RECLASSIFIED BY AUTH SEC 3(E) AND 3(B) OR (E) NARA 773 072

GHQ/SCAP Records(RG 331)
Description of contents

THE
NATIONAL ARCHIVES
OF THE
UNITED STATES

(1) Box no. 2188

(2) Folder title/number: (19)
German Assets

(3) Date: Nov. 1951 - Apr. 1952

(4) Subject:

Classification	Type of record
580.2	a, c, d

(5) Item description and comment:

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

DECLASSIFIED DOS/INR 11652 SEC. 3(E) AND 3(D) OR (E) NNDC # 775-072

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 386.7 ( )GS

The Secretary-General
Inter-Allied Reparations Agency
Brussels, Belgium

Dear Sir:

Effective with the ratification of the Peace Treaty with Japan, the Supreme Commander for the Allied Powers will relinquish his trusteeship for France, the United Kingdom and the United States for German assets in Japan.

It is requested that the Inter-Allied Reparations Agency address all future communications with regard to proceeds derived from the liquidation of German property in Japan to the Tri-Partite Commission, c/o Ministry of Finance Annex, 2 Honshio-cho, Shinjuku-ku, Tokyo, Japan.

It is also requested that the beneficiary governments who have not yet applied for allocations made by the Inter-Allied Reparations Agency be advised to address their communications to the Tri-Partite Commission after the Peace Treaty comes into effect.

Sincerely yours,

Copies furnished:
TRIPAC members

MEMO FOR RECORD:

FR/HS/RCF/rh

Self-explanatory.

F.R.

GS files

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 386.7 ( )GS

The Secretary-General
Inter-Allied Reparations Agency
Brussels, Belgium

Sir:

Effective with the ratification of the Peace Treaty with Japan, the Supreme Commander for the Allied Powers will relinquish his trusteeship for France, the United Kingdom and the United States for German assets in Japan.

It is requested that the Inter-Allied Reparations Agency address all future communications with regard to proceeds derived from the liquidation of German property in Japan to The Tri-Partite Commission, c/o Ministry of Finance Annex, 2 Hanshio-cho, Shinjuku-ku, Tokyo, Japan.

It is also requested that the beneficiary governments who have not yet applied for allocations made by the Inter-Allied Reparations Agency be advised to address their communications to the Tri-Partite Commission after the Peace Treaty comes into effect.

Sincerely yours,

Copies furnished:
TRIPAC members

MEMO FOR RECORD:

Self-explanatory

FR/[illegible]/HFC/rh

F. R.

Govt Sec files

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

14 APR 1952

Mr. George A. Furness
403 San Shin Building
Tokyo, Japan

Dear Mr. Furness:

Reference is made to your letter of 23 January 1952 concerning the estate of the late Hermann Bosch.

You are advised that as a result of consideration of the humanitarian aspects of the disposition of the estate of Hermann Bosch the Tri-Power Advisory Commission recommended, and the Supreme Commander for the Allied Powers approved, posthumous reclassification of Hermann Bosch from "objectionable" to "non-objectionable". Had such action been taken prior to the repatriation of Bosch, a repatriation order would not have been issued.

The repatriation order was based on Bosch's classification at the time, and hence remains valid. You are advised, however, that upon receipt from the attorneys representing the estate, a full release from any possibility of claim against the Supreme Commander, this headquarters is prepared to furnish you notification of cancellation of the repatriation order.

Very truly yours,

LLOYD R. STEWART
Major, AGC
Asst Adjutant General

DISTRIBUTED
14 APR 1952
CIC-FEC
AGO

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
TRI-POWER ADVISORY COMMITTEE

HS/dh
28 March 1952

334 (28 March 1952)TRIPAC

MEMORANDUM FOR: The Chief of the French Mission in Japan
The Head of the United Kingdom Liaison Mission in Japan (In Turn)
" "
The United States Political Adviser for Japan

SUBJECT: Claims for Release of Bonds

1. Attached herewith is a claim for the release of:

Bonds - £3,000, 4% Japanese Loan of 1910

2. Because of the voluminous papers attached, this communication is being addressed to each of the TRIPAC Members in turn, so that each will have an opportunity to study the evidence in support of the claim.

3. The records indicate that said bonds were received by the Supreme Commander for the Allied Powers from the Office of the United States High Commissioner for Germany and are now in the custody of the Japanese Government.

4. This item will be put on the agenda for discussion at the meeting scheduled for 3 April 1952.

1 Incl
Claim for Rel
of Bonds

HOWARD STAUB
Chairman

GS (German Assets Br.)

FOR REGISTRY PURPOSES UNDER 3(2) AND 3(B) OR (C) NNDG # 775 072

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

FR/HS/MLT/dh

AG 095 (1 Feb 52)GS

28 MAR 1952

Electric & Musical Industries Limited
Blyth Road
Hayes, Middlesex

Dear Sirs:

Reference is made to your letter 1 February 1952, file A.5/1/AP1/KMG, regarding possible transfer of certain funds of your subsidiary corporations in the Special Property Administration Account and the Custody Account for the Supreme Commander for the Allied Powers in the Bank of Japan to your credit in the Hongkong & Shanghai Banking Corporation.

It is suggested that you write direct to the Bank of Japan concerning the transfer of the deposits of Columbia Graphophone Co. and The Gramophone Company.

The assets of The Parlophone Company in Japan have been vested by France, United Kingdom and the United States, for whom the Supreme Commander for the Allied Powers is Trustee, under Article III, Allied Control Authority, Control Council, Law No. 5, 30 October 1945 which reads as follows:

> "All rights, titles and interests in respect of any property outside Germany which is owned or controlled by any..... legal entity organized under the laws of Germany or having its principal place of business in Germany are hereby vested in the Commission."

France, United Kingdom and the United States are the successors in interest to the German External Property Commission which is referred to as the Commission in the paragraph above.

If, however, your Company has any interest in The Parlophone Company of Germany, it is requested that such evidence be forwarded without delay to the Tri-Power Advisory Committee, No. 2, Honshi-cho, Shinjuku-Ku, Tokyo, Japan, which is acting for and on behalf of the Supreme Commander for the Allied Powers in connection with the administration of this property, for reconsideration of its action.

With reference to Carl Lindstrom A. G. assets in Japan, you are advised that the following action has been taken:

"(1) All rights, titles and interests including trade-marks belonging to Carl Lindstrom A. G. in Japan, with the exception of pressing fees and artist royalties up to and including the date, 30 September 1951, should be divested and

28 MAR 1952
CMO-FEC
AGO
2

GS Comeback (German Assets)

"(2) All pressing fees and artist royalties accrued to the account of Carl Lindstrom A.G. up to and including the date, 30 September 1951, should be considered as vested and collected and deposited to the account of the Three Powers."

In accordance with the foregoing decision, funds of Carl Lindstrom A. G. in the Custody Account for the Supreme Commander for the Allied Powers were transferred to the credit of the Three Powers and a settlement made with Nippon Columbia, Ltd., as of 30 September 1951. Nippon Columbia, Ltd., was also advised that all obligations accruing to the credit of Carl Lindstrom A. G. on and after 30 September 1951 were to be paid directly to Carl Lindstrom A. G. The trade-marks will be disposed of pursuant to the terms of a memorandum to the Japanese Government, a copy of which is inclosed for your information.

The above disposition of assets of Carl Lindstrom A. G. was recommended by the United Kingdom representative of the Tri-Power Advisory Committee after referring the question to his Government.

Sincerely yours,

1 Incl
Cy of SCAPIN 7497/A

C. C. B. WARDEN
Colonel, AGC
Adjutant General

PERTAINS TO: Ltr to Electric & Musical Industries Ltd., file AG 095, from GHQ, SCAP

MLC
MLT/dh
25 March 1952

MEMO FOR RECORD:

1. Ltr, 1 Feb 52, fr EMI, Ltd., acknowledges receipt of ltr fr GHQ, SCAP advising of transfer of funds fr SCAP Custody Acct and requests info regarding possible transfer of additional deposits credited to the accounts of its subsidiaries, The Parlophone Company and Carl Lindstrom A. G. of Germany, and Columbia Graphophone Co. and The Gramophone Company of England.

2. Ltr, 28 Apr 50, fr GHQ, SCAP to EMI, Ltd., Shanghai, requested information regarding the ownership of the German companies. Follow-up ltr was written at a later date but no reply has been received. Ltr, 1 Feb 52 indicates that above letters were received by EMI. Since assets of The Parlophone Co. amounted to only ¥14,000.00, the funds were vested and deposited in the Tri-partite Trustee Account. Ltr to HICOG and reply thereto regarding stock ownership of Carl Lindstrom A. G. disclosed that EMI owned about 96% of the stock and the remaining 4% was owned by Germans. The matter of vesting the "objectionable" German interest in the corp. was referred to TRIPAC. The British member of TRIPAC, after referring the matter to his government, recommended and TRIPAC approved, at its meeting 28 Aug 51, the divesting of the assets of Carl Lindstrom A. G. in Japan, with exception of accrued royalties for pressing fees and artists fees up to 30 Sep 51 due from Nippon Columbia, Ltd. Settlement was made with Nippon Columbia, Ltd., which was then advised to pay future royalties directly to Carl Lindstrom A. G.

3. Ltr to EMI, Ltd., requests that Bank of Japan be contacted concerning transfers of funds in SPAA account; states that the assets of The Parlophone Co. have been vested in the Three Powers and also states the terms of settlement regarding the assets of Carl Lindstrom A. G. in Japan.

4. Authority: Radio WX 86033, 28 Apr 46, and TRIPAC MI 47, 30 Aug 51, containing approval of SCAP.

5. This is an administrative matter.

6. Concurrence: None required.

7. Initiates and completes action on Line No. _____.

F.R._____26-6238

DECLASSIFIED E.O. 12032 SEC. 3(E) AND 3(D) OR (E) NNDC # 775 072

PERTAINS TO: Ltr to Electric & Musical Industries Ltd., file AG 095, from GHQ, SCAP

MLC
/MLR/dh
26 March 1952

MEMO FOR RECORD:

1. Ltr, 1 Feb 52, fr EMI, Ltd., acknowledges receipt of ltr fr GHQ, SCAP advising of transfer of funds fr SCAP Custody Acct and requests info regarding possible transfer of additional deposits credited to the accounts of its subsidiaries, The Parlophone Company and Carl Lindstrom A. G. of Germany, and Columbia Graphophone Co. and The Gramophone Company of England.

2. Ltr, 28 Apr 50, fr GHQ, SCAP to EMI, Ltd., Shanghai, requested information regarding the ownership of the German companies. Follow-up ltr was written at a later date but no reply has been received. Ltr, 1 Feb 52 indicates that above letters were received by EMI. Since assets of The Parlophone Co. amounted to only ¥14,000.00, the funds were vested and deposited in the Tri-partite Trustee Account. Ltr to HICOG and reply thereto regarding stock ownership of Carl Lindstrom A. G. disclosed that EMI owned about 96% of the stock and the remaining 4% was owned by Germans. The matter of vesting the "objectionable" German interest in the corp. was referred to TRIPAC. The British member of TRIPAC, after referring the matter to his government, recommended and TRIPAC approved, at its meeting 28 Aug 51, the divesting of the assets of Carl Lindstrom A. G. in Japan, with exception of accrued royalties for pressing fees and artists fees up to 30 Sep 51 due from Nippon Columbia, Ltd. Settlement was made with Nippon Columbia, Ltd., which was then advised to pay future royalties directly to Carl Lindstrom A. G.

3. Ltr to EMI, Ltd., requests that Bank of Japan be contacted concerning transfers of funds in SPAA account; states that the assets of The Parlophone Co. have been vested in the Three Powers and also states the terms of settlement regarding the assets of Carl Lindstrom A. G. in Japan.

4. Authority: Radio WX 86033, 28 Apr 46, and TRIPAC MI 47, 30 Aug 51, containing approval of SCAP.

5. This is an administrative matter.

6. Concurrence: None required.

7. Initiates and completes action on Line No. _____.

F.R. _____ 26-6258

ENCLOSURE(S) UNDER 3(E) AND 3(D) OR (E) NNDD # 773 072

C O P Y

ELECTRIC & MUSICAL INDUSTRIES LIMITED
Blyth Road,
Hayes,
Middlesex.

1st February 1952.

General Headquarters,
Supreme Commander for the Allied Powers,
APO 500.

For the attention of Major A. M. Webster, Asst. Adjutant General.

Dear Sirs,

We thank you for your letter dated 5th January informing us that the sum of Yen 979,283.43 has been transferred from the S.C.A.P. Custody Account to our "A" Account in the Hongkong & Shanghai Banking Corporation, being deposits made for the credit of our subsidiaries by Nippon Columbia Limited.

We refer to your letter dated 28th April, 1950, addressed to us at Singapore for the attention of our Mr. G. J. Manning, in which you confirm deposits held in the S.C.A.P. Custody Account and the Special Property Administration Account, made in our favour by Nippon Columbia Limited. This shows that the following deposits are still held by you and we wish to know if it is possible for these to be also transferred to our account in the Hongkong and Shanghai Banking Corporation.

	Special Property Administration Account Yen	S.C.A.P. Custody Account Yen
Columbia Graphophone Co.	234,008.68	
The Gramophone Company	70.00	
The Parlophone Company	14,167.49	739.34
Carl Lindstorm A.G.		246,698.14

Yours faithfully,
ELECTRIC & MUSICAL INDUSTRIES LIMITED.

/s/ for R Dawes
Group Accountant.

C O P Y

FR/HS/MLT/dh

AG 095 (1 Feb 52)GS

Electric & Musical Industries Limited
Blyth Road
Hayes, Middlesex

Dear Sirs:

Reference is made to your letter 1 February 1952, file A.5/1/APL/RMG, regarding possible transfer of certain funds of your subsidiary corporations in the Special Property Administration Account and the Custody Account for the Supreme Commander for the Allied Powers in the Bank of Japan to your credit in the Hongkong & Shanghai Banking Corporation.

It is suggested that you write direct to the Bank of Japan concerning the transfer of the deposits of Columbia Graphophone Co. and The Gramophone Company.

The assets of The Parlophone Company in Japan have been vested by France, United Kingdom and the United States, for whom the Supreme Commander for the Allied Powers is Trustee, under Article III, Allied Control Authority, Control Council, Law No. 5, 30 October 1945 which reads as follows:

> "All rights, titles and interests in respect of any property outside Germany which is owned or controlled by any..... legal entity organized under the laws of Germany or having its principal place of business in Germany are hereby vested in the Commission."

France, United Kingdom and the United States are the successors in interest to the German External Property Commission which is referred to as the Commission in the paragraph above.

If, however, your Company has any interest in The Parlophone Company of Germany, it is requested that such evidence be forwarded without delay to the Tri-Power Advisory Committee, No. 2, Nonshi-cho, Shinjuku-Ku, Tokyo, Japan, which is acting for and on behalf of the Supreme Commander for the Allied Powers in connection with the administration of this property, for reconsideration of its action.

With reference to Carl Lindstrom A. G. assets in Japan, you are advised that the following action has been taken:

"(1) All rights, titles and interests including trade-marks belonging to Carl Lindstrom A. G. in Japan, with the exception of pressing fees and artist royalties up to and including the date, 30 September 1951, should be divested and

GS File copy

"(2) All pressing fees and artist royalties accrued to the account of Carl Lindstrom A.G. up to and including the date, 30 September 1951, should be considered as vested and collected and deposited to the account of the Three Powers."

In accordance with the foregoing decision, funds of Carl Lindstrom A. G. in the Custody Account for the Supreme Commander for the Allied Powers were transferred to the credit of the Three Powers and a settlement made with Nippon Columbia, Ltd., as of 30 September 1951. Nippon Columbia, Ltd., was also advised that all obligations according to the credit of Carl Lindstrom A. G. on and after 30 September 1951 were to be paid directly to Carl Lindstrom A. G. The trade-marks will be disposed of pursuant to the terms of a memorandum to the Japanese Government, a copy of which is inclosed for your information.

The above disposition of assets of Carl Lindstrom A. G. was recommended by the United Kingdom representative of the Tri-Power Advisory Committee after referring the question to his Government.

Sincerely yours,

1 Incl
Cy of SCAPIN 7497/A

PERTAINS TO: Ltr to Electric & Musical Industries Ltd., file AG 095, from GHQ, SCAP

MLC
[illegible]/MLR/dh
25 March 1952

MEMO FOR RECORD:

1. Ltr, 1 Feb 52, fr EMI, Ltd., acknowledges receipt of ltr fr GHQ, SCAP advising of transfer of funds fr SCAP Custody Acct and requests info regarding possible transfer of additional deposits credited to the accounts of its subsidiaries, The Parlophone Company and Carl Lindstrom A. G. of Germany, and Columbia Graphophone Co. and The Gramophone Company of England.

2. Ltr, 28 Apr 50, fr GHQ, SCAP to EMI, Ltd., Shanghai, requested information regarding the ownership of the German companies. Follow-up ltr was written at a later date but no reply has been received. Ltr, 1 Feb 52 indicates that above letters were received by EMI. Since assets of The Parlophone Co. amounted to only ¥14,000.00, the funds were vested and deposited in the Tri-partite Trustee Account. Ltr to HICOG and reply thereto regarding stock ownership of Carl Lindstrom A. G. disclosed that EMI owned about 96% of the stock and the remaining 4% was owned by Germans. The matter of vesting the "objectionable" German interest in the corp. was referred to TRIPAC. The British member of TRIPAC, after referring the matter to his government, recommended and TRIPAC approved, at its meeting 28 Aug 51, the divesting of the assets of Carl Lindstrom A. G. in Japan, with exception of accrued royalties for pressing fees and artists fees up to 30 Sep 51 due from Nippon Columbia, Ltd. Settlement was made with Nippon Columbia, Ltd., which was then advised to pay future royalties directly to Carl Lindstrom A. G.

3. Ltr to EMI, Ltd., requests that Bank of Japan be contacted concerning transfers of funds in SPAA account; states that the assets of The Parlophone Co. have been vested in the Three Powers and also states the terms of settlement regarding the assets of Carl Lindstrom A. G. in Japan.

4. Authority: Radio WX 86033, 28 Apr 46, and TRIPAC MI 47, 30 Aug 51, containing approval of SCAP.

5. This is an administrative matter.

6. Concurrence: None required.

7. Initiates and completes action on Line No. _____.

F.R._____26-6258

COPY

ELECTRIC & MUSICAL INDUSTRIES LIMITED
Blyth Road,
Hayes,
Middlesex.

1st February 1952.

General Headquarters,
Supreme Commander for the Allied Powers,
APO 500.

For the attention of Major A. M. Webster, Asst. Adjutant General.

Dear Sirs,

We thank you for your letter dated 5th January informing us that the sum of Yen 979,283.43 has been transferred from the S.C.A.P. Custody Account to our "A" Account in the Hongkong & Shanghai Banking Corporation, being deposits made for the credit of our subsidiaries by Nippon Columbia Limited.

We refer to your letter dated 28th April, 1950, addressed to us at Singapore for the attention of our Mr. G. J. Manning, in which you confirm deposits held in the S.C.A.P. Custody Account and the Special Property Administration Account, made in our favour by Nippon Columbia Limited. This shows that the following deposits are still held by you and we wish to know if it is possible for these to be also transferred to our account in the Hongkong and Shanghai Banking Corporation.

	Special Property Administration Account Yen	S.C.A.P. Custody Account Yen
Columbia Graphophone Co.	234,008.68	
The Gramophone Company	70.00	
The Parlophone Company	14,167.49	739.34
Carl Lindstorm A.G.		246,698.14

Yours faithfully,
ELECTRIC & MUSICAL INDUSTRIES LIMITED.

/s/ for R Dawes
Group Accountant.

COPY

SECRET
SECURITY INFORMATION

Lt Col Fargo
26-6443

List of German-Owned Property on Procurement Demand

G-4 Thru: LS
GS

24 Mar 1952

1 1. Reference. List of German-Owned Property on Procurement Demand.

2. Request information as to status of subject real estate in view of the coming into effect of the Peace Treaty with particular emphasis on method by which this real estate can be furnished for use of the U.S. Security Forces.

1 Incl
List of German-Owned
Property on PD

- G.L.E. - - - - - - - - - - - - - - - -

GS FILES

2 From: Legal Section To: GS Date: 27 Mar 52

1. Reference c/n 1 above.

2. In order to prepare a reply with respect to legal issues involved, information is requested concerning ownership and present status of subject real estate.

1 Incl
n/c

- A. C. C. - - - - - - - - - - - - - -

Mr. Staub, 26-6156

From: Govt Sec To: LS Date: 31 March 1952

3 1. Reference is made to C/N #3, CPC/OD to G-4, dated 31 July 1951, C/N #2, paragraph 2, CPC/OD to G-4, dated 7 February 1952, and C/N #1, Govt Sec to G-4, dated 24 March 1952 (inclosures 2, 3, 4) regarding the status of both former German-owned property and non-objectionable German-owned property in Japan.

2. Ownership of the subject real estate with the exception of the property owned by Wilhelm Helm and Peter Metzger is vested in France, the United Kingdom and the United States for whom SCAP is Trustee. The property owned by Wilhelm Helm and Peter Metzger has been divested as the result of actions by the Tri-Power Advisory Committee because of humanitarian or other cogent reasons. The actual return of ownership of these properties has not as yet been accomplished. Therefore, these two properties still remain in custody but are not vested and should be accorded the same treatment as those properties owned by non-objectionable Germans.

SECRET
SECURITY INFORMATION

DECLASSIFIED E.O. 12958 SEC. 3(E) AND 3(D) OR (E) NNDQ # 775 072

SECRET
SECURITY INFORMATION

Mr. Staub
26-6156

List of German-Owned Property on Procurement Demand

Govt Sec LS 31 March 1952

3 Cont'd) 3. Any negotiations for the continued use of former German-owned vested properties on Procurement Demand should be taken up with representatives of the three governments owning the property and any negotiations for the continued use of properties on Procurement Demand owned by non-objectionable Germans should be taken up with the owners or their agents in Japan.

4 Incls
3 added
2. C/N, 31 Jul 51
3. C/N, 7 Feb 52
4. C/N, 24 Mar 52

- F. R. - - - - - - - - - - - -

M/R - Self explanatory.

H.S.

SECRET
SECURITY INFORMATION

DECLASSIFIED E.O. 14032 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

Miss Falkenstein
26-6102

Liquidation of German Assets in Japan

Govt Sec (TRIPAC) C/S 28 March 1952

1. 1. It is requested that the following recommendations made by the Tri-Power Advisory Committee at its Special Meeting, 20 March 1952, be approved:

"a. That regarding the claim for restoration of a jade ring from Konrad E. Wachner, an Austrian citizen, that the proceeds derived from the sale of the ring at public auction be returned to him.

b. That regarding the claim against the Meiji Life Insurance Company for 11 items of furniture and fixtures formerly owned by Dai Nippon Kali K.K., that the Japanese Government be advised to collect ¥70,710.00 from the Meiji Life Insurance in final settlement of said claim.

c. That Valentine L. Morozoff be advised that his revised offer of ¥3,420,000.00 for the purchase of the property located at 28/170 Sannomiya, 1-chome, Ikuta-ku, Kobe, is rejected as too low and that the Committee considers a minimum of ¥4,000,000.00 as an acceptable price for the property and that if he desires to submit a new offer, to do so within ten days of receipt of notification, otherwise the property will be offered for public sale on a sealed bid basis.

d. That Mr. M. Yoshioka of the New Grand Lodge be advised that his offer to purchase House No. 1411 located at Kamuiazma is rejected as too low and that the property will be offered for public sale on a sealed bid basis, at which time he is invited to submit another bid.

e. That there should be no responsibility on the part of the Three Powers, Supreme Commander for the Allied Powers or the Japanese Government for furnishing detailed information as to the proceeds derived from the liquidation of property to German nationals, German Government agencies or German juridical persons, but that if requests for such information are received from other nationals, each request would be considered by the Committee on an ad hoc basis."

1 Incl
Prov. Mts. Spec. Mtg.
20 March 1952

- F. R. - - - - - - - - - - - - - -

GS Files KAE

Letter from Dr. Vogt re: Law No. 47 of the Allied High Commission

Legal Section GS (CPC Division) 17 Mar 1952

1 1. Reference letter received from Dr. Vogt with inclosure in German language purporting to be a copy of Law No. 47 of the Allied High Commission (Incl 1).

2. While Legal Section has not translated the law, its import may be obtained from Dr. Vogt's letter sufficiently to base a reply.

3. Apparently the Allied High Commission has authorized the Bonn Government to grant compensation to German nationals for losses and damages suffered owing to acts or omissions on the part of occupation authorities (in Germany). Dr. Vogt is attempting to obtain a commitment from this headquarters that the seizure in Japan of the property of objectionable Germans is in the nature of an "act or omission" by the occupation forces. Such commitment, if obtained, would form the basis for an attempt to have the Bonn Government extend payments for losses suffered by German nationals in Japan.

4. Legal Section proposes to reply to Dr. Vogt to the effect that an interpretation of the intent of Law No. 47 of the Allied High Commission for Germany should be made by the enacting authorities to determine whether it was actually intended to apply to cases of confiscation of property belonging to objectionable Germans.

5. Your comment or concurrence is requested.

1 Incl
Ltr fr Dr Vogt dtd 25 Feb 52
w/cy of Law No. 47 of the
Allied High Commission

GS FILES

A. C. Monagan, 26-8806

From: Govt Sec To: LS Date: 25 March 1952

2. GS concurs in the proposal of LS as set forth in paragraph 4, check note 1.

1 Incl
n/c

F. R.

SECRET
SECURITY INFORMATION

Mr. Staub
26-6156

Former German-owned Property on Procurement Demand

Govt Sec G-4 24 March 1952

1. 1. Reference is made to C/N #3, CPC/OD to G-4, dated 31 July 1951, and C/N #2, paragraph 2, CPC/OD to G-4, dated 7 February 1952 (inclosures 1 and 2) regarding the status of former German-owned property in Japan.

2. In accordance with your request forwarded herewith is a list of former German-owned houses on Procurement Demand in addition to those listed in C/N #2, paragraph 2.

Name of Former Owner	Location
1. Burmeister, Otto	69 of 522 3-chome, Kami Meguro, Meguro-ku, Tokyo
2. Stollo, Otto	1511-1, 1513-5 Nishi 1-chome, Magomecho, Ota-ku, Tokyo
3. Nazi Party	35-14 Azabu-Hommurecho, Minato-ku, Tokyo

3. Any arrangements regarding the post treaty occupancy of these houses should be made with representatives of the three Governments concerned, namely, France, the United Kingdom and the United States.

2 Incls
a/s

- F. R. - - - - - - - - - - - -

GS Files

SECRET
SECURITY INFORMATION

SECRET
SECURITY INFORMATION

COPY

From: CPC/OD To: G-4 Mr. A. H. Plough 26-8912
Date: 31 July 1951

(Cont'd) From: CPC/OD to: G-4 Mr. A.H. Plough 26-8912
Date: 31 July 1951

3. 1. Reference is made to the following:

a. Memorandum for the Japanese Government, file AG 091.112 (13 Sep 45)MG, SCAPIN 26, 13 Sep 45, subj, "Protection of Allied and Axis Property," fr GHQ, SCAP impounded all German property in Japan

b. Under the terms of Allied Control Council Law No. 5, all rights, titles and interests in respect to any property outside Germany which was owned or controlled by certain categories of Germam nationals was vested and the owners now of all such property in Japam are the United States, United Kingdom and France

c. General Order No. 10, GHQ, SCAP, dated 8 Mar 46, established the Office of the Civil Property Custodian as a Special Staff Section to advise SCAP on general policies concerning, and to establish and provide for implementation of procedures for the control or custody and disposition of the various properties and assets, tangible and intangible, over which SCAP was directed to exercise authority.

d. WX 86053 fr the Joint Chiefs of Staff to General MacArthur, dated 28 Apr 46, instructed SCAP to seize and hold property referred to in par 1a above in custody in anticipation of designation as agent of German External Property Commission (United States, United Kingdom and France)

e. Memorandum for the Japanese Government, file AG 386.7 (13 Oct 49) CPC/PLD, SCAPIN 2051, 13 Oct 49, subj, "Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan," fr GHQ, SCAP

f. W99301 fr Dept of the Army (SAOUS OUSFE) Washington, D.C. to SCAP, dated 7 Feb 50, directs SCAP to proceed with the liquidation of former German Nationals' property in Japan

g. Radio W 92115, 13 Dec 47, which states in part, "SCAP should have 'non-objectionable' Germans assets released fr all control rising out of the fact that such Germans are enemy nationals"

h. SCAPINS 1845, 1945/1, 1845/2 which released fr impounding and blocking all property in Japan belonging to German nationals resident in Japan

i. State Dept paper of "Revised U.S. Policy on the Treatment in Japan of Germans and German Assets", which states in the discussion Appendix B, ".....It seems desirable, in keeping with the practice in the U.S., to accord to 'non-objectionable' Germans in Japan, treatment normal to foreign residents."

SECRET
SECURITY INFORMATION

COPY

From: CPC/OD To: G-4

Mr. A. E. Plough 26-8912
Date: 31 July 1951

3 (Cont'd) 2. It is evident from references par 1a through 1e above that former German property has been vested under terms of Allied Control Authority, Control Council Law No. 5 and is now owned by the United States, United Kingdom and France for whom Supreme Commander for the Allied Powers acts as trustee. It therefore can no longer be considered enemy owned property.

3. Retention of German national property requested in paragraph 5 of basic communication is not therefore considered feasible, inasmuch as SCAP as trustee, has been directed in reference 1f above, to proceed with the immediate liquidation of subject former German property.

4. Property owned by non-objectionable Germans and not subject to vesting should be granted the same treatment as is accorded to other foreign nationals resident in Japan in accordance with provisions of ref par 1g thru 1i above.

1 Incl
n/c

- F. E. G. - - - - - - - - - - -

SECRET
SECURITY INFORMATION

COPY

Non-Enemy Owned Properties in JLC Area

CPC/OD G-4 7 Feb 1952

2 (cont'd) 2. In connection with the consideration of the entire problem of non-enemy property, attention is called to C/N 3, CPC to G-4, dated 31 July 1951 (copy attached) giving full information regarding former German-owned properties on PD and pointing out that such properties including those owned by "non-objectionable" Germans should be considered as non-enemy.

The following former German-owned properties in the JLC area now owned by France, the U.K. and the U.S. for whom SCAP is Trustee are now on Procurement Demand and should be considered in any plans of release priority:

Name of Former Owner	Location	Description
1. Kamanegishi G.K.	125-1, Takinoue, Negishi, Naka-ku, Yokohama-shi	Land
2. German Consulate	60 B, Yamate-cho, Naka-ku, Yokohama-shi	Land
3. German Consulate	17 A, Yamashita-cho, Naka-ku, Yokohama-shi	Land
4. K.K. Irisu Shokai	54, Yamashita-cho, Naka-ku, Yokohama-shi	Land
5. Club Germania	4 Yamate-cho, Naka-ku, Yokohama	Land
6. Werner Westphalen	No. 82-1, 2 -chome, Kitano-cho, Ikuta-ku, Kobe-shi	Land Dwg. House
7. Hano Umbbau	112, 130, & 131, Nishitakenomaru, Naka-ku, Yokohama-shi	Land
8. Roland Sonderhoff	19, 21, 27-1, 27-2, 28, 29 Kasedai, Negishi, Naka-ku, Yokohama-shi	Land Dwg. House
9. Herman Schreiner	152-3, Yamate-cho, Naka-ku, Yokohama-shi	Land Dwg. House
10. Wilhelm Remy	116, 117, 118, Arai, Monmoku, Naka-ku, Yokohama-shi	Land
11. Karl Krayer	262-2, Yamate-cho, Naka-ku, Yokohama-shi	Land
12. Karl Krayer	244-3, Yamate-cho, Naka-ku Yokohama-shi	Land Dwg. House

SECRET
SECURITY INFORMATION

SECRET
SECURITY INFORMATION

COPY

	Name of Former Owner	Location	Description
13.	Wilhelm Helm	377-378, Motomachi, Honmoku Naka-ku, Yokohama	Dwg. House
14.	W. R. Foerster	11-483-31, 49, 50, 55, 11-382-2, 3, 5, 6, Higashi-Kaigan, Chigasaki, Kanagawa-ken	Land Dwg. House

It would appear that there is no legal basis for the retention of such properties after the coming into force of the Peace Treaty and therefore this type of problem should be worked out with the Rusk mission in order that the necessary procedures may be established.

- F. E. C. - - - - - - - - - - - - - - - -

SECRET
SECURITY INFORMATION

RG 59 - GPC files

26-6102

Miss Falkenstein

From: Govt Sec To: G-1 Date: 17 March 1952

2

1. Mr. Campanella submitted a bid in the sum of $7,000 to the Tri-Power Advisory Committee for the purchase of the former property of Elise Juchheim, consisting of two houses and 149 tsubo of land located at 12 and 13/249 Imogadani, Ueno, Nada-ku, Kobe. The bid was submitted to the Tri-Power Advisory Committee for consideration at its meeting on 13 March 1952, at which time the Secretary informed the Committee that as Mr. Campanella is a member of the Occupation Forces, his bid is contingent on his obtaining approval from the Supreme Commander to own property in Japan. The Committee, after due consideration, unanimously agreed that it would be willing to make a negotiated sale of the property to Mr. Campanella at the offered price, provided SCAP permission is obtained.

2. It is noted that under the Administrative Agreement drawn up in connection with the Security Treaty, it would appear that members of the United States Armed Forces may own real and other property in Japan on the condition that they comply with the tax requirements of the Japanese Government.

3. Your attention is also invited to the fact that it would seem that one of the primary reasons for requiring members of the Occupation Forces to receive the permission of the Supreme Commander in order to acquire title to real estate is to prevent the exercise of fraud or undue influence on Japanese nationals. In this particular instance, the property is owned by the Three Powers, for whom SCAP is Trustee, which eliminates any suggestion of coercion by the purchaser.

2 Incls.
n/c

F. R.

Miss Falkenstein 26-6102

Liquidation of German Assets in Japan

GS CS 17 March 1952

1 1. It is requested that the following recommendation made by the Tri-Power Advisory Committee at its Special Meeting, 11 March 1952, be approved:

"That the same treatment should be accorded claims against branch offices of German-owned concerns whose head office is outside Germany as will be accorded claims against German juridical persons."

2. Although the TRIPAC has not yet adopted a policy with regard to claims against German juridical persons, the Members are agreed that only pre-war secured claims will be allowed. The problem still to be settled in this connection is whether the cut off date should be the start of the war in Europe, 1 September 1939 or 7 December 1941.

3. Attention is drawn to the fact that Mr. Kawasaki, who is Chairman of the group, delegated by the Japanese Government to deal with the Three Powers on German liquidation matters, stated that he should like to go on record as protesting the above decision in the name of the Japanese Government.

1 Incl
Prev Mtn Spec Mtg,
11 Mar 52

F.R.

GS German Assets File

Mr. Tompkins 26-3536

Cargo Claimed by The Oval
Manufacturing Company

GS DS 12 March 1952
ATTN: Mr. E. J. Carrington

1 1. Inclosed is a copy of report, 26 February 1952, from the Chuo Trust and Banking Company, Osaka Branch, relative to nineteen (19) cases of imitation jewels in the custody of Kobe Customs Warehouse. These cases were originally consigned to C. Illies and Company, whose assets are now vested in The Three Powers, for forwarding to their ultimate destination and could not be delivered because of the outbreak of hostilities.

2. Correspondence with the Oval Manufacturing Company of New York City, whose file is now in the possession of your Section, indicates that the above goods were intended for delivery to the Oval Manufacturing Company by consignment from Kotva of Zlin, Czechoslovakia through C. Illies and Company.

3. It is suggested that DS take whatever action may be necessary to release these goods from the Kobe Customs Warehouse to their legal owners.

1 Incl
Cy of Rpt of Chuo
Trust & Banking Co.

F.R.

GS German Assets File

February 26, 1952

Foreign Property Custody Dept.,
Chuo Trust and Banking Company,
3-14 Gofukubashi 1-chome,
Nihonbashi, Chuo-ku, Tokyo.

Gentlemen: Subject: Cargoes

With reference to the 11 cases (Subject-matters) of Cargoes marked with marked with LMC, we would advise you that they were returned to L. Mendelson Co. (Netherland) according to the order of the Minister of Finance No. 784, dated February 13, 1950. (Refer to Ministry of Finance file for further particulars.)

The other 19 cases (Subject-matters) of cargoes are still remaining in the custody of Kobe Customs as the remaining cargoes. These 30 cases (Subject-matters) of cargoes arrived at this country via Siberia, and there are no manifest and other relevant papers at the customs. Therefore it is impossible for the Kobe Customs to tell whether they are German properties or the properties belonging to Allied Nations. This discrimination will be made possible only by means of checking up with the documents of Iris Company or those interested in the cargoes.

The list of these cargoes which was turned over to us by CPC is at variance greatly with the data in the hands of Mr. Urabe, official of Kobe Customs which I have borrowed and am sending you under separate cover for your perusal.

Those which have no mark besides these 30 cases have not been identified so far.

Yours very truly,

Chuo Trust and Banking Company,
Osaka Branch

Toshiichi Suzuki

hrd)

INVENTORY OF THE DETAINED CARGO

KOBE CUSTOMS

Aug. 13 1947

File No.	Marks & Numbers	Name of Article	Quantity	Remarks
95	OICO No. 1336	Glass-ware	58 Kins 29 c/s (@ 120 dozs.)	
96	LMC No. 881/11	-do-	12 Kins 6 c/s (@ 1,800 dozs.)	
97	OICO No. 1331	-do-	48 Kins 24 c/s (@ 120 dozs.)	
98	OICO No. 1334	-do-	120 Kins 60 c/s (@ 200 dozs.)	
199	LMC No. 63381/3	Glass Jewel	60 Kins 23 pkgs.	
200	OICO No. 1321	-do-	30 Kins 16 pkgs.	
201	LMC No. 63881/8	-do-	40 Kins 20 pkgs.	
202	LMC No. 63881/4	-do-	57 Kins 21 pkgs.	
203	LMC No. 63881/12	-do-	50 Kins 20 pkgs.	
204	LMC No. 63881/13	-do-	50 Kins 20 pkgs.	
205	OICO No. 1326	-do-	80 Kins 60 pkgs.	60 c/s
206	OICO No. 1338	-do-	80 Kins 60 pkgs.	56 c/s
207	LMC No. 63381/7	-do-	54 Kins 19 pkgs.	
208	LMC No. Unknown	-do-	40 Kins 14 pkgs.	
232	OICO No.1317	-do-	105 Kins 48 c/s (@ 100 pkgs.)	60 c/s
242	OICO No. 1311	Artificial jewel made of glass	90 Kins 42 c/s	54 c/s
243	OICO No. 1312	-do-	84 Kins 43 c/s	
255	OICO No. 1319	-do-	113 Kins 60 c/s	
256	OICO No. 1323	-do-	90 Kins 45 c/s	

File No.	Marks & Numbers	Name of Article	Quantity	Remarks
258	OICO No. 1330	Artificial jewel made of glass	95 Kins 50 c/s (@ 16 pkgs.)	
273	OICO No. 1328	-do-	90 Kins 53 c/s	
401	NN No. 302	Artificial jewel	140 Kins 28 c/s	27 c/s
442	OICO No. Unknown	-do-	80 Kins 40 c/s (@ 12 Grs.)	
449	OICO No. 1337	-do-	45 Kins 30 c/s (@ 6 grs.)	
450	OICO No. Unknown	-do-	60 Kins 30 c/s (@ 20 grs.)	33 c/s
508	OICO No. 1320	-do-	54 Kins 27 p'ces	27 c/s
569	LMC No. 63881/2	Artificial glass (imitation jewel)	46 Kins 23 c/s	
570	LMC No. 63881/14	-do-	60 Kins 24 c/s	
571	LMC No. 63881/15	Imitation jewel	66 Kins 26 c/s	
572	NN OICO No. 303	-do-	130 Kins 26 c/s	25 c/s

The Chuo Trust & Banking Co., Ltd.

PERTAINS TO: C/N-1 to DS, Subj, "Cargo Claimed by The Oval Manufacturing Company," fr GS, GHQ, SCAP

HS/MLT/dh
12 March 1952

MEMO FOR RECORD:

1. Rpt, 26 Feb 52, fr Chuo Trust & Banking Co., Osaka Branch, discloses that 19 cases of imitation jewels are stored in the Kobe Customs Warehouse and were consigned to C. Illies & Co., a German firm wholly vested by the Three Powers. The only mark on these cases to identify the owner, for whom ultimate delivery was intended, is the symbol OICO followed by numerals. Previous correspondence with The Oval Manufacturing Company of New York City by the United Nations Branch of CPC, indicates that it is the owner of these goods but this Company has not as yet filed the requisite papers for return of the goods.

2. C/N-1 to DS forwards report and suggests that necessary action be initiated to release the goods to their legal owners.

3. Authority: Radio WX 86033, 28 Apr 46.

4. Concurrences: Not required.

5. Initiates and completes action on Line No. _____.

H.S. _____ 26-6156

GS German Assets File

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

FR/HS/MLT/dh

AG 095 (3 Jun 49)GS

21 MAR 1952

SUBJECT: Dr. C. Otto & Co., Bochum, Germany

TO: Office of the United States High Commissioner for Germany
Office of General Counsel
Legal Service Division
Box 610
APO 80, c/o Postmaster
New York, New York

1. Reference is made to your letter, 24 January 1952, requesting copies of letter to the Office of Military Government for Germany (U.S.), file AG 095 (3 Jun 49)CPG/PLD, 3 June 1949, and the reply thereto prepared by OMGUS.

2. Inclosed are copies of the two referenced communications.

3. It is requested that your reply be addressed to the Tri-Power Advisory Committee, 2 Honshio-cho, Shinjuku-Ku, Tokyo, Japan, which will be the successor in interest to the Supreme Commander for the Allied Powers, as Trustee for France, the United Kingdom and the United States.

FOR THE SUPREME COMMANDER:

AILEEN M. WEBSTER
Major, AGD
Asst Adjutant General

2 Incls
1. Cy of Ltr 3 Jun 49
2. Cy of Ltr 2 Aug 49

19 March 1952

MEMO FOR RECORD:

1. Self-explanatory.

2. Authority for action is Radio WX 86033, 28 Apr 46.

3. This is an administrative matter.

4. Concurrences: Not required.

5. Completes action on Line No. 1896.

F.R. 26-6258

GS Comeback (German Assets)

COPY

ECM/WRJ/HS/iz
3 Jun 49

AG 095 (3 Jun 49)CPC/PLD

SUBJECT: Dr. C. Otto & Co., Bochum, Germany

TO: Office of Military Government for Germany (US)
APO 742
c/o Postmaster
New York, N.Y.

1. Dr. C. Otto & Co., Bochum, Germany, prior to and during World War II, conducted a very successful business in Japan where Leybold K.K., a German-controlled Japanese juridical person vested in the name of the German External Property Commission, acted as their agent and Mr. N. Philipsen (deceased) as their representative. Dr. C. Otto & Co., in addition to owning shares in Leybold K.K., owned other assets in Japan.

2. It is known that Dr. C. Otto is now a resident and citizen of the United States, but no definite information is available to General Headquarters, Supreme Commander for the Allied Powers, as to the actual ownership of Dr. C. Otto & Co. of Bochum, Germany.

3. It is requested, therefore, that the Office of Military Government for Germany (US) initiate an investigation to determine the exact ownership of this firm in Germany and whether their assets in Japan are subject to the provisions of the Allied Control Council Germany Law No. 5.

4. It is further requested that documentary proof of nationality and ownership be furnished and that a report of the requested investigation be submitted at the earliest possible moment.

FOR THE SUPREME COMMANDER:

COPY

Incl 1

C O P Y

Dr. C. Otto & Co., Bochum, Germany
AG 095 (3 June 49) GPC/PLD, SCAP. 3 June 49

AG 386 (EA) 1st Ind. 2 Aug 49

Office of Military Government for German (US), Berlin, Germany,
APO 742, c/o Postmaster NY, NY

TO: Supreme Commander for the Allied Powers
APO 500, c/o Postmaster, San Francisco, California

1. As requested in basic communication, an investigation has been conducted by the External Assets Investigations Section, Property Group, Office of the Economics Adviser, OMGUS, for the purpose of determining the exact ownership of subject firm.

2. Investigation indicates that, as of 8 May 1945, there was in Dr. C. Otto & Co., a limited partnership (G.m.b.H.) capitalized at RM 6,000,000, a non-German interest amounting to 25.76% of the capital That interest was held as follows:

		Nationality:	RM
(a)	Undivided estate Dr. Walter Hiby		331,500
	Gladys Swington Hiby, Scheveningen	Dutch,British	
	Karl Hiby, The Hague	Dutch	
	Stephania Pascal, Cambridge/USA	U.S.	
(b)	Karl Hiby, The Hague	Dutch	99,000
(c)	Dr. Carl Otto, New York	U.S.	1,023,000
(d)	Hans Otto, New York	U.S.	23,000
(e)	Klara Otto, New York	U.S.	23,000
(f)	Ilse Otto, New York	U.S.	23,000
(g)	Carl Christian Otto, New York	U.S.	23,000
	Total non-German participation		1,545,500 = 25.76%

3. The owners of the remaining 74.24% of the firm's capital appear to be persons subject to the provisions of Allied Control Council Law No. 5.

4. Documentary evidence proving the non-German nationality of the persons listed above, and the extent of their participations in the company, will be forwarded as soon as it is received by this Headquarters.

FOR THE MILITARY GOVERNOR:

/s/ Frederick A. Sturm
/t/ FREDERICK A. STURM
Lieutenant Colonel, AGD
Acting Adjutant General

Incl 2

C O P Y

C O P Y

Office of the United High Commissioner for Germany
Office of General Counsel
APO 80, c/o PM, NYC, NY

January 24, 1952.

General Headquarters,
Supreme Commander for the
Allied Powers,
APO 500,
c/o PM, San Francisco, Calif.

Attention: Major Aileen M. Webster,
Asst Adjutant Gen

Sirs:

Reference is made to your communication dated November 13, 1951, File AG 095 (3 Jun 49)CPC/PLD, subject, "Dr. C. Otto & Co., Bochum, Germany"; in which it was requested that this Office obtain documentary evidence of the nationality of Allied nationals, other than U.S. nationals, participating as shareholders in the German firm.

Correspondence received by the Office of Military Government for Germany for the year of 1949 has been transmitted to the United States for storage in accordance with Department of the Army instructions. The previous correspondence in the instant case, including your letter to the Office of Military Government for Germany (U.S.), File AG 095 (3 Jun 49)CPC/PLD, 3 June 1949, as well as the reply prepared by OMGUS, is therefore not available to this Office at the present time. If a copy of these communications can be forwarded to this Office, an effort will be made to obtain the information requested in your letter of November 13.

Very truly yours,

/s/F. S. Hannaman
F. S. Hannaman
Chief
Legal Service Division

C O P Y

095 (20 Mar 52)GS

HS/MLT/dh
20 March 1952

Lederle Laboratories (Japan), Ltd.
Central P. O. Box 957
No. 1 1-Chome Kyobashi Chuo-Ku
Tokyo, Japan

Dear Sirs:

Reference is made to your letter, 18 July 1950, requesting information relative to the method used by Tanabe Pharmaceutical Company in producing its product, Supatonin.

A copy of letter, 21 February 1952, from the Tanabe Pharmaceutical Company, Ltd., to the Patent Agency and English translations of patent registration numbers 192,220 and 192,221 referred to in said letter are inclosed for your information.

Sincerely yours,

2 Incls
1 Cy of ltr, 21 Feb 52
2 Translation of Patent
Nos. 192220 & 192221

FRANK RIZZO
Chief, Government Section

GS Files

19 March 1952

MEMO FOR RECORD:

1. Self-explanatory.
2. Authority: Paragraph 8e, JCS 1380/15
3. Concurrence: None required.
4. Initiates and completes action on Line No. _____.

H.S. _____ 26-6156

February 21st, 1952

Chief of Liaison Section

General Affairs Division

Patent Agency.

Re. Process Patents.

Referring to your inquiry as to process patents of "Hetrazan" of which information requested to Civil Property Custodian by Lederle Laboratories (Japan) Ltd under date of July 13, 1951, the Company replies as follows:

The manufacturing process of "Supatonin" manufactured by this company are covered by Japanese patent No. 192220 and also No. 192221 owned by this company and are not infringing any of the patents owned by American Cyanamid Company and Lederle Laboratories (Japan) Ltd.

Naobumi Tanabe

Chief of Tokyo Research Laboratory
Tanabe Pharmaceutical Company, Ltd.,
No. 731 Daita 1-chome Setagaya-ku,
Tokyo.

Encl 1

COPY

LEDERLE LABORATORIES (JAPAN), LTD.
CENTRAL P. O. BOX 957
No.1 1-chome Kyobashi Chuo-ku
TOKYO

July 13, 1951

Mr. M. L. Tompkins,
Office of the Civil Property Custodian,
Kokubu Building,
TOKYO.

Dear Sir:

Confirming our telephone conversation, I have a request from the Legal Dept. of our parent company, American Cyanamid Co., for information relative to what method is being used by Tanabe Pharmaceutical Company of Osaka, in producing their product, Supatonin, which they represent to be, 1-methyl-4-piperazine-N, N-diethyl carboxamide, which we market it under the trade name "Hetrazan", and for which we have registered process patents in Japan.

Tanabe's office is located at,

No. 1, 3-chome, Honcho,
Nihonbashi,
Chuo-ku
Tokyo.

We would appreciate any information and help that you could give us since we are under the impression that they are infringing our patents.

Very truly yours,

LEDERLE LABORATORIES (JAPAN) LTD.

/s/ Richard C. Scott
RICHARD C. SCOTT
Managing Director

RCS:ly

cc - Mr. Austin S. Phillips, American Cyanamid Co., New York.

COPY

GOVERNMENT SECTION
APO 500

HS/dh
11 March 1952

095 (2 Nov 51)GS

MEMORANDUM FOR: Ministry of Finance, Japanese Government, Tokyo, Japan

SUBJECT: Tax on German-owned Non-operating Japanese Juridical Persons

1. Reference is made to:

a. Memorandum for the Japanese Government, file AG 091.112 (13 Sep 45)MG, SCAPIN 26, 13 September 1945, subject, "Protection of Allied and Axis Property," from General Headquarters, Supreme Commander for the Allied Powers

b. Memorandum for the Japanese Government, file AG 386.7 (13 Oct 49)CPC/OD, SCAPIN 2051/1, 1 August 1951, subject, "Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan," from General Headquarters, Supreme Commander for the Allied Powers

c. FCO 1504/51 (PC/FP), 2 November 1951, subject, "On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds."

2. Subject juridical persons were impounded and blocked in accordance with reference 1a above and for all intents and purposes subject juridical persons became ready for liquidation and extinguishment as of the date of reference 1a above. Therefore, all non-operating former German-owned or controlled Japanese juridical persons which are being liquidated and extinguished pursuant to decisions of the Supreme Commander for the Allied Powers should be liquidated as of the date of impoundment even though liquidation and extinguishment are being accomplished at the present time.

3. The Ministry of Finance is advised that former German-owned or controlled non-operating Japanese juridical persons whose assets are now owned by France, the United Kingdom and the United States should be exempt from the liquidation proceeds enterprise tax and such other liquidation taxes normally imposed upon a Japanese juridical person to be liquidated and extinguished.

FRANK RIZZO
Chief, Government Section

DISTRIBUTION:
CCS

German Assets File

PERTAINS TO: Memo to MF, JG, file 095, subj, "Tax on German-owned Japanese Juridical Persons," fr CPC, GHQ, SCAP

RS/dh
10 March 1952

MEMO FOR RECORD:

1. Referenced FCC forwarded views of M/F as regards the levying of liquidation taxes on German-owned Japanese business firms which are to be liquidated by the M/F on instructions fr CPC.

2. At its meeting, 17 Jan 52, TRIPAC recommended to SCAP: "That the Japanese Government be informed that the Three Powers" will not pay any of the regular taxes imposed when Japanese juridical persons are liquidated and extinguished, except real estate taxes and the normal charges for registration of the liquidation." Above recommendation was approved by C/S 5 Feb 52."

3. Memo to M/F advises that SCAP will not approve the levying of taxes on German-owned juridical persons in liquidation other than real estate taxes and fees for registration of dissolution in accordance with TRIPAC recommendation.

4. Authority for action is Radio W 99301, 7 Feb 50.

5. Verbal concurrence: DS (Mr. Adams).

6. Initiates and completes action on Line No. ~~68951~~ 7117.

H.S. [signature] 26-6156

German Assets

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

FCO 1504/51 (PC/FP) 2 November 1951.

MEMORANDUM FOR: CIVIL PROPERTY CUSTODIAN, G. H. Q.

SUBJECT : On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds

1. Reference is made to following:

a. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/PLD, SCAPIN 2051, dated 13 October 1949, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

b. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/OD, SCAPIN 2051/1, 1 August 1951, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

c. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/FI, SCAPIN 4938-A, 29 November 1947, subject: Applicability of Taxes to Non-Japanese Nationals.

d. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/IR, SCAPIN 4938-A/1, dated 27 May 1950, subject: Amendment of SCAPIN 4938-A.

2. The opinon of this Ministry concerning the subject matter you proposed at the time of amendment of German Property Custody Order (1950 Cabinet Order No.252) by Cabinet Order No.328 dated October 11, in accordance with the provision of (1) (b) above is as follows:

a. German owned juridical person as defined in German Property Custody Order is Japanese juridical persons. Even if shares or holdings German owned of the said juridical

8799

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

person now belong to the United States of America, the United Kingdom and France so that this three nations may control the said juridical person, this is not sufficient reason to make any exceptional application of taxes law. Therefore, German owned juridical person should pay the tax as in the case of other Japanese juridical person

b. Furthermore, in accordance with the provisions of (1) (c) & (d), since July 1 of last year Local and National taxes have been imposed on United Nations national as Japanese nationals and German owned juridical person does not correspond to those who is exempted from taxes under the provision of paragraph (3) of (1) (c) above. Taking this into our consideration, the liquidation proceeds of German owned juridical person can not be exempted from taxation

c. It is specified in the chapter 6 of The Local Taxes Law (1950, Law No.60) that To, Do, Fu and Prefectures should impose enterprise tax on income and liquidation proceeds of juridical person in 1950 and 1951 (this is to be extended in the present session of Diet).

As mentioned in 2. (a) and (b) above, German owned juridical person is Japanese juridical person in the application of Taxes Law so that on the liquidation proceeds enterprise tax should be imposed.

FOR THE MINISTER OF FINANCE:

Yusuke Kashiwagi,
Chief of
Financial Commissioner's Office
for Gengo Suzuki
Financial Commissioner

Encl.: Report from Local Government
Finance Commission

s

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

FCO 1504/51 (PC/FP) 2 November 1951.

MEMORANDUM FOR: CIVIL PROPERTY CUSTODIAN, G. H. Q.

SUBJECT : On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds

1. Reference is made to following:

a. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/PLD, SCAPIN 2051, dated 13 October 1949, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

b. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/OD, SCAPIN 2051/1, 1 August 1951, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

c. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/FI, SCAPIN 4938-A, 29 November 1947, subject: Applicability of Taxes to Non-Japanese Nationals.

d. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/IR, SCAPIN 4938-A/1, dated 27 May 1950, subject: Amendment of SCAPIN 4938-A.

2. The opinon of this Ministry concerning the subject matter you proposed at the time of amendment of German Property Custody Order (1950 Cabinet Order No.252) by Cabinet Order No.328 dated October 11, in accordance with the provision of (1) (b) above is as follows:

a. German owned juridical person as defined in German Property Custody Order is Japanese juridical persons. Even if shares or holdings German owned of the said juridical

A-1799

person now belong to the United States of America, the United Kingdom and France so that this three nations may control the said juridical person, this is not sufficient reason to make any exceptional application of taxes law. Therefore, German owned juridical person should pay the tax as in the case of other Japanese juridical person

b. Furthermore, in accordance with the provisions of (1) (c) & (d), since July 1 of last year Local and National taxes have been imposed on United Nations national as Japanese nationals and German owned juridical person does not correspond to those who is exempted from taxes under the provision of paragraph (3) of (1) (c) above. Taking this into our consideration, the liquidation proceeds of German owned juridical person can not be exempted from taxation

c. It is specified in the chapter 6 of The Local Taxes Law (1950, Law No.60) that To, Do, Fu and Prefectures should impose enterprise tax on income and liquidation proceeds of juridical person in 1950 and 1951 (this is to be extended in the present session of Diet).

As mentioned in 2. (a) and (b) above, German owned juridical person is Japanese juridical person in the application of Taxes Law so that on the liquidation proceeds enterprise tax should be imposed.

FOR THE MINISTER OF FINANCE:

Yusuke Kashiwagi

Yusuke Kashiwagi,
Chief of
Financial Commissioner's Office
for Gengo Suzuki
Financial Commissioner

Encl.: Report from Local Government
Finance Commission

s

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Chi-Zai-I-Zei
No.1916

November 1, 1951.

To: Director of Property Custodian Bureau,
Ministry of Finance

From: Director of Secretariat Bureau,
Local Government Finance Commission

Subject: Exemption of German owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds

In reply to the quistionaire (Kura-Kan No.6131 dated October 29, 1951) concerning the subject matter, we hereby set forth our opinion that there is no sufficient reason, as you asserted, for exempting the subject juridical person from local taxes. Therefore, they should pay the enterprise tax as in the case of other Japanese juridical persons.

A-8799

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

FCO 1504/51 (PC/FP) 2 November 1951.

MEMORANDUM FOR: CIVIL PROPERTY CUSTODIAN, G. H. Q.

SUBJECT : On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds

1. Reference is made to following:

a. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/PLD, SCAPIN 2051, dated 13 October 1949, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

b. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/CD, SCAPIN 2051/1, 1 August 1951, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

c. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/FI, SCAPIN 4938-A, 29 November 1947, subject: Applicability of Taxes to Non-Japanese Nationals.

d. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/IR, SCAPIN 4938-A/1, dated 27 May 1950, subject: Amendment of SCAPIN 4938-A.

2. The opinon of this Ministry concerning the subject matter you proposed at the time of amendment of German Property Custody Order (1950 Cabinet Order No.252) by Cabinet Order No.328 dated October 11, in accordance with the provision of (1) (b) above is as follows:

a. German owned juridical person as defined in German Property Custody Order is Japanese juridical persons. Even if shares or holdings German owned of the said juridical

person now belong to the United States of America, the United Kingdom and France so that this three nations may control the said juridical person, this is not sufficient reason to make any exceptional application of taxes law. Therefore, German owned juridical person should pay the tax as in the case of other Japanese juridical person

b. Furthermore, in accordance with the provisions of (1) (c) & (d), since July 1 of last year Local and National taxes have been imposed on United Nations national as Japanese nationals and German owned juridical person does not correspond to those who is exempted from taxes under the provision of paragraph (3) of (1) (c) above. Taking this into our consideration, the liquidation proceeds of German owned juridical person can not be exempted from taxation

c. It is specified in the chapter 6 of The Local Taxes Law (1950, Law No.60) that To, Do, Fu and Prefectures should impose enterprise tax on income and liquidation proceeds of juridical person in 1950 and 1951 (this is to be extended in the present session of Diet).

As mentioned in 2. (a) and (b) above, German owned juridical person is Japanese juridical person in the application of Taxes Law so that en the liquidation proceeds enterprise tax should be imposed.

FOR THE MINISTER OF FINANCE:

Yusuke Kashiwagi,
Chief of
Financial Commissioner's Office
for Gengo Suzuki
Financial Commissioner

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Chi-Zai-I-Zei
No.1916

November 1, 1951.

To: Director of Property Custodian Bureau,
Ministry of Finance

From: Director of Secretariate Bureau,
Local Government Finance Commission

Subject: Exemption of German owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds

In reply to the quistionaire (Kura-Kan No.6131 dated October 29, 1951) concerning the subject matter, we hereby set forth our opinion that there is no sufficient reason, as you asserted, for exempting the subject juridical person from local taxes. Therefore, they should pay the enterprise tax as in the case of other Japanese juridical persons.

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

CIVIL PROPERTY CUSTODIAN

APO 500

095 (2 Nov 51)CPC/OD

MEMORANDUM FOR: Ministry of Finance, Japanese Government, Tokyo, Japan

SUBJECT: Tax on German-owned non-operating Japanese Juridical Persons

1. Reference is made to:

a. Memorandum for the Japanese Government, file AG 091.112 (13 Sep 45)MG, SCAPIN 26, 13 September 1945, subject, "Protection of Allied and Axis Property," from General Headquarters, Supreme Commander for the Allied Powers

b. Memorandum for the Japanese Government, file AG 386.7 (13 Oct 49)CPC/OD, SCAPIN 2051/1, 1 August 1951, subject, "Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan," from General Headquarters, Supreme Commander for the Allied Powers

c. FCO 1504/51 (PC/FP), 2 November 1951, subject, "On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds."

2. The Ministry of Finance is informed that the following recommendation of the Tri-Power Advisory Committee has been approved by the Supreme Commander for the Allied Powers under date of 5 February 1952:

"That the Japanese Government be informed that the Three Powers will not pay any of the regular taxes imposed when Japanese juridical persons are liquidated and extinguished, except real estate taxes and the normal charges for registration of the liquidation."

F. E. GILLETTE
Colonel, Infantry
Custodian

PERTAINS TO: Memo to MF, JG, file 095, subj, "Tax on German-owned Japanese Juridical Persons," fr CPC, GHQ, SCAP

DHB/HS/HEB/nk

FEB. 13 1952

MEMO FOR RECORD:

1. Referenced FCO forwarded views of M/F as regards the levying of liquidation taxes on German-owned Japanese business firms which are to be liquidated by the M/F on instructions fr CPC.

2. At its meeting, 17 Jan 52, TRIPAC recommended to SCAP: "That the Japanese Government be informed that the Three Powers" will not pay any of the regular taxes imposed when Japanese juridical persons are liquidated and extinguished, except real estate taxes and the normal charges for registration of the liquidation." Above recommendation was approved by C/S 5 Feb 52."

3. Memo to M/F advises that SCAP will not approve the levying of taxes on German-owned juridical persons in liquidation other than real estate taxes and fees for registration of dissolution in accordance with TRIPAC recommendation.

4. Authority for action is Radio W 99301, 7 Feb 50.

5. Concurrence: DS Verbal Mrs. Coleman

6. Initiates and completes action on Line No. 68951.

D.H.B. DHB 26-8308

Returned

COPY

OFFICE OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS
APO 500

AG 091.112 (13 Sep 45)MG
SCAPIN 26

13 September 1945

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH: Central Liaison Office, Yokohama

SUBJECT: Protection of Allied and Axis Property

1. The Imperial Japanese Government will impound immediately and report within fifteen days all property and other assets, books of account and other records owned or controlled, in whole or in part, directly or indirectly, by the Governments or any nationals, within or without Japan, of Germany, Italy, Bulgaria, Finland, Thailand, Rumania and Hungary.

2. The Imperial Japanese Government will cause to be preserved in good order and condition all property and other assets, books of account and other records, owned or controlled in whole or in part by the Governments or any national of any of the United Nations on December 7, 1941 and make a complete report to the Supreme Commander within one week.

3. Acknowledgement of this directive is requested.

FOR THE SUPREME COMMANDER:

/s/ Harold Fair

/t/ HAROLD FAIR
Lt Colonel, A.G.D.,
Asst. Adjutant General.

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 386.7 (13 Oct 49)CPC/OD
SCAPIN 2051/1

1 August 1951

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan

1. Reference is made to memorandum for the Japanese Government, file AG 386.7 (13 Oct 49)CPC/PLD, SCAPIN 2051, 13 October 1949, subject, "Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan," from General Headquarters, Supreme Commander for the Allied Powers.

2. Paragraph 8 of memorandum referenced in paragraph 1 above is hereby rescinded and the following substituted therefor:

"8. The Japanese Government is directed to:

a. Provide the necessary legal implementation to transfer, register and/or record under Japanese Law title to designated purchasers from the Supreme Commander for the Allied Powers, his agents or successors, of all property coming within the provisions of paragraph 3 above when so instructed by the Supreme Commander for the Allied Powers

b. Provide the necessary legal implementation to liquidate, dissolve and extinguish such juridical persons coming within the provisions of paragraph 3 above, as may be designated and will do all acts necessary to liquidate, dissolve and extinguish such juridical persons when so directed by the Supreme Commander for the Allied Powers through specific memoranda

c. Provide the necessary legal implementation to dispose of all property, tangible or intangible, coming within the provisions of paragraph 3 above, as may be designated and will do all acts necessary with respect to such property when so directed by the Supreme Commander for the Allied Powers through specific memoranda."

FOR THE SUPREME COMMANDER:

K. B. BUSH
Major General, USA
Adjutant General

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 386.7 (13 Oct 49)CPC/OD
SCAPIN 2051/1

1 August 1951

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan

1. Reference is made to memorandum for the Japanese Government, file AG 386.7 (13 Oct 49)CPC/PLD, SCAPIN 2051, 13 October 1949, subject, "Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan," from General Headquarters, Supreme Commander for the Allied Powers.

2. Paragraph 8 of memorandum referenced in paragraph 1 above is hereby rescinded and the following substituted therefor:

"8. The Japanese Government is directed to:

a. Provide the necessary legal implementation to transfer, register and/or record under Japanese Law title to designated purchasers from the Supreme Commander for the Allied Powers, his agents or successors, of all property coming within the provisions of paragraph 3 above when so instructed by the Supreme Commander for the Allied Powers

b. Provide the necessary legal implementation to liquidate, dissolve and extinguish such juridical persons coming within the provisions of paragraph 3 above, as may be designated and will do all acts necessary to liquidate, dissolve and extinguish such juridical persons when so directed by the Supreme Commander for the Allied Powers through specific memoranda

c. Provide the necessary legal implementation to dispose of all property, tangible or intangible, coming within the provisions of paragraph 3 above, as may be designated and will do all acts necessary with respect to such property when so directed by the Supreme Commander for the Allied Powers through specific memoranda."

FOR THE SUPREME COMMANDER:

K. B. BUSH
Major General, USA
Adjutant General

Mr. Monaghan/dlw 26-8979

RV GS files

Acquisition of Property by Philip CAMPANELLA

G-1 CPC 12 March 1952

1 Request comments and or recommendations.

---------- B. L. M. ----------

26-6102

Miss Falkenstein

From: Govt Sec To: G-1 Date: 17 March 1952

2 1. Mr. Campanella submitted a bid in the sum of $7,000 to the Tri-Power Advisory Committee for the purchase of the former property of Elise Juchheim, consisting of two houses and 149 tsubo of land located at 12 and 13/249 Imogadani, Ueno, Nada-ku, Kobe. The bid was submitted to the Tri-Power Advisory Committee for consideration at its meeting on 13 March 1952, at which time the Secretary informed the Committee that as Mr. Campanella is a member of the Occupation Forces, his bid is contingent on his obtaining approval from the Supreme Commander to own property in Japan. The Committee, after due consideration, unanimously agreed that it would be willing to make a negotiated sale of the property to Mr. Campanella at the offered price, provided SCAP permission is obtained.

2. It is noted that under the Administrative Agreement drawn up in connection with the Security Treaty, it would appear that members of the United States Armed Forces may own real and other property in Japan on the condition that they comply with the tax requirements of the Japanese Government.

3. Your attention is also invited to the fact that it would seem that one of the primary reasons for requiring members of the Occupation Forces to receive the permission of the Supreme Commander in order to acquire title to real estate is to prevent the exercise of fraud or undue influence on Japanese nationals. In this particular instance, the property is owned by the Three Powers, for whom SCAP is Trustee, which eliminates any suggestion of coercion by the purchaser.

2 Incls.
n/c

---------- F. R. ----------

FR/HS/MLT/dh

AG 095 (3 Jun 49)GS

SUBJECT: Dr. C. Otto & Co., Bochum, Germany

TO: Office of the United States High Commissioner for Germany
Office of General Counsel
Legal Service Division
Box 610
APO 80, c/o Postmaster
New York, New York

1. Reference is made to your letter, 24 January 1952, requesting copies of letter to the Office of Military Government for Germany (U.S.), file AG 095 (3 Jun 49)CPC/PLD, 3 June 1949, and the reply thereto prepared by OMGUS.

2. Inclosed are copies of the two referenced communications.

3. It is requested that your reply be addressed to the Tri-Power Advisory Committee, 2 Honshio-cho, Shinjuku-Ku, Tokyo, Japan, which will be the successor in interest to the Supreme Commander for the Allied Powers, as Trustee for France, the United Kingdom and the United States.

FOR THE SUPREME COMMANDER:

2 Incls
1. Cy of Ltr 3 Jun 49
2. Cy of Ltr 2 Aug 49

19 March 1952

MEMO FOR RECORD:

1. Self-explanatory.

2. Authority for action is Radio WX 86033, 28 Apr 46.

3. This is an administrative matter.

4. Concurrences: Not required.

5. Completes action on Line No. 1846.

F.R. 26-6238

GS's file No

FR/HS/MLT/dh

AG 095 (3 Jun 49)GS

SUBJECT: Dr. C. Otto & Co., Bochum, Germany

TO: Office of the United States High Commissioner for Germany
Office of General Counsel
Legal Service Division
Box 610
APO 80, c/o Postmaster
New York, New York

1. Reference is made to your letter, 24 January 1952, requesting copies of letter to the Office of Military Government for Germany (U.S.), file AG 095 (3 Jun 49)CPC/PLD, 3 June 1949, and the reply thereto prepared by OMGUS.

2. Inclosed are copies of the two referenced communications.

3. It is requested that your reply be addressed to the Tri-Power Advisory Committee, 2 Honshio-cho, Shinjuku-Ku, Tokyo, Japan, which will be the successor in interest to the Supreme Commander for the Allied Powers, as Trustee for France, the United Kingdom and the United States.

FOR THE SUPREME COMMANDER:

2 Incls
1. Cy of Ltr 3 Jun 49
2. Cy of Ltr 2 Aug 49

19 March 1952

MEMO FOR RECORD:

1. Self-explanatory.

2. Authority for action is Radio WX 86033, 28 Apr 46.

3. This is an administrative matter.

4. Concurrences: Not required.

5. Completes action on Line No. 1846.

F.R. _____ 26-6238

CS's file

COPY

ECM/WRJ/HS/iz
3 Jun 49

AG 095 (3 Jun 49)CPC/PLD

SUBJECT: Dr. C. Otto & Co., Bochum, Germany

TO: Office of Military Government for Germany (US)
APO 742
c/o Postmaster
New York, N.Y.

1. Dr. C. Otto & Co., Bochum, Germany, prior to and during World War II, conducted a very successful business in Japan where Leybold K.K., a German-controlled Japanese juridical person vested in the name of the German External Property Commission, acted as their agent and Mr. N. Philipsen (deceased) as their representative. Dr. C. Otto & Co., in addition to owning shares in Leybold K.K., owned other assets in Japan.

2. It is known that Dr. C. Otto is now a resident and citizen of the United States, but no definite information is available to General Headquarters, Supreme Commander for the Allied Powers, as to the actual ownership of Dr. C. Otto & Co. of Bochum, Germany.

3. It is requested, therefore, that the Office of Military Government for Germany (US) initiate an investigation to determine the exact ownership of this firm in Germany and whether their assets in Japan are subject to the provisions of the Allied Control Council Germany Law No. 5.

4. It is further requested that documentary proof of nationality and ownership be furnished and that a report of the requested investigation be submitted at the earliest possible moment.

FOR THE SUPREME COMMANDER:

COPY

Incl 1

COPY

Dr. C. Otto & Co., Bochum, Germany
AG 095 (3 June 49) CPC/PLD, SCAP. 3 June 49

AG 386 (EA) 1st Ind. 2 Aug 49

Office of Military Government for German (US), Berlin, Germany,
APO 742, c/o Postmaster NY, NY

TO: Supreme Commander for the Allied Powers
APO 500, c/o Postmaster, San Francisco, California

1. As requested in basic communication, an investigation has been conducted by the External Assets Investigations Section, Property Group, Office of the Economics Adviser, OMGUS, for the purpose of determining the exact ownership of subject firm.

2. Investigation indicates that, as of 8 May 1945, there was in Dr. C. Otto & Co., a limited partnership (G.m.b.H.) capitalized at RM 6,000,000, a non-German interest amounting to 25.76% of the capital That interest was held as follows:

		Nationality:	RM
(a)	Undivided estate Dr. Walter Hiby		331,500
	Gladys Swington Hiby, Scheveningen	Dutch,British	
	Karl Hiby, The Hague	Dutch	
	Stephania Pascal, Cambridge/USA	U.S.	
(b)	Karl Hiby, The Hague	Dutch	99,000
(c)	Dr. Carl Otto, New York	U.S.	1,023,000
(d)	Hans Otto, New York	U.S.	23,000
(e)	Klara Otto, New York	U.S.	23,000
(f)	Ilse Otto, New York	U.S.	23,000
(g)	Carl Christian Otto, New York	U.S.	23,000
	Total non-German participation		1,545,500 = 25.76%

3. The owners of the remaining 74.24% of the firm's capital appear to be persons subject to the provisions of Allied Control Council Law No. 5.

4. Documentary evidence proving the non-German nationality of the persons listed above, and the extent of their participations in the company, will be forwarded as soon as it is received by this Headquarters.

FOR THE MILITARY GOVERNOR:

/s/ Frederick A. Sturm
/t/ FREDERICK A. STURM
Lieutenant Colonel, AGD
Acting Adjutant General

Seal

COPY

COPY

Office of the United High Commissioner for Germany
Office of General Counsel
APO 80, c/o PM, NYC, NY

January 24, 1952.

General Headquarters,
Supreme Commander for the
Allied Powers,
APO 500,
c/o PM, San Francisco, Calif.

Attention: Major Aileen M. Webster,
Asst Adjutant Gen

Sirs:

Reference is made to your communication dated November 13, 1951, File AG 095 (3 Jun 49)CPC/PLD, subject, "Dr. C. Otto & Co., Bochum, Germany"; in which it was requested that this Office obtain documentary evidence of the nationality of Allied nationals, other than U.S. nationals, participating as shareholders in the German firm.

Correspondence received by the Office of Military Government for Germany for the year of 1949 has been transmitted to the United States for storage in accordance with Department of the Army instructions. The previous correspondence in the instant case, including your letter to the Office of Military Government for Germany (U.S.), File AG 095 (3 Jun 49)CPC/PLD, 3 June 1949, as well as the reply prepared by OMGUS, is therefore not available to this Office at the present time. If a copy of these communications can be forwarded to this Office, an effort will be made to obtain the information requested in your letter of November 13.

Very truly yours,

/s/F. S. Hannaman
F. S. Hannaman
Chief
Legal Service Division

COPY

Miss Falkenstein
26-6102

Liquidation of German Assets in Japan

Govt Sec (TRIPAC) C/S 19 March 1952

GS files

1. 1. It is requested that the following recommendations made by the Tri-Power Advisory Committee at its Special Meeting, 15 March 1952, be approved:

"1. Regarding Leybold K.K., that

a. the Representative Director be advised to vote the vested stock interest at the forthcoming stockholders' meeting in favor of approval of the Business Report, Balance Sheet, Inventory Profit and Loss Statement (1 July 1951 to 31 December 1951) and Plan for Disposition of Profits, prepared by the management.

b. the Representative Director be advised to vote the vested stock interest at the forthcoming stockholders' meeting in favor of granting Mr. S. OGINO, the Representative Director, a remuneration of ¥600,000 for the year 1951.

c. the Representative Director be advised to vote the vested stock interest at the forthcoming stockholders' meeting in favor of payment of retirement allowances of ¥362,475 to 151 old employees and ¥15,340 to an employee who recently left the service of the company.

d. the Representative Director be advised to vote the vested stock interest at the forthcoming stockholders' meeting in favor of the employment of the services of a firm of chartered accountants to audit the books of the company during 1952, selection of the firm to be left to the discretion of the Representative Director and the Ministry of Finance.

e. the Representative Director be advised to negotiate the settlement of all outstanding old accounts of the firm, both receivable and payable, as soon as possible, in such a way as would be to the best interests of the company.

f. the Representative Director be advised to vote the vested stock interest at the forthcoming stockholders' meeting in favor of disposing of the 1,480 shares which Leybold K.K. owns in Toyo Koki K.K. at ¥150 per share to SHOKICHI KAMEOKA and that simultaneously the Japanese Government be advised to sell the 200 vested shares in the same company, registered in the name of KURT MEISSNER, at the same price, to said KAMEOKA.

g. the Representative Director be advised to collect ¥13,436 due Leybold K.K. from Toyo Koki K.K. for rental of furniture and that Leybold K.K. recover all such furniture which has been leased to the company.

2. That regarding Nippon Tokushu Noyaku Seiso K.K. that the Japanese Government be advised to collect royalties in the sum of ¥4,477,091.56 now due from the company in two installments, ¥2,000,000.00 to be paid by 31 March 1952 and ¥2,477,091.56 on or before 30 September 1952.

Miss Falkenstein
26-6102

Liquidation of German Assets in Japan

Govt Sec (TRIPAC) C/S 19 March 1952

1. (Cont'd) 3. That in connection with the sale of vested books to the Ministry of Education (Tri-Power Advisory Committee 44), the Ministry of Education be granted a refund of ¥150,000 in final settlement for such books as were found missing on acceptance of delivery, with the understanding that if any of the books listed on the original inventory are found at Sotagaya Warehouse in the future they will be turned over to the Ministry of Education.

4. That in connection with the claim of CHRISTIAN HOLSTEIN, a "non-objectionable" German, against KURT JUNG, an "objectionable" German, that Mr. HOLSTEIN be advised that his claim has been rejected and that he should seek to collect his debt from the debtor, KURT JUNG.

5. That in connection with the petition from HARU AHDOH for release of approximately ¥44,129.12 which was on deposit in the SOMA Bank, Kawaguchi, in the name of RICHARD MOSEL, in view of the special considerations involved in this case, the Japanese Government be advised to release said funds to HARU AHDOH, with the understanding that this will not establish a precedent for future action by the Committee.

6. That Maschinenfabrik Augsburg-Nurnberg, A.G. be advised in reply to its letter dated January 4, 1952 in connection with Tri-Power Advisory Committee's decision on the matter of compensation to the company for technical assistance, that the Tri-Power Advisory Committee has noted the contents of its letter.

7. That VALENTINE L. MOROZOFF be advised that his offer of ¥2,250,000 for the purchase of the property located at 28/170 Sannomiya, 1-chome, Ikuta-ku, Kobe, is rejected as too low and that if he has a counter offer to make, to forward such offer within ten days of receipt of notification, otherwise the property will be offered for public sale on a sealed bid basis.

8. That PHILIP A. CAMPANELLA be advised that his offer to purchase the two properties located at 12 and 13/249 Imagadani, Ueno, Nada-ku, Kobe, for $7,000 payable in U. S. dollars, is accepted.

9. That the sum of ¥10,000 be made available from the Tripartite Trustee yen account to cover the cost of postage on letters sent out by the Tri-Power Advisory Committee in connection with the liquidation of German property.

1 Incl.
Prov. Mtg. Spec. Mtg.
13 March 1952

F. R.

DECLASSIFIED PER PUBLIC LAW 105-153 SEC. 3(B) AND 3(D) OR (E) NNDB # 775 012

RESTRICTED

5 Incs
FR/MB/KLF/dh

AG 313 (25 Mar 46)GS 1st Ind
SUBJECT: Records of the German Consulate in Yokohama

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE ALLIED POWERS, APO 500

TO: TAGO, The Pentagon, Washington 25, D. C.
ATTENTION: AGAM-GR

Inclosed is the signed receipt as requested.

FOR THE SUPREME COMMANDER

3 Incls
1 & 2 w/d
3. Receipt

17 March 1952

MEMO FOR RECORD:

1. Self-explanatory.
2. Authority: Radio WX 86033, 28 Apr 46.
3. This is an administrative matter.
4. Concurrence: None required.
5. Completes action on Line No. 7672.

F.R._____26-6238

GS File Copy

RESTRICTED

DECLASSIFIED AUTH: DOD DIR 5200.9 AND 5(E) AND 5(D) OR (E) NNDC # 775 012

Becomes unclassified upon removal of all classified inclosures

RESTRICTED
Security Information

Department of the Army
Office of the Adjutant General
Washington 25, D. C.

AGAW-E 313.1
(5 May 50)

12 February 1952

SUBJECT: Records of the German Consulate in Yokohama

TO: Commander-in-Chief
Far East Command
APO 500, c/o Postmaster
San Francisco, California

1. Further reference is made to your letter of 5 May 1950, file AG 313.1 (25 Mar 49) CPC/PLD, subject as above, and to letters, AGAW-G 313.1 (5 May 50), to Commander-in-Chief, Far East Command, dated 13 October 1950 and 22 March 1951, same subject.

2. Two additional documents of the former German Consulate in Yokohama have been found recently in the Library of Congress. These documents are inclosed.

3. Request that the attached receipt be signed and forwarded to the address noted thereon.

FOR THE ADJUTANT GENERAL:

/s/ Sherrod East

3 Incl
1-2. Documents
3. Receipt (in dupe)

SHERROD EAST
Chief, Departmental Records Branch, AGO

RESTRICTED
Security Information

becomes unclassified upon removal of all classified inclosures

Miss Falkenstein 26-6102
Liquidation of German Assets in Japan

GS GS 17 March 1952

1 1. It is requested that the following recommendation made by the Tri-Power Advisory Committee at its Special Meeting, 11 March 1952, be approved:

"That the same treatment should be accorded claims against branch offices of German-owned concerns whose head office is outside Germany as will be accorded claims against German juridical persons."

2. Although the TRIPAC has not yet adopted a policy with regard to claims against German juridical persons, the Members are agreed that only pre-war secured claims will be allowed. The problem still to be settled in this connection is whether the cut off date should be the start of the war in Europe, 1 September 1939 or 7 December 1941.

3. Attention is drawn to the fact that Mr. Kawasaki, who is Chairman of the group, delegated by the Japanese Government to deal with the Three Powers on German liquidation matters, stated that he should like to go on record as protesting the above decision in the name of the Japanese Government.

1 Incl
Prov Mtg Spec Mtg.
11 Mar 52

F.E.

GS File

Miss Falkenstein 26-6102

Liquidation of German Assets in Japan

CS 17 March 1952

1 1. It is requested that the following recommendation made by the Tri-Power Advisory Committee at its Special Meeting, 11 March 1952, be approved:

"That the same treatment should be accorded claims against branch offices of German-owned concerns whose head office is outside Germany as will be accorded claims against German juridical persons."

2. Although the TRIPAC has not yet adopted a policy with regard to claims against German juridical persons, the Members are agreed that only pre-war secured claims will be allowed. The problem still to be settled in this connection is whether the cut off date should be the start of the war in Europe, 1 September 1939 or 7 December 1941.

3. Attention is drawn to the fact that Mr. Kawasaki, who is Chairman of the group delegated by the Japanese Government to deal with the Three Powers on German liquidation matters, stated that he should like to go on record as protesting the above decision in the name of the Japanese Government.

1 Incl
Prov Mtg Spec Mtg,
11 Mar 52

GS File

F.E.

Authority NND 963056 By NARS, Date 12-18-96

0 1

MLC

Mr. Tompkins 26-9566

Cargo Claimed by The Oval
Manufacturing Company

CS DS 12 March 1952
ATTN: Mr. E. J. Carrington

1 1. Inclosed is a copy of report, 26 February 1952, from the Chuo Trust and Banking Company, Osaka Branch, relative to nineteen (19) cases of imitation jewels in the custody of Kobe Customs Warehouse. These cases were originally consigned to C. Illies and Company, whose assets are now vested in The Three Powers, for forwarding to their ultimate destination and could not be delivered because of the outbreak of hostilities.

2. Correspondence with the Oval Manufacturing Company of New York City, whose file is now in the possession of your Section, indicates that the above goods were intended for delivery to the Oval Manufacturing Company by consignment from Kotwa of Zlin, Czechoslovakia through C. Illies and Company.

3. It is suggested that DS take whatever action may be necessary to release these goods from the Kobe Customs Warehouse to their legal owners.

1 Incl
Cy of Rpt of Chuo
Trust & Banking Co.

GS file

F.R.

RC

PERTAINS TO: C/N-1 to DS, Subj, "Cargo Claimed by The Oval Manufacturing Company," fr GS, GHQ, SCAP

HS/MLT/dh
12 March 1952

MEMO FOR RECORD:

1. Rpt, 26 Feb 52, fr Chuo Trust & Banking Co., Osaka Branch, discloses that 19 cases of imitation jewels are stored in the Kobe Customs Warehouse and were consigned to C. Illies & Co., a German firm wholly vested by the Three Powers. The only mark on these cases to identify the owner, for whom ultimate delivery was intended, is the symbol OICO followed by numerals. Previous correspondence with The Oval Manufacturing Company of New York City by the United Nations Branch of GPC, indicates that it is the owner of these goods but this Company has not as yet filed the requisite papers for return of the goods.

2. C/N-1 to DS forwards report and suggests that necessary action be initiated to release the goods to their legal owners.

3. Authority: Radio WX 86033, 28 Apr 46.

4. Concurrences: Not required.

5. Initiates and completes action on Line No. _____.

H.S. HS 26-8156

AFO 500

FR/HS/MLT/ch

AG 905 ( )GS

F. S. Crofts and Co.
101 Fifth Avenue
New York 3, New York

Dear Sirs:

Reference is made to letter, 12 January 1953, from General Headquarters, Supreme Commander for the Allied Powers regarding the transfer of your yen funds in the Custody Account for the Supreme Commander for the Allied Powers in the Bank of Japan to your credit in the Chase National Bank, Tokyo Branch.

Inclosed for your information is the statement of account which, through an oversight, was not inclosed in reference letter.

Sincerely yours,

1 Incl
Statement of Account

CS Files

PERTAINS TO: Ltr to F. S. Crofts & Co., file AG 095, fr GS, GHQ, SCAP

MS/MLP/dh
11 March 1952

MEMO FOR RECORD:

1. Ltr 12 Feb 52 fr Franz Alexander, M.D., returned statement of account of F. S. Crofts & Co., which was inclosed in his ltr, 12 Jan 52, fr GHQ, SCAP by error.

2. Ltr to F. S. Crofts & Co. makes reference to ltr 12 Jan 52, regarding transfer of yen funds and fwds statement of account which was omitted from ref ltr through oversight.

3. Authority: Paragraph 8e, JCS 1380/15.

4. This is an administrative matter.

5. Concurrences: None required.

6. Initiates and completes action on Line No. _____.

F.R._____26-6238

CLASSIFIED BY 3(b) AND 3(d) OR (E) NNDB # 775 072

AG 017 (27 Apr 50)GS

HS/[illegible]/dh
7 March 1952

American Bureau of Shipping
c/o Lowe, Bingham & Thomsens
P. O. Box 797 Central
Tokyo, Japan

Gentlemen:

Reference is made to letter, 18 February 1952, for Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, requesting confirmation of the unpaid balance due for services rendered under Contract No. 30-182-TC-77, 27 April 1950.

The invoices rendered by the American Bureau of Shipping for such services are forwarded to the Contracting Officer, New York Port of Embarkation, for payment; therefore, General Headquarters, Supreme Commander for the Allied Powers is not in a position to verify the status of the account as of 15 December 1951, and your letter of 18 February 1952 is being forwarded to the Contracting Officer, New York, Port of Embarkation for attention.

Very truly yours,

FRANK RIZZO
Chief, Government Section

G.S. File

PERTAINS TO: Ltr to American Bureau of Shipping, file 017, 7 Mar 52, fr GS, GHQ, SCAP

HS/JAK/dh
7 March 1952

MEMO FOR RECORD:

1. Ltr 18 Feb 52 from ABS requested that its auditors be informed as to the accuracy of the balance of CPC, GHQ, SCAP's account as of 15 Dec 51 shown by ABS records as $80.00.

2. Inasmuch as the invoice of the ABS covering services rendered under contract No. DA 30-182-TC-77 is fwd to the Contracting Officer, NYPOE for payment, only that Officer can certify as to the status of the account.

3. Ltr informs ABS accordingly and states its ltr of 18 Feb 52 is being fwd to Contracting Officer, NYPOE for attention.

4. Auth for this action is W 87049, 5 Aug 48.

5. This is an admin matter.

6. Concurrences: not required.

7. Ltr completes action on Line No. 7667.

H.S. HS 26-6156

G.S.

Mr. Tompkins 26-8586

Doberer, Herbert

CS	G-2, CIS G-1 AG (In Turn)	4 March 1952

1. Reference is made to the following Check Notes:

a. C/N-1, 19 Feb 52, from AG to G-2 CIS, G-1 (in turn) thru CPC, subject, "Entry into Japan"

b. C/N-1, 25 Feb 52, from AG to G-2 CIS, G-1 (in turn) thru CPC, subject, "Doberer, Herbert.

2. Inclosed is a copy of C/N-2, 28 Feb 51 from CPC/CD to G-2 CIS, G-1, AG-CM regarding a previous application of subject individual for entry into Japan.

3. Since the date of the above referred to C/N-2, it has been determined that the patents of Dr. C. Otto & Co. in Japan are vested in France, United Kingdom and the United States and are being exploited by K. K. Leybold Shokwan under an exclusive agreement, which is also vested, with Dr. C. Otto & Co. At the present time, Asia Industry Company is negotiating with Dr. C. Otto & Co. to act as Japan representative in the erection of coke ovens under the patents formerly owned by Dr. C. Otto & Co. It is believed that the erection of any coke ovens under such an agreement would infringe the patent rights now owned by the Three Powers and that SCAP, as Trustee for the Three Powers, would have no alternative other than to issue a directive to the Japanese Government to prevent such infringement.

4. It is suggested, therefore, that the application of subject individual for entry into Japan be denied at this time.

3 Incls
1. C/N-1, 19 Feb 52
2. C/N-1, 25 Feb 52
w/Incl
3. Copy of C/N-2,
28 Feb 51

F.R.

DECLASSIFIED DOD 5200.9 SEC. 5(E) AND 5(D) OR (E) NNDG # 775 072

PERTAINS TO: C/N-1 to G-2 CIS, G-1, AG (in turn), subj. "Doberer, Herbert"
fr GS, GHQ, SCAP

MLT/dh
4 March 1952

Memo for Record:

1. C/N-1, 25 Feb 52 and C/N-1, 19 Feb 52, from AG to G-2 CIS, G-1, thru CPC requests info and recommendations concerning entry into Japan of Herbert Doberer.

2. See M/R, 27 Feb 51, pertaining to C/N-2 to AG-CM through G-2 CIS, G-1, file 095, subj. "Doberer, Herbert," fr CPC, GHQ, SCAP.

3. C/N-2 forwards copy of C/N-2, 28 Feb 51; states that patents of Dr. C. Otto & Co. are vested in Three Powers; that any coke ovens erected by Dr. C. Otto & Co. in Japan for Asia Industry Co. would appear to infringe upon patents owned by the Three Powers and suggests that entry be denied.

4. Authority: Radio WX 86033, 28 Apr 46

5. Concurrences: Non required

6. Completes action on Line Nos. 69047 and 69015

H.S. [illegible] 26-6156

GS

PERTAINS TO: Memo to MF, JG, file 095, subj, "Tax on German-owned Japanese Juridical Persons," fr CPC, GHQ, SCAP

RS/dh
10 March 1952

MEMO FOR RECORD:

1. Referenced FCO forwarded views of M/F as regards the levying of liquidation taxes on German-owned Japanese business firms which are to be liquidated by the M/F on instructions fr CPC.

2. At its meeting, 17 Jan 52, TRIPAC recommended to SCAP: "That the Japanese Government be informed that the Three Powers" will not pay any of the regular taxes imposed when Japanese juridical persons are liquidated and extinguished, except real estate taxes and the normal charges for registration of the liquidation." Above recommendation was approved by C/S 5 Feb 52."

3. Memo to M/F advises that SCAP will not approve the levying of taxes on German-owned juridical persons in liquidation other than real estate taxes and fees for registration of dissolution in accordance with TRIPAC recommendation.

4. Authority for action is Radio W 99301, 7 Feb 50.

5. Verbal concurrence: DS (Mr. Adams).

6. Initiates and completes action on Line No. ~~68951~~ 7117.

H.S. 4/5 26-6156

GS File

GOVERNMENT SECTION
APO 500

GSS (2 Nov 51)GS

HS/dh
11 March 1952

MEMORANDUM FOR: Ministry of Finance, Japanese Government, Tokyo, Japan

SUBJECT: Tax on German-owned Non-operating Japanese Juridical Persons

1. Reference is made to:

a. Memorandum for the Japanese Government, file AG 091.112 (15 Sep 45)MG, SCAPIN 26, 15 September 1945, subject, "Protection of Allied and Axis Property," from General Headquarters, Supreme Commander for the Allied Powers

b. Memorandum for the Japanese Government, file AG 386.7 (15 Oct 49)CPC/CD, SCAPIN 2081/1, 1 August 1951, subject, "Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan," from General Headquarters, Supreme Commander for the Allied Powers

c. PCO 1504/51 (PC/FP), 2 November 1951, subject, "On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds."

2. Subject juridical persons were impounded and blocked in accordance with reference 1a above and for all intents and purposes subject juridical persons became ready for liquidation and extinguishment as of the date of reference 1a above. Therefore, all non-operating former German-owned or controlled Japanese juridical persons which are being liquidated and extinguished pursuant to decisions of the Supreme Commander for the Allied Powers should be liquidated as of the date of impoundment even though liquidation and extinguishment are being accomplished at the present time.

3. The Ministry of Finance is advised that former German-owned or controlled non-operating Japanese juridical persons whose assets are now owned by France, the United Kingdom and the United States should be exempt from the liquidation proceeds enterprise tax and such other liquidation taxes normally imposed upon a Japanese juridical person to be liquidated and extinguished.

FRANK RIZZO
Chief, Government Section

DISTRIBUTION:
GHS

GS File

PERTAINS TO: Memo to MF, JG, file C95, subj. "Tax on German-owned Japanese Juridical Persons," fr CPC, GHQ, SCAP

HE/dh
10 March 1952

MEMO FOR RECORD:

1. Referenced FCC forwarded views of M/F as regards the levying of liquidation taxes on German-owned Japanese business firms which are to be liquidated by the M/F on instructions fr CPC.

2. At its meeting, 17 Jan 52, TRIPAC recommended to SCAP: "That the Japanese Government be informed that the Three Powers" will not pay any of the regular taxes imposed when Japanese juridical persons are liquidated and extinguished, except real estate taxes and the normal charges for registration of the liquidation." Above recommendation was approved by C/S 5 Feb 52."

3. Memo to M/F advises that SCAP will not approve the levying of taxes on German-owned juridical persons in liquidation other than real estate taxes and fees for registration of dissolution in accordance with TRIPAC recommendation.

4. Authority for action is Radio W 99301, 7 Feb 50.

5. Verbal concurrence: DS (Mr. Adams).

6. Initiates and completes action on Line No. ~~66951~~ 7717.

H.S. HS 26-6156

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

FCO 1504/51 (PC/FP)

2 November 1951.

MEMORANDUM FOR: CIVIL PROPERTY CUSTODIAN, G. H. Q.

SUBJECT : On Exemption of German Owned Japanese Juridical Person from Local Taxes on Liquidation Proceeds

1. Reference is made to following:

a. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/PLD, SCAPIN 2051, dated 13 October 1949, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

b. Memorandum for the Japanese Government, AG 386.7 (13 Oct 49)CPC/OD, SCAPIN 2051/1, 1 August 1951, subject: Notification that the United States, United Kingdom and France are Owners of Certain Categories of Former German Property in Japan.

c. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/FI, SCAPIN 4938-A, 29 November 1947, subject: Applicability of Taxes to Non-Japanese Nationals.

d. Memorandum for the Japanese Government, AG 012.2 (29 Nov 47)ESS/IR, SCAPIN 4938-A/1, dated 27 May 1950, subject: Amendment of SCAPIN 4938-A.

2. The opinon of this Ministry concerning the subject matter you proposed at the time of amendment of German Property Custody Order (1950 Cabinet Order No.252) by Cabinet Order No.328 dated October 11, in accordance with the provision of (1) (b) above is as follows:

a. German owned juridical person as defined in German Property Custody Order is Japanese juridical persons. Even if shares or holdings German owned of the said juridical

A-8799

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

person now belong to the United States of America, the United Kingdom and France so that this three nations may control the said juridical person, this is not sufficient reason to make any exceptional application of taxes law. Therefore, German owned juridical person should pay the tax as in the case of other Japanese juridical person.

b. Furthermore, in accordance with the provisions of (1) (c) & (d), since July 1 of last year Local and National taxes have been imposed on United Nations nationals as Japanese nationals and German owned juridical person does not correspond to those who is exempted from taxes under the provision of paragraph (3) of (1) (c) above. Taking this into our consideration, the liquidation proceeds of German owned juridical person can not be exempted from taxation.

c. It is specified in the chapter 6 of The Local Taxes Law (1950, Law No.60) that To, Do, Fu and Prefectures should impose enterprise tax on income and liquidation proceeds of juridical person in 1950 and 1951 (this is to be extended in the present session of Diet).

As mentioned in 2. (a) and (b) above, German owned juridical person is Japanese juridical person in the application of Taxes Law so that on the liquidation proceeds enterprise tax should be imposed.

FOR THE MINISTER OF FINANCE:

Yusuke Kashiwagi

Yusuke Kashiwagi,
Chief of
Financial Commissioner's Office
for Gengo Suzuki
Financial Commissioner

Encl.: Report from Local
Government Finance Commission

s

C b C
AUG 1951
RECEIVED

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Chi-Zai-I-Zei
No.1916

November 1, 1951.

To: Director of Property Custodian Bureau,
Ministry of Finance

From: Director of Secretariate Bureau,
Local Government Finance Commission

Subject: Exemption of German owned Japanese Juridical Person
from Local Taxes on Liquidation Proceeds

In reply to the quistionaire (Kura-Kan No.6131 dated October 29, 1951) concerning the subject matter, we hereby set forth our opinion that there is no sufficient reason, as you asserted, for exempting the subject juridical person from local taxes. Therefore, they should pay the enterprise tax as in the case of other Japanese juridical persons.

A-8799

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

FR/[illegible]/MLT/dh

AG 095 (7 MAR 1952)GS 7 MAR 1952

Mr. K. Piper
Moenckebergstrasse 7
Hamburg 1, Germany

Dear Mr. Piper:

Reference is made to your letter, 18 February 1952, regarding your interest in the firm of Delacamp, Piper & Co. of Kobe, Japan.

For your information, Allied Control Authority, Control Council, Law No. 5, 30 October 1945, as amended by Regulation 1, 10 May 1946, reads in part:

> "Article II. All rights, titles and interests in respect of any property outside Germany which is owned or controlled by any persons of German nationality inside Germany are hereby vested....."

Records available to General Headquarters, Supreme Commander for the Allied Powers indicate that you are a German national in Germany; therefore, your property in Japan falls within the purview of the above quoted law and release thereof is precluded.

Your former interest in the firm will be liquidated in the near future and the proceeds credited to your successors in interest, France, United Kingdom and the United States, for whom the Supreme Commander for the Allied Powers is Trustee.

Sincerely yours,

STEADMAN P. NELSON
Captain, AGC
Asst Adj Gen

GS (German Assets) Comeback Copy

ENG-FEB 17 MAR 1952 DISPATCHED

PERTAINS TO: Ltr to Mr. K. Piper, file AG 095, from CS, GHQ, SCAP

MLT/dh
5 March 1952

Memo for Record:

1. Ltr 18 Feb 52 fr K. Piper inquires whether his interest in the firm of Delacamp, Piper & Co. of Kobe, Japan can be released and held for his disposition.

2. Property Certification Report, 10 Oct 49, discloses that the firm of Delacamp, Piper & Co. is an unlimited partnership in Japan engaged in import-export. The firm was owned equally by Herbert de la Camp, residing in Japan and an American citizen, and Konrad Piper, a German national in Germany. The interest of Konrad Piper is vested under Article II of Allied Control Council Germany Law No. 5. Mr. de la Camp has requested that the firm be liquidated and necessary action to do so will be taken under Japanese law in the near future.

3. Ltr to Mr. Piper states that his interest in the firm has been vested and release thereof is precluded.

4. Authority: Radio WX 86033, 28 Apr 46.

5. This is an administrative matter.

6. Concurrences: None required.

7. Completes action on Line No._____.

F.R._____26-6238

German Assets File

C O P Y

H. DELACAMP & CO.

K. Piper

Hamburg 1 Feb. 18th 1952
Moenckebergstrasse 7

To the
Civil Property Custodian
T o k y o

Dear Sir,

Being a partner of the former firm of Delacamp, Piper & Co. of Kobe, which was suspended from business in 1945, I beg to enquire whether my capital in the firm amounting to about 2 millions Yen can now be released and held to my disposal.

I would mention that during war time I was living in Germany and that I never was a member of the Nazi Party or its organizations.

For particulars please apply to Mr. Hbt. de la Camp of Rokkosan West No. 1 Nada-ku, Kobe.

Awaiting your kind reply, I remain,

Yours truly,

/s/

C O P Y