BOARD OF TRADE

**A.E.P.** A.E.P. 163/P

**163/P**

| Date of Paper | Date Registered | Previous Papers | Other Divisions Papers |
|---|---|---|---|
| -- | 23.12.48. | | Mrs. Wilson. |

PROCEDURE RELATING TO THE VESTING AND SALE OF PHYSICAL PROPERTY IN THE UNITED KINGDOM OF GERMAN NATIONALS RESIDENT IN GERMANY.

BT 271/167

E 037

Connect with 158/P (Terminating the technical state of war with Germany).

**WHEN THIS FILE IS PASSED ON THE FULL REFERENCE (INCLUDING THE YEAR) AND THE ADDRESSEE'S NAME MUST BE ENTERED ON YOUR TRANSIT SLIP.**

| REFERRED TO | ROOM NO. | DATE |
|---|---|---|
| P.A. NOTED | | |
| Mr Watters | | 24/1/60 |
| Papers | | 28/1/60 |
| P.A. NOTED | | |
| CEP | | 24/2/60 |
| P/A | | 25.2.60 |
| P.A. NOTED | | |
| Mr Watters | 666 | 25/5/62 |
| P.A.2 | | 25/5/62 |
| P.A. NOTED | | |
| Mr Davies | R137. | 17/9/68 |
| P.A. | | 17/9/68 |
| P.A. NOTED 17/9/68 | | |

| REFERRED TO | ROOM NO. | DATE |
|---|---|---|
| 1 Mr Bromley | | 31/1. |
| 2 Miss Hunter | | 1/2 |
| (1) Mr Stuart | | 27/3/50 |
| (2) Miss Hunter | | 25/3/50 |
| BE 1/5/50 | | |
| Miss Hunter | | 1/5 |
| Mrs Watson | | 24/12/50 |
| Mr. Branch | | 29/12/50 |
| Mr. Rogers. | | 3/4/51 |
| Mr Relam | | 18/12/51 |
| P.A. | | |
| P.A. NOTED 19/12/51 | | 19/12/51 |
| Mr Stafford | | 28 DEC 1951 |
| Miss Gould | | 25.12.1951 |
| Miss Hunter | | |
| WP 9/1/60 | | 15/2/52 |
| " | | 15/2 |
| Mr Kemp | | 23/7/52 |
| Mr. Clayton | | 24/7 |
| P.A. | | 24/7 |
| P.A. NOTED 28.7.52 | | |

| REFERRED TO | ROOM NO. | DATE |
|---|---|---|
| Mr Rayner C&P | | 28-7-52 |
| Ref. FP. 367/52 | | |
| P.A. NOTED 31/7/52 | | |
| Mr Crawford | | 30/1/1953 |
| P.A. | | 9/2/53 |
| P.A. NOTED 9/2/53 | | |
| Miss Gould | 550 | 11 APR 1953 |
| P/A | | 17 4 53 |
| P.A. NOTED 20/4/53 | | |
| Mr Pilcher | 551 | 4 MAY 1953 |
| AEP | | 6.5.53 |
| P.A. NOTED 7/5/53 | | |
| Mrs Gould. CEP | | 14 SEP 1954 |
| P/A | | 15/9/54 |
| P.A. NOTED 20.9.54 | | |
| Mr Butler | | 22/9 |

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(5598) 15693/1690 50M 7/48 AT6SLtd. 11/811/1

(2) Cases not cleared up by the action at (1) could be referred to T.E.3 Branch, if estimated to produce more than, say, £500 or if there is prima facie evidence that the person for whom the property is reported may not be a German enemy, e.g. (a) the name suggests non-German nationality, (b) the name suggests a bank or other depot or (c) the person is a woman who may therefore have had, or have since acquired, other than German nationality.

(3) T.E.3 Branch will search the T.W.E.D. index which, besides giving references to departmental files, if any, and information acquired in different ways, contains a reference to any MGAX information received.

(4) If an MGAX declaration has been made by the person for whom the property is reported, the Branch will examine the appropriate tabulation. Individual MGAX declarations are not sent to us, but only the tabulated results. The Form itself, however, provides for the declarant stating if any external asset is held for other persons, and unless a mistake has been made in coding the return, the inclusion of the property, or of an item judged to include the property, in the tabulation should be conclusive of German enemy ownership. If the liabilities section of the tabulation is in our possession, it will also be searched for any possible liens. The index to the Enemy Debts Register would be examined at the same time for liens, but it must be borne in mind that this is only a voluntary Register and too much reliance cannot be placed on its completeness.

(5) If no MGAX information is available, the Branch will search any pertinent departmental files, and in the case of a woman, will consult the Home Office so as to pick up any who have acquired or regained British nationality. This last action will not, however, help where the woman has acquired some other non-German nationality.

(6) If the above procedure still does not resolve the question positively, the Branch will send an enquiry to Investigations Branch in Germany where the property is likely to produce, say, over £1000 or any other cases where special circumstances indicate the need for such action.

Any procedure on the above lines which may be agreed would be regarded as a flexible one and Mr. Savage, who is in charge of this kind of work and knows many sources of information, would use his judgment in particular cases. I must emphasise that, whatever inquiries we make, we cannot always guarantee certainty.

G.S.B.

(G. S. Bailey)
17th November, 1948.

1. Mr. Campbell. Seen ajc 18/11
2. Mr. Slatford.

FTK

12 Reference .....

At present we are considering physical property - machines, jewellery, chattels, instruments etc. The type of enquiry which you suggest would apply only to individual Germans and is unlikely to produce information on which we could work with certainty, except in a small proportion of cases. Reporting was done on information about residence by all sorts of people, and a stock enquiry would either produce "no knowledge" replies or the indefinite type of answer which would have to be followed up in detail with the correspondent, probably a lengthy process. If the German has enquired about the property (there have been a few cases) there will usually be correspondence on the Custodian's file already.

If the "enemy" has enquired through the reporter, yes. But if through the control Commission or from some other country, it might have come to any of the Blue Branches G.F.S.

I should think that whatever we do short of full enquiry to settle ownership there will be a risk of selling non-German property or the property of Germans who have got away. Most of it will not be of great value and if sale proves later to have been unjustified it is probable that we shall be able to satisfy most of the owners by handing over the proceeds. My suggestion is that sale should proceed:-

(a) If all available files provide a reasonable assumption of German ownership

I'm Stafford informs me that he means "and" here, not "or" G.F.S.

(b) If the property reported is of a value less than a fixed amount - say £500

This could be subject to a list of exceptional types, such as the married woman, or the depot, in which special enquiry would be made.

Should Mr. Carter be asked to consider the general principles on which we should proceed - perhaps a discussion between all concerned would be useful.

C.V.

Mr. Bailey Received 1/12/48 24 November, 1948.

13

I agree with Mr Stafford that this can now best be dealt with at a meeting between Branches 1, 3, 4 & 5. Would it be worth while arranging & circulating the minutes in order?

Mr Carter G.F.S. 2/12/48

(1153) Wt.Y39018/8211 2,500,000 1/48 JCSS Ltd Gp739/203 (REGIMEAN) Code 5-33-0

Have £500 rule again?

in Germany in cases where the property appears to be worth more than £1,000.

(5) In straightforward cases, T.E.4. will be asked to prepare Vesting Orders with a view to sale.

D.C 14/XII

(Copies sent to C.J. & those present)

Mr. Bailey, Mr. Campbell, Mr. Slatford discussed the questions raised in minutes 1-12 and came to the following conclusions:-

(1) We wish to sell physical property (machines, chattels, etc.) owned by persons of German nationality resident in Germany (frontiers of 31st December 1937), for which we are under an obligation to account to I.A.R.A. - see Rule 5A of the Accounting Rules. This does not at present apply to:-

(a) Property such as life interests.

(b) Property of sentimental value which has little or no market value and is not likely to involve us in storage or other charges.

(c) Property of women (who may become British nationals in 1949 under the recent Act).

(d) Property of German companies in which we have reason to believe from readily available information that there are substantial non-enemy interests.

(2) It is appreciated that it will often be impossible, without a disproportionate expenditure of time and labour, to obtain full and definite information about the owner. The risks of inadvertantly selling non-enemy property should be minimised by the following procedure which should exculpate the Custodian of Enemy Property and Board of Trade from any charge of negligence:-

(3) Action will be initiated by the Custodian of Enemy Property who will (a) assemble Custodian of Enemy Property and Trading with the Enemy files readily available, (no extended search into T.E.3's ramifications is required) and (b) ask the person who reported the property for information as to e.g. past and present residence and whereabouts of the owner, present situation and condition of the property etc., and for departmental reference numbers if there should have been correspondence with Custodian of Enemy Property, Trading with the Enemy or Administration of Enemy Property Department in the past. A stock draft on these lines will be prepared by Custodian of Enemy Property in consultation with Administration of Enemy Property Department.

(4) Where action at (3) suggests difficulties, the case will be referred to T.E.3., T.E.4. or T.E.1. as may be necessary. T.E.3. however, will not be expected to initiate investigations in Germany in cases where the property appears to be worth less than £1,000.

(5) In straightforward cases, T.E.4. will be asked to prepare Vesting Orders with a view to sale.

D.C
14/XII

(Copies sent to C-J & those present)

Reference AEP 163/P.

(15.)

1. The cases, whose particulars are summarised on the schedule opposite, have, with one exception, which is, however of comparable type, been submitted by T.E.H. (Mr. Jolly) as being typical of the resulting cases he is receiving, with a request that a "policy" with regard to them be formulated. Mr Jolly is understood to be holding between 20 & 30 similar cases which have been thrown up as a result of the decision to dispose of 'odds & ends' of German property. It would, therefore, seem to be desirable to lay down a course of action with regard to these particular cases & in any event, it would appear that consideration should be given to the problems presented by cases of this kind in advance of the issue of the projected S.V.O.

2. The main problem which these cases present is what action is to be taken with regard to items of property whose sale would apparently produce no considerable net proceeds. They also raise a secondary question. This arises out of the fact that some of these miscellaneous items of German property belong to individuals who were interned in the U.K during the war - who were thereafter repatriated to Germany. The position of these individuals vis-a-vis S.R. & O 1946 No. 331 is not always clear because of inadequate information. TEH thinks that consideration should also be given to the interpretation to be placed on this order.

3. To deal with the secondary question first. If we can without undue difficulty lay our hands on the information necessary to establish the position of a repatriate vis-a-vis S.R. & O 1946 No. 331 we should, I think, make the attempt. On the question of the interpretation of S.R. & O 1946 No. 331, I do not think that at this stage of time we should have regard to anything but the letter of that order. In the past we have, it is true released to individuals who although not strictly covered by S.R. & O 1946 No 331 appeared to be in its spirit, but at this stage I think we should be justified in pre- That the supply dwindling [illegible]

(1243) Y25926/869
525,000 9/48
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REGIMERE
CODE 5-30-0

4. With regard to the major ~~prob~~ problem, which is well illustrated by some of the cases opposite, there seem to be three possible main courses of action:-

a) having vested, to sell in the hope that, when all the items of small value have been realised, the Custodian would break even.

b) to give a consent to deal to the individual holders of property of little value under Art. 4 of the Custodian Order.

b) seems to be preferable. If this course were adopted a minimum value would require to be fixed below which a consent would be given. This probably need not be a rigid figure. Account would have to be taken of the expenses of selling. e.g. if a holder were willing to buy it would always be worth selling; on the other hand if the expense of selling were likely to be high it would be necessary to consent to the selling of such property of a somewhat greater value. Probably a consent should in no case be given if the value of the property were say in excess of £20.

In cases of property regarded by the former owner as being of sentimental value, the Dept. might be liable ~~to~~ to attack if it issues a consent to deal.

Presumably we should be adequately protected if the 'right to transfer' had been vested in the Custodian. If not it might be necessary to vest "all rights, title & interest" in cases in which a consent issued.

As far as the IARA funds are concerned, ~~they~~ Art. III 6H would appear to exempt us from accounting for the assets in cases of this kind.

The foregoing is written on the assumption that we could not effectively retain property of little value to former owners in Germany. If the holders do so, we shall not be concerned. If, however, release applications are received for particularly valueless property, I think we should allow them.

It has been suggested that, if necessary, TEL, TEL & KEP should discuss this matter. You would not, I think, wish to be involved but I should appreciate guidance.

HL.
25.5.49.

Reference
16

1. We have had one or two talks about dealing with the miscellaneous collection of odd articles reported to the Custodian, principally in connection with the proposed amending Vesting Order. This gives a cross section on a small scale of the sort of thing with which we should be faced.

2. My mind is working on the following directions

(a) Jewellery, precious stones, gold & silver plate, objets d'art. Take an amending Vesting Order, if we can find a form of words, ~~to~~ satisfy the persons requiring it, collect and sell. [This does not mean we should not release from the V.O. if circumstances justified it.]

(b) Other property probably of low value (say £15 and below) for the reason ~~that~~ we have no authority to deal with the property is understood & suspected. Issue an Article 4 consent to deal and require no account of the dealing

(c) Other property where there is prima facie reason to believe there is power & authority to deal ~~with~~ (? and where its value is probably in excess of £15) consent to the use of such powers as the holder has to sell and account to C.C.P.

(d) Other property valued in excess of £15 but

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no one with pre-war authority to deal, vest in C[illegible] for sale.

3. I think we may have to be very careful about our consents because I suspect we might leave the holder in the position of a banker without cause for his action if we entrapped him into a belief that an "consent" empowered him to sell.

4. I should like to know your reactions to this.

[illegible].

26/5

Mr. Clifford

/MM

Reference

17.

1. My earlier contact with some of the cases listed leads to doubt whether the list is a true cross-section of the problem. It seems to be weighted of cases with special features which make sale unlikely (e.g. one is of possible negligence by the holder). We have sales in train for many more cases than those on the list, and progress so far prompts the view that we shall probably sell 60-70% of the commercial type of property reported for a return which will be worth while, we have had one unexpectedly good result due to scarcity value and there may be others later - the results seem unpredictable from the information on the reports. The saleable proportion of the private property will probably be lower but the goods saleable more easy to sell than the commercial stuff.

2. With the commercial cases most of the holders received consent early in the war (the Custodian's action - since regularised). What now remains is the odd machines and stock remnants which they have been unable to sell. Moreover they do not seem interested to find buyers and some have told us that goods are unsaleable which we ourselves expect to sell. To act now by the consent method will not force sales, though a number of holders have offered to take goods over at a price and many such offers seem acceptable.

3. To use specific vesting orders may mean making four hundred or so, to cover the jewellery etc. by a general order would save about half this number. Our difficulty would be to determine that the owner is in Germany, our enquiries about this have nearly always drawn a blank. If with such an order we can act on the basis of the reports without establishing whether at the date of the order an owner is resident in Germany, and disregarding possible death, we could collect and sell the stuff as you propose. We should have to be certain that the property taken was within the definition, which may not always be easy - there is of course the general idea of what jewellery etc. is but we should have to act within any legal definitions which exist, (I believe a legal definition was given of Chippendale furniture which rather shattered the Antique dealers).

4. With the low value property (Your 2(b)) where no pre-war trading authority exists we could release, but we are receiving offers from holders for some of it and it seems a pity not to accept them. The value and the offer usually result from our preliminary enquiry.

5. With the more valuable commercial goods (Your 2c), as I said earlier consent will not necessarily produce a sale by the holder and it may be better to vest and sell ourselves, if we are advised that it is saleable. You once mentioned the possibility of a stock form of order with blanks and a schedule which could be filled in here, but I do not know whether you have considered this further. Your 2(d) is the line we have worked on so far for cases of the type.

6. If it is possible to use a stock order, I think that would be the easiest method, provided that its application is directed, as a matter of disposal policy, in the widest manner possible, e.g. "believed to be an enemy or an enemy subject" on the basis of the original report, excepted only by contrary information volunteered or already on Departmental files; and if there is none such then to go ahead. Another suggestion is a general vesting of "property transferable by delivery", the phrase used in the Treaty of Peace Orders. We could release the low value stuff, and this definition is more workable than a restricted one. We should of course release the "junk", the consent making it clear that it was in no way an authority to dispose of it without the permission of the owner.

1 June, 1949

Sir Henry Gregory

(1152) 39020/820
REGIMERE
CODE 5304

1. There had obviously been some misunderstanding to which I may have contributed by holding up some of the general Vesting Order papers. The scope of any general Vesting will be governed on the Title file (T/E 62022)

2 Of the other questions raised on this file as discussed orally in this connection it would seem that in the commercial cases we are getting on reasonably well, where there are funds of some value, by consenting to sale and account.

3. There seems to be an understanding that Branch 4 is not empowered under Mr Collis Minute of 14 Dec (Mem 14) to proceed to sale except where there is proof (or indications approaching proof) that the property is that of a German in Germany on 31st March 46. I doubt whether the phrasing of para 1 of that Minute was intended to be interpreted in so restrictive a way but in dealing with the sale of property of this kind we should not feel ourselves so bound in future. Before We attach on the Act and Orders and Branch 4 should deal with the property on the basis of the Reports to the Custodian in the absence of indications that the property owner is no longer an enemy or the property enemy property ie. by a deal with the Custodian under Article 4 or 5 of the Agreement.

4. Owing to the treatment of property of negligible value where Branches 4 and 5 are in agreement that the property is of negligible value and waived out



Reference .....

pay the collector and sale a consent to the present holder leaving him free to take proceedings under the Custodian Order should he so wish. We shall then be quit of it.

5. I am anxious that in using "consents" for purposes of sale we should be careful not to entrap the unwary into the belief that and "consent" carries with it any additional authority or form the effect over that the holder already has. If the property and of powers are lacking Vest for sale.

reference has made to our policy personal property of estimated only (or of negligible intrinsic value). I should frame release if there is really no cash in it.

J.E.S. 2/6/49

M: Compton d/f. 4/6/49
- Flaxman Ctd 9/6/49
Mrs Wilson
M: Talby
[M: McKenzie o/r] 21/7/49

1. There [illegible] to
to which I may have [illegible]
up with the general [illegible]
scope of any general [illegible]
the Ches file (T/C 62[illegible]

2 Of the Ches [illegible]
file or documents [illegible]
it would seem that [illegible]
cases we are getting on reasonably well,
there are parts of some valuable, by
[illegible] consisting of stock and account.

3. There seems to be an understanding that
Branch it is not empowered under Mr Cohen's
Minute of 14 Dec (Min (4)) to proceed to
sale except where there is proof (or indication
approaching proof) that the property is that
of a person in Germany on 20th June 1946.
I doubt whether the phrasing of para 1 of
that Minute was intended to be interpreted
in so restrictive a way but in dealing
with the sale of property of this kind we
should not feel ourselves so bound in
future. If there We stand on the Act
and Orders and Branch should deal with the
property on the basis of the Reports to the
Custodian in the absence of indications
that the property owner is no longer an
enemy or the property enemy property. We
have agreed with the C&E.P. that Branch will give
4. Owing to the treatment of property
of negligible value where Branches and
S are in agreement that the property
is of negligible value and waived with



Reference .....

pay the collector and sale a consent to the present holder leaving him free to take proceedings under the Custodian Order should he so wish. We shall then be quit of it.

5. I am anxious that in issuing "consents" for purposes of sale we should be careful not to entrap the unwary into the belief that and "consent" carries with it any additional authority to from the absent owner than the holder already has. If the property is of value and if powers are lacking we must Vest for sale.

6 Reference has made to our policy for treating personal property of sentimental value only (or of negligible intrinsic value). I should frame release if there is really no cash in it.

[illegible]
2/8/49

Mr Compton [illegible] 4/8/49
" Flatman [illegible] 9/8/49
Mrs Wilson
Mr Talby
[Mr McKenzie o/s]. 21/7/49

Reference.

Disposal of papers

Ken 18 on AEP 163/8 attached will, I think, enable you to dispose of all the V.R.P. cases which you have passed on to me. Whilst I can retain V (with the exception of TC41472 Seely already sent back) Miss Ilk.

2. As at para 3 of Ken 18, having established [redacted] in accordance with its terms, that property is enemy property, I think we should also ask ourselves if it is the kind of enemy property that we would be prepared to release. The main 'release-able' classes of claims are, of course, those of:-

a) "victims" as all 6 F of the IRRA Rules. These (who must be resident outside enemy territory) of "victims" as so defined. (In this connection we should, I fear, never accept no further applications as the expected date by which claims had to be made has now passed but we are under pressure from various ethnic organisations to advance the date)* *We have done so: the date is now 1st Oct 49.

b) British born women widows, divorcees of persons who have reacquired British nationality & returned to the UK for permanent residence.

We may want me to receive claims under this head. Some of these individuals may have elected not to return to the UK until they had reacquired British nationality which was rather difficult until the beginning of this year, but since then Sect 14 of the British Nationality Act, 1948 as from 1.1.49 has made it understood a relatively automatic matter on application.

Secondly as far as our release conditions are concerned insist on the letter of the law's being fulfilled so that no individual [redacted] Just possible to [redacted] property should be released unless it is not likely to be able to make claim as from VR.P. - Sch. 4 [redacted] There is one exception to this viz the British born wife who reacquires British nationality & elects to remain in Germany & applies finally for a personal release. Although we may sometimes it is not considered practical politics to tell her any financial effects she may suffer in the U.K. The more particularly if there is a work element.

There are [illegible] other releasable classes of

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REGIMERE
CODE 5-30-0

Reference

Disposal of [illegible]

Item 18 on AEP 163/8 attached with 11 minds, enable you to dispose of all the V&V cases which you have passed on to me which I can return to you (with the exception of No 41472 Seely already sent back) herewith.

2. As at para 3 of min 18, having established, [redacted] in accordance with its terms, that property is enemy property, I think we should also ask ourselves if it is the kind of enemy property that we would be prepared to release. The main 'releasable' classes of claims are, of course, those of:-

a) "victims" as at b F of the IARA Rules. These (who must be resident outside enemy territory) of "victims" as so defined. (In this connection we should likely receive further applications as the expected date by which claims had to be made has now passed but we consider pressure from various quarters to advance the date*) *we have done so: the date is now 1st Oct 49.

b) British born women widows, divorcees of persons who have reacquired British nationality & returned to the UK for permanent residence.

We may get some to recover claims under this head. Some of these individuals may have elected not to return to the UK while they had reacquired British nationality as this was rather difficult until the beginning of this year, but since then Sect 14 of the British Nationality Act, 1948 operative as from 1.1.49 has made it understood a relatively automatic matter on application.

Generally as far as our release conditions are concerned insist on the letter of the rules being fulfilled so that each individual just fails to qualify should not be able to claim release as from V&V - tell them if he is not likely to be able to qualify. There is one exception this viz the British born wife who reacquired her nationality & elects to remain in Germany to qualify for a general release. Although we may sometimes think it is not considered practical politics to tell her any further attempt efforts she may make to the U.K. the more particularly if there are children of such marriages.

There are, of course, other releasable classes of

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CODE 5-30-0

Reference.....

1.

The Controller-General thinks reasonably high priority should be given to the job of vesting and selling the "odds and ends" of German property for which we have to account to IARA, and he has asked me to approach you and Mr. Campbell with a view to getting a start made. The matter has become fairly urgent in view of certain developments which I have mentioned to you.

Mr. Campbell tells me he can provide 2 C.O's, 1 Grade 2 Clerk and 2 Grade 3 Clerks, and Mr. Hawkins may be able to furnish one or two others from other Departments of the Board. Mr. G.S. Bailey has no staff to spare.

Under present arrangements and under the proposed reorganisation, the executive responsibility would, I think, rest with you. If you think I can be of assistance, please let me know.

D.C

Mr. Slatford.

D. CARTER.
October, 1948.

(818)
W(51)635/2658
1,250,000 4/46
JC&S 736/208
(REGIMEAN)
Code 5-33-0

holds it for another German or a non-German. The declarant might have had more information at the time of ~~referring~~ making the original T.E. return and may easily have been in communication with the owner since the end of the War and in this way may be able to give sufficient information to allow the Custodian to decide whether or not to sell. Such a letter could be in stock form and would put neither the Department nor the declarant to too much trouble.

Subject (i.e. people who possess British nationality only British nationality but my guess is that the cases of individuals of this kind will already have been released.

3. Mr McKenzie has not had time to read them yet so you would ya :- send AEP 1143/1 back pl. when you have finished with it.

→ Hew.
15.6.49

Mr. Jeffs:

Disposal of Krupp property

| File reference | Reported by | Held for | Particulars of property | Action proposed | |
|---|---|---|---|---|---|
| Tué 31061 | Lochhouse Engineering Co. Ltd. Dunstaffnage (Formerly of Paddington) | Wilhelm Kerren, Düsseldorf. | Machine original value possibly £150 now in parts and without drawings head. Checkweighs advise could only be sold as scrap & Art. IV. sale of such additions of Krupp is not welcome. | Art. 6 cancel. | |
| Tué 31055 | Electro Methods Ltd. N.W.10. | Krupp and Schmidt, Essen. | Steel Switchgear parts. Some of which are obsolete, some broken. Some damaged. Could be unsaleable. | Art. 6 cancel. | |
| Rép 9.931. | O. E. Demmler | A. Demmler München | 1 oil switches sent to the U.K. for sale previously. Art. 6 cancel. Invoice value £20 but has been pierced by enemy action & is unsaleable in present condition. | | |
| Tué 31672 Tué 17.2.15. | Midland Bank | U.K. Steel Co. Hersfeld. (Former interned in U.K. repatriated to Germany 1947) | 1 long steel centre piece (Kruppwerk Grusonwerk Magdeburg) appears to be damaged on one side. Art. IV. Art. 6 cancel. Reference to Sch. - Y Hersfeld which mentioned in letter of 31.1.49 as being unsaleable. | | |

1.

I would ask

| File reference | Reported by | Held for | Particulars of property | Action proposed. |
|---|---|---|---|---|
| | | | and who has never been an enemy within the meaning of the Act, claims that the jewellery was given to him & has produced pre-war authorisation given him by his father to collect it at any time. | |
| TWE 90732. | Mrs. V. S. Cramp, Administratrix of Estate of Miss C. E. J. Jacobs, Dec'd. | Christa Jacobs, Dortmund. | Photographs, Letters & Camera. Value of Camera not known. | Obtain information as to type & value of Camera. Probably case for Att. G consent |
| AEP. 91924. | Chief Constable of Bradford. | Erica Hertzfeld, "believed to be in Germany". Appears to have been formerly resident in Bradford. Date when went to Germany not known. May possibly be covered by SR&O 1946 No. 331. | Camera. Agfa box type. Cannot be of any great value. | It seems improbable that any information will be forthcoming about whereabouts etc of former owner. Att G consent. |

Reference

Mr Carter 2

I am arranging for cases to be extracted from the Custodians' returns, under the respective enemy names, which will be sent forward with comments from the Professional Officers in the Branch so that any swags in a vesting can be under notice from the start.

I assume these cases should come firstly to your Branch - if so will you please say to which of your Officers they should go - for a policy decision as to sale, as we may find many curiosities which need such a decision. Possibly the next step is to get Branch 3 to clear them as relating to German nationals in Germany ??, no doubt you will consider this. Subject to appropriate clearances I assume that Mr Campbell will next arrange for vesting - direction to sell, leaving the Custodian a £1000.

Col 3/11/48

TE?

holds it for another German or a non-German. The declarant might have had more information at the time of ~~referring~~ making the original T.E. return and may easily have been in communication with the owner since the end of the War and in this way may be able to give sufficient information to allow the Custodian to decide whether or not to sell. Such a letter could be in stock form and would put neither the Department nor the declarant to too much trouble.

to arrange for sale at highest price (German) minimum cost ; I mention the latter as we may be able to reduce charges by a selective grouping of types, which might mean deferring sales of particular items. The important point seems to be to get the claims vested as soon as possible

Col 25/10/48

3 Mr. Campbell

The usual procedure will be CEP → T.E.3 → you with very occasional reference to T.E.1? Do you agree & how long

D.
1/11

(d) for cases where vesting is decided upon, the making of the V.O. (T.E.4) and disposal of the property (T.E.4. and C.E.P.)

R.C.
1. 2/11

Reference.....

D.
3/xi

[illegible] suggestions will [illegible], but you may [illegible] whether the proposed part [illegible] take should be varied [illegible] change your Branch [illegible] able property where a [illegible] dable the Custodian [illegible] the case I [illegible] those where we do [illegible] owner is a German [illegible] deferment of vesting [illegible] may lose the property which is finally [illegible] found to be German. If it is found to be say - Czechoslovak - we could de-vest them, but meanwhile we should have a grip on it. We might fix a limit of say £500 or £1000.

Col 3/11/48

(1153) WtY3901B/8211
2,500,000 1/48 JC&S
Ltd Gp736/208
(REGIMEAN)
Code 5-33-0

holds it for another German or a non-German. The [illegible] have had more information at the time of ~~referring~~ making the original T.E. return and may easily have been in communication with the owner since the end of the War and in this way may be able to give sufficient information to allow the Custodian to decide whether or not to sell. Such a letter could be in stock form and would put neither the Department nor the declarant to too much trouble.

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minimum cost ;
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might mean deferr
items. Th
to be to get the
a possible

(c)
(d)
(e)

Cal 25/10/48

Mr Carter, As I see it ...
sequence of events and
responsibility would be
(a) identifying non-vested
items prima facie German
(C.E.P.)
(b) investigation of German
ownership (T.E.3.)
(c) policy decision as to
vesting (T.E.1., in
consultation with C.E.P.
as to practical snags
such as "onerous" cases)
(d) for cases where vesting
is decided upon, the
making of the V.O. (T.E.4)
and disposal of the
property (T.E.4. and C.E.P.)

A.J. 2/11

Reference

Dept.
3/x1

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..., but you may
...whether the proposed path
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may lose us property which is finally
found to be German. If it is
found to be say - Czechoslovak - we can
de-vest them, but meanwhile we
should have a grip on it. We
might for a limit of say £500
or £1000.

Cal 3/11/48

(1153) Wt.Y39018/8211
2,500,000 1/48 JC&S
Ltd Gp736/208
(REGIMEAN)
Code 5-33-0

holds it for another German or a non-German. ...have had
more information at the time of ~~referring~~ making the original T.E. return and
may easily have been in communication with the owner since the end of the
War and in this way may be able to give sufficient information to allow
the Custodian to decide whether or not to sell. Such a letter could be
in stock form and would put neither the Department nor the declarant to
too much trouble.

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urgent

Reference

Mr Wilson

Mr Carter

7

Mr Campbell's suggestions will suit the Custodian, but you may wish to consider whether the proposed path the case sheet is to take should be varied by going [illegible] through your Branch in the case of valuable property where a vesting will not saddle the Custodian with onerous property. In cases 1 have in mind are those where we do not know whether the owner is a German national but where deferment of vesting may lose us property which is [illegible] found to be German. If it is found to be say - Czechoslovak - we could de-vest them, but meanwhile we should have a grip on it. We might fix a limit of say £500 or £1000.

6

Cd 3/11/48

(1153) Wt.Y39018/821
2,500,000 1/48 JC&S
Ltd Gp736/208
(REGIMEAN)
Code 5-33-0

holds it for another German or a non-

more information at the time of ~~referring~~ making the original T.E. return and may easily have been in communication with the owner since the end of the War and in this way may be able to give sufficient information to allow the Custodian to decide whether or not to sell. Such a letter could be in stock form and would put neither the Department nor the declarant to too much trouble.

8

Reference

The proposed routing of these cases formally seems to be sound but I do not quite understand Mr. Stafford's proposal for dealing with cases of valuable, "non-owners" property, where we do not know whether the owner is a German national but where deferment may lose us property eventually found to be German. The suggestion seems to be that these cases should pass directly from C.E.P. to T.E.1. instead of to T.E.3 for investigation of ownership, but unless an attempt had been made to establish ownership we would not know that we did not know whether the property in question in these cases was German-owned. Is it envisaged that in this type of case this branch (and not T.E.3) would be responsible, for instance, for such an attempt to establish ownership? I expect we could

(1153) Wt.Y39018/8211
2,500,000 1/48 JC&S
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(REGIMEAN)
Code 5-33-0

German national, ~~he was~~ not the
holds it for another German or a non-German. The declarant might have had
more information at the time of ~~referring~~ making the original T.E. return and
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War and in this way may be able to give sufficient information to allow
the Custodian to decide whether or not to sell. Such a letter could be
in stock form and would put neither the Department nor the declarant to
too much trouble.

Mr Campbell

10

Mr Bowley
Ell will be attached

17/11/48

We seem to be agreed on the
The Cus: consent will not go
draft.
to T.E.3. funds.

C.W. Stokes

if they have reason to suppose that he is not a German national, ~~he was~~ is not the beneficial owner of the property, but holds it for another German or a non-German. The declarant might have had more information at the time of ~~referring~~ making the original T.E. return and may easily have been in communication with the owner since the end of the War and in this way may be able to give sufficient information to allow the Custodian to decide whether or not to sell. Such a letter could be in stock form and would put neither the Department nor the declarant to too much trouble.

Mr Shackford.

9

3. XI. 48.

I agree with the Wilson test we have in mind for earlier cases, and will put it to T.E.3. D.S. 5/XI

Mr Shackford.

#6.

3. XI. 48.

I agree with the Wilson test we have in mind for earlier cases, and will put it to T.E.3. D.S. 5/XI

VN.

Reference

Having regard to the urgent need for reducing Staff by the elimination of non-essential work, my first reaction to this proposal is to ask whether it is really necessary for T.E.3 Branch to make any enquiries. It is now three years since the end of hostilities, communications have been freed for some time and it is not unreasonable to suppose that any non-German beneficial owner would, by this time, have made some sort of claim to his property. In exceptional cases where this has not been possible, the Custodian could offer the owner the proceeds of sale. I understand, however, from a general discussion we had a few days ago that this would not be a sufficient defence to an action by a non-enemy owner who complained of the wrongful sale of his property. I have, therefore, considered what my Branch could do that would enable the Custodian to say that he had made all reasonable enquiries before vesting and selling the property. In this connection I should emphasize that enquiries in Germany are becoming more and more difficult, owing to the reduced Staff of the Control Commission, the increased resistance by the Germans to control and the difficulty, now with the greater freedom of movement, in finding any particular German, when only an old address is available.

Perhaps the Custodian would say whether the following procedure would meet his requirements:-

(1) The Custodian should first write to the persons who had declared the property on a T.E. form, enquiring if they have any further information about the person for whose account the property was declared, and in particular if they have reason to suppose that he is not a German national, or if a German national, ~~he was~~ is not the beneficial owner of the property, but holds it for another German or a non-German. The declarant might have had more information at the time of ~~referring~~ making the original T.E. return and may easily have been in communication with the owner since the end of the War and in this way may be able to give sufficient information to allow the Custodian to decide whether or not to sell. Such a letter could be in stock form and would put neither the Department nor the declarant to too much trouble.