

CHAPTER 4

Alien Property

SECTIONS

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§ 401. Alien property defined.

Alien property, as used in this chapter, includes property situated in the Trust Territory which was formerly owned by private Japanese nationals, by private Japanese organizations, by the Japanese Government, or by Japanese Government organizations, agencies, quasi-corporations, or government-subsidized corporations. Such property shall be deemed to include tangible and intangible assets, as well as any right, title, or interest therein.

Source: TT Code 1966 § 532; TT Code 1970, 27 TTC 1; TT Code 1980, 27 TTC 1.

§ 402. Alien property custodian.

(1) The Attorney General shall act as alien property custodian, and as such is authorized and empowered to vest title of all alien property as defined in this chapter in the alien property custodian and to take immediate possession of all alien property in the Trust Territory.

(2) Under such vesting order, the alien property custodian is empowered to hold, use, administer, liquidate, sell, or otherwise deal with alien property in the interest and for the benefit of the indigenous inhabitants of the Trust Territory, in accordance with the terms of the trusteeship agreement, and is further empowered to direct, manage, supervise, and control any business enterprises connected with such property.

(3) The alien property custodian is empowered to assume custody, distinguished from title, of all property in the Trust Territory owned by allied Governments or nationals sequestered by the enemy and of all other property owned by non-Japanese persons who are absent from the Trust Territory, are making no attempt to assert possession thereover, and who have no agent present in the area. With reference to such property, the alien property custodian shall:

- (a) provide protection and security for the property;
- (b) assume full authority for the direction, management, and operation of the property;
- (c) utilize the property to the best interests of the Government of the Trust Territory and of the

indigenous inhabitants of the area; and

(d) in the management of such property, act in accordance with the principle of usufruct for the benefit of the indigenous inhabitants of the Trust Territory.

(4) The alien property custodian is authorized and empowered to take such action as he deems necessary in the interest of all persons concerned to direct, manage, supervise, and control all properties which come within the purview of this chapter. He is further empowered to issue all such orders, rules, regulations, or other instructions as may be requisite for executing or carrying out the provisions of this chapter, subject to the approval of the High Commissioner.

Source: TT Code 1966 § 533; TT Code 1970, 27 TTC 2; TT Code 1980, 27 TTC 2.

Editor's note: Subsections (1) and (2) previously appeared as a single subsection prior to the 1982 edition of this code.

§ 403. District property custodians.

(1) There shall be a district property custodian appointed for each district of the Trust Territory by the High Commissioner from nominations submitted by the District Administrators and approved by the Attorney General.

(2) District property custodians, under the supervision of the alien property custodian, shall be responsible for the control and administration of all alien property in the district for which they are appointed, including responsibility for conducting investigations to locate alien property, and representing the Trust Territory in all legal actions involving alien or suspected alien property.

Source: TT Code 1966 § 534; TT Code 1970, 27 TTC 3; TT Code 1980, 27 TTC 3.

§ 404. Prohibited acts.

Any person who knowingly and without lawful authority:

(1) interferes with or obstructs the alien property custodian or his assistants in the exercise of any of the functions prescribed by this chapter; or

(2) interferes with, removes, damages, conceals, or makes away with any property which the alien property custodian has vested or is authorized to take into his control; or

(3) interferes with, removes, damages, conceals, or makes away with any property with intent to defeat, evade, or avoid any responsibility, fine, or punishment; or

(4) withholds any information or document which the alien property custodian is entitled to receive, or makes any false statements, or uses or refers to any false document in order to mislead the alien property custodian as to any of the purposes of this chapter; or

(5) violates any other provisions, orders, rules, or regulations issued pursuant to this chapter, shall be tried before a court of proper jurisdiction and upon conviction shall be imprisoned for a period of not more than one year, or fined not more than \$1,000, or both.

Source: TT Code 1966 § 535; TT Code 1970, 27 TTC 4; TT Code 1980, 27 TTC 4.

§ 405. Power of custodian to void transactions.

The alien property custodian may, upon approval of the High Commissioner, by order, direct that any transaction or commitment made at any time with regard to property under his jurisdiction be set aside and held null and void, if, in his opinion, the transaction was made to defeat, evade, or avoid any provision of this chapter, or any lawful responsibility, fine, or punishment imposed or to be imposed on any person.

Source: TT Code 1966 § 536; TT Code 1970, 27 TTC 5; TT Code 1980, 27 TTC 5.

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