or

proprietary and beneficial interest existed

immediately prior to vesting in or transfer

to the Alien Property Custodian and con-

tinuously thereafter to the date of such re-

turn (without regard to purported divest-

ments or limitations of such ownership by

any government referred to in subdivision

(A) hereof) and if such ownership was by one

or more citizens of the United States or by

one or more corporations organized under

the laws of the United States or any State,

Territory, or possession thereof, or the Dis-

trict of Columbia: *Provided further*, That

such owner or owners shall succeed to those

obligations limited in aggregate amount to

the value of such property or interest or pro-

ceeds, which are lawfully assertible against

the corporation or association by persons

not ineligible to receive a return under this

section; or

(C) an individual voluntarily resident at

any time since December 7, 1941, within the

territory of such nation, other than a citizen

of the United States or a diplomatic or con-

sular officer of Italy or of any nation with

which the United States has not at any time

since December 7, 1941, been at war: *Provided*,

That an individual who, while in the terri-

tory of a nation with which the United