MILITARY GOVERNMENT — GERMANY
UNITED STATES AREA OF CONTROL

LAW NO. 59
(ADMINISTRATION)

Restitution of Identifiable Property

PART I
GENERAL PROVISIONS

ARTICLE 1

1. It shall be the purpose of this Law to effect to the largest extent possible the restoration or compensation of all tangible and intangible property to persons who were wronged by confiscation or illegal occupation of such property within the period from 30 January 1933 to 8 May 1945 for reasons of race, religion, nationality, ideology or political opposition to National Socialism. For the purpose of this Law deprivation of property for reasons of nationality shall not include measures which under recognized rules of international law are usually permissible against property of nationals of enemy countries.

2. Property shall be restored to its former owner or to his successor in interest in accordance with the provisions of this Law even though the interests of other persons who had no knowledge of, or was unaware of, the deprivation of such property within the period from 30 January 1933 to 8 May 1945 for reasons of race, religion, nationality, ideology or political opposition to National Socialism. For the purpose of this Law provisions of law for the protection of purchasers in good faith, which would defeat restitution, shall be disregarded except where this Law provides otherwise.

PART II
CONFISCATED PROPERTY

ARTICLE 2

Act of Confiscation

1. Property shall be considered confiscated within the provisions of this Law if the person owning such property then had been deprived of it or has failed to obtain it despite a well founded legal expectancy of acquisition of the property in the reasonable future. The property shall be considered confiscated if

(a) A transaction creates benes messes, throughs or dures, or creates any other rights; or

(b) Sale or donation is by a governmental act or by abuse of such rights; or

(c) Sale or donation is the result of measures taken by the NIODAP.

The said act shall be considered as confiscation if the law has provided the acts described in (a)-(c) were caused by or constituent of measures of persecution for any of the reasons set forth in Article 1.

2. It shall not be permissible to plead that an act was not covered by this provision because the transaction was performed in a prevailing ideology concerning discrimination against individuals on account of their race, religion, nationality, ideology or their political opposition to National Socialism.

3. Confiscation by a governmental act within the meaning of Article 2 (a) shall be deemed to include among other things seizure, confiscation, forfeiture by order or operation of law, taking in excited or by act of the State or by a trustee appointed by the State. The forfeiture by a virtue of a judgment of a criminal court shall also be considered confiscation by a governmental act, if such judgment has been vacated by order of an appropriate court or by operation of law.

4. A judgment or order of a court, or of an administrative agency which, although based on official provisions of law, was handed down solely or primarily with the purpose of injuring the property or interests of another person, shall for any of the reasons set forth in Article 1, be deemed a specific instance of the abuse of a governmental act. Such a judgment or order shall be considered confiscation on the ground of a gross violation of a judgment or of measures of execution of such judgment, in violation of the spirit of the law, or prevent from protecting his interests by virtue of his race, religion, nationality, ideology or their political opposition to National Socialism. The Restitution Authorities (Restitution Agency, Restitution Chamber and Oberleitungsgericht) shall disregard any such judgment or order of a court or administrative agency whether or not it may otherwise be appealed or reopened under existing law.

ARTICLE 3

Presumption of Confiscation

1. It shall be presumed in favor of any claimant that the following transactions entered into between 30 January 1933 and 8 May 1945 constitute acts of confiscation within the meaning of Article 2:

(a) Any transfer or relinquishment of property made during a period of persecution by any person who was directly exposed to persecution measures on any of the grounds set forth in Article 1; or

(b) Any transfer or relinquishment of property made by a person whose rights were limited by a class of persons for any of the reasons set forth in Article 1, is to be considered confiscated if it occurred during such period and economic life of Germany by measures taken by the State or the NIODAP.

2. In the absence of other factors proving an act of confiscation within the meaning of Article 2, the presumptions set forth in paragraph 1 may be rebutted or shown that the transfer was paid a fair purchase price. Such evidence by itself shall not, however, be considered sufficient to show such transaction was done with the free right of disposal of the purchase price on any of the grounds set forth in Article 1.

3. A fair purchase price within the meaning of this Article means the amount of money given by a willing buyer would pay and a willing seller would take, taking into consideration, in the case of a commercial enterprise, the value of such enterprise were it to be placed in the hands of a person not subject to persecutory measures referred to in Article 1.

ARTICLE 4

Powers of Restitutions

1. Any transaction entered into by a person belonging to a class referred to in Paragraph 1 (a) or Article 1, and the transfer or relinquishment of any property involved in such transaction shall, for purposes of this Article be considered as if the transaction involved the transfer or relinquishment of any property involved in such transaction.

(a) The transaction as such and with its essential terms would have taken place even in the absence of National Socialism, or

(b) The transfers protected the property interests of the claimant (Article 7) or his predecessor in interest in an unusual manner and with substantial success, for example by helping him in transferring his assets abroad or through similar assistance.

2. In determining under paragraph 1 (a) whether the transaction would have taken place even in the absence of National Socialism, the fact that

(a) The transferee himself agreed to sell the property to the transferee, or

(b) The transferee received a fair purchase price or Article 3, paragraph 3) the free right of disposal of which was not denied him on any of the grounds set forth in Article 1, shall be considered by the Restitution Authority together with all other facts but in any case, fact, either a statement or in conjunction with the other, shall be sufficient to show that the transferee would have taken place even in the absence of National Socialism.

3. Similarly neither of these facts, either singly or in conjunction with the other, shall be sufficient to show that the claimant is estopped from exercising the power of avoidance by reason of a guarantee or that of his predecessor in interest.

4. The term "claim for restitution" as used in this Law shall be deemed to include all claims based on the right to exercise the power of avoidance or on any other claim, whether based on the right to exercise the power of avoidance or to the right of ownership, for the purpose of this Law or in accordance with the provisions of this Law of confiscated property.

5. This right of a claim for restitution shall, whether or not it is specifically stated, be deemed to be an exercise of the rights of ownership on behalf of the person entitled to exercise such right.

ARTICLE 5

Donations

Where a person persecuted for any of the reasons set forth in Article 1 has transferred property to another person for or to another person, gratuitously within the period from 30 January 1933 to 8 May 1945, it shall be presumed that the transfer constituted a donation in law. Any donation shall be considered confiscated if the property transferred or relinquished pursuant to this donation was confiscated property before its transfer.

The right of a claim for restitution shall, whether or not it is specifically stated, be deemed to be an exercise of the right of ownership on behalf of the person entitled to exercise such right.

ARTICLE 6

Bailment and Fiduciary Relationships

1. The provisions of Part III to VII of this Law shall not apply to any contracts or fiduciary agreements entered into in order to prevent damage to property threatened for any of the reasons set forth in Article 1, to mitigate existing damage to property inflicted for such reasons.

2. The claimant (Article 7) may at any time terminate contracts and any other arrangements described in subparagraph 1, such termination to be effective immediately, any contractual or statutory provisions to the contrary notwithstanding.

3. It shall not be an admissible defense for the bailor or fiduciary that the contracts and agreements described in paragraph 1 involved a statutory prohibition existing at the time of the transaction or entered thereafter, or that a statutory or contractual form requirement had not been complied with, provided that this failure was attributable to the National Socialist regime.

PART III
GENERAL PROVISIONS ON RESTITUTION

ARTICLE 7

Persons Entitled to Restitution (hereafter called Claimants)

The claim for restitution shall pertain to any person whose property was confiscated (hereafter called Persecuted Person) or to any person in interest.

ARTICLE 8

Succession of Dismissed Associations

1. If a juridical person or unincorporated association was dissolved, merged or otherwise liquidated during any of the periods set forth in Article 1, the claims for restitution which would have been the property of such juridical person or unincorporated association had it not been dissolved, may be enforced by a successor organization to be appointed by Military Government.
PROPERTY CONTROL

2. The provisions of paragraph 1 shall not be applicable to the organisations referred to in Article 9.

ARTICLE 9
Rights of Individual Partners
If a partnership, company or corporation organised under the Commercial Law, was dissolved or forced to dissolve for reasons other than those referred to in Article 4, the reorganisation or restitution may be asserted by any associate (partner), member or shareholder. The claim for restitution shall be deemed to have been filed on behalf of all associates who have the same cause of action. The claim may be withdrawn or compromised only with the approval of the applicable Restitution Authority. Notice of the filing of the claim shall be given to all other known associates or their representatives in writing and to a successor organisation competent according to Article 10. Within the limits of its authority the successor organisation may represent in the proceedings any associate whose address is unknown, in accordance with the provisions of Article 11.

ARTICLE 10
Successor Organisation as Heir to Prosecuted Persons
A successor organisation to be appointed by Military Government, shall, instead of the State, be entitled to the entire estate of the late associate or partners in the case provided for in Section 12 of the Civil Code (heir of estate of persons dying without heirs). Neither the State nor any of its subsidiaries nor any political-self-governing body shall be appointed as successor organisation. The same shall apply to other rights in the nature of cashset based on any other provision of law.

PART II
Special Rights of Successor Organisations
1. If within six months after the effective date of this Law no petition for restitution has been filed with respect to the closed defunct company, the successor organisation appointed pursuant to Article 10 may file such a petition on or before 31st December, of the following year, after also assuming the obligation to safeguard the property.

2. If the claimant’s heir has not filed a petition on or before 31st December, 1945, the successor organisation by virtue of filing the petition, acquires the legal position of the claimant. Only after that date, and not prior thereto, shall it be entitled to proceed with the claim.

3. The provisions of paragraphs 1 and 2 herein shall not apply if, and to the extent to which, the claimant, in the case of the May 11th law, or the successor, if the latter delivered a waiver of his claim for restitution, in writing and notarized, to the appropriate Restitution Authority, or the Central Finance Agency.

ARTICLE 11
Obligation of Receivers to Inherit to Give Information
1. If so ordered by the appropriate Restitution Authority a claimant who acquired the claim for restitution directly or indirectly from the deceased person shall submit, if known to him, either the address of his predecessors in interest, to particular of his predecessors in interest, the date of his death, or execute an affidavit to the effect that he does not know the premises in interest in any form. Such affidavit shall be authenticated.

2. If the successor organisation appointed pursuant to Article 10 shall submit the address of the person entitled to receive the claim for restitution to it, or such data known to it which might serve to locate this person, or an affidavit signed by its legal representatives, which shows that there exists no data as to the address of the person entitled to restitution or any data which might serve to locate this person.

ARTICLE 12
Designation of Successor Organisations
Regulations to be carried out by any company will provide for the manner of appointment of successor organisation, their obligations to their respective charge, and any further rights or obligations they may have under Military Government or German law.

ARTICLE 13
Persons Liable to Make Restitution
The person liable to make restitution (hereinafter referred to as restitution), within the meaning of this Law, is the person, associate or member of the defunct tangible property. The present holder of a confiscated intangible interest, or of an aggregate of tangible or intangible property.

ARTICLE 14
Effect of an Adjudication of a Restitution Claim
1. Unless otherwise provided in this Law, a judgment directing restitution shall not be deemed to have occurred unless it has been recorded by any such person or entity, which is bound by a decree to which third persons shall be deemed to have been noticed.

2. Any adjudication of a restitution claim shall be effective and against and enforceable by any successor proceeding or who, being entitled to participate, was duly served.

ARTICLE 16
Alternative Claim for Additional Payment
If he relinquishes all other claims under this Law the claimant shall receive in addition to the property, payment of the difference between the price received and the fair purchase price of the property as defined in paragraph 3. Property tax. It shall be added to this amount in accordance with the provisions on property tax contained in this Law.

2. The demand for payment shall not be permissible:
(a) after the property has been restored to the claimant by a judgment no other successor is entitled to appeal; or
(b) after the Restitution Authority or Chamber has published an order of restitution. Notice of the filing of the claim shall be given to all other known associates or their representatives in writing and to a successor organisation competent according to Article 10. Within the limits of its authority the successor organisation may represent in the proceedings any associate whose address is unknown, in accordance with the provisions of Article 11.

ARTICLE 17
Value
1. Where the value of property is relevant according to the provisions of this Law, inferences in the price caused by the decrease of the purchasing power of money shall not be considered an enhancement in the value.

2. Future implementing regulations may provide for the valuation of property, which, because not now determinable, is at present not subject to the property tax. The provision of Article 37, paragraph 2 shall remain unaffected.

PART IV
LIMITATIONS ON THE RIGHT TO RESTITUTION
ARTICLE 18
Expropriation
1. Confiscated property which, after the time of confiscation, was acquired for public purpose, or not assigned to an enterprise for the benefit of which the right to expropriation could be exercised, shall not be entitled to restitution if on the effective date of this Law the property is still in use for a public purpose, and if such purpose is still recognized as lawful.

2. If property is not subject to restitution for the reasons set forth in paragraph 1, the claimant shall be entitled to restitution if the claimant is acquired with the consent of the claimant adequately to the extent to which his claims pursuant to Article 29 of seq. infra, do not result in such compensation.

ARTICLE 19
Protection of Ordinary and Usual Business Transactions
Except as provided in Articles 20 and 21, tangible personal property which has been acquired in good faith and for a valuable consideration in an establishment normally dealing in that type of property, however, the provisions of this Article shall not apply to religious objects or property which has been acquired from private ownership if such property is an object of unusual aesthetic, scientific, or cultural value, or has been acquired at an auction, or at a public sale in an establishment engaged to a considerable extent in the business of disposing of confiscated property.

ARTICLE 20
Money
Money shall be subject to restitution only if at the time he acquired the money the restitutor knew or should have known under the circumstances that it had been obtained by way of confiscation.

ARTICLE 21
Borrower Instruments
1. Bearer instruments shall not be subject to restitution if the present holder proves that, at the time he acquired the instrument he knew or should have known under the circumstances that the instrument had been confiscated at any time. Unless special circumstances indicate otherwise, good faith shall be presumed within the scope of this provision, if such property was acquired in the course of ordinary and usual business transactions, especially on a cash basis, and if the transaction did not involve a dominant participation.

2. The provisions of paragraph 1 shall also apply to interests in bearer instruments deposited in a central account (Gesaekorrservat).

3. Bearer instruments and interests in bearer instruments shall, however, be unconditionally subject to restitution if they represent:
(a) a participation in an enterprise with a small capital, the holder of which, either as a family corporation or as a company of special character, has not been involved in a business of a considerable amount of importance upon the management of the business enterprise either by himself or the bane of a very significant benefit which existed prior to or at the time of the confiscation.

JULY 1949

- 73 -
If the aggregate can be returned as a whole and if the claimant is interested in separate items would inequitably prejudice the restorer or the creditors.

The claimant may refuse to include in his petition any items which have been purchased otherwise than under the provisions of Article 1 of the Laws on Judicial Aid for the Equitable Resolution of Arrears. Where a claimant or a commercial enterprise or any other aggregate of property subject to restitution.

Section 25 of the Law on Judicial Aid for the Equitable Resolution of Arrears, as amended on the basis of Article 20, paragraph 2, of the Law on Judicial Aid for the Equitable Resolution of Arrears, shall be applicable to the facts described in Article 20, paragraph 3, but not to the facts described in Article 20, paragraph 1.

The Restitution Chamber shall make all necessary and appropriate efforts to simplify the effects of the claimant's claim under Article 20, so as to make it easy for the restorer and the creditors. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property.

The Restitution Chamber shall make all necessary and appropriate efforts to simplify the effects of the claimant's claim under Article 20, so as to make it easy for the restorer and the creditors. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property.

The Restitution Chamber shall make all necessary and appropriate efforts to simplify the effects of the claimant's claim under Article 20, so as to make it easy for the restorer and the creditors. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property.

The Restitution Chamber shall make all necessary and appropriate efforts to simplify the effects of the claimant's claim under Article 20, so as to make it easy for the restorer and the creditors. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property. The decision of the claimant shall be made in the form of an order (in which the law may be violated) and in connection with the prevention of the return of the property.
ARTICLE 31
Release from Liability
1. A holder or former holder of a confiscated property shall not be liable in damages if he is unable to return the property or because the property has deteriorated, nor shall he be liable to account for profits, as long as he neither knew, nor should he have known that the property subject to restitution was confiscated. Paragraph 3 of Article 31 shall remain unaltered.

2. Profits which under rules of good husbandry are not to be destroyed or returned to the person in whose custody it was received shall be turned to any event, pursuant to the rules of the Civil Code on unemancipated minors.

3. Under no circumstances shall remuneration for management be paid for articles for which the claimant cannot claim an accounting for profits.

ARTICLE 34
Compensation for Expenditures
1. Ordinary expenses for the maintenance of property subject to restitution or held in custody shall be entitled to compensation. Expenses incurred in the actual interest of the owner or in the interest of the property, except where relatively small amounts are involved or where they may be wholly diminished or neglected to be drawn shall be added. Taxes paid on the net income of the property shall be deducted from Article 34. Expenses paid in excess of the purchase price paid by the restitutor shall adequately be taken into consideration. Paragraph 3 of Article 34 shall be applicable.

ARTICLE 35
Duty to Furnish Particulars
The parties shall be liable to furnish particulars, whereupon the requisition is necessary to effectuate claims under this Law. Sections 259 to 261 of the Civil Code shall be applicable.
PROPERTY CONTROL

leases by giving notice, the termination to become effective on the date prescribed by Law. Such notice cannot be given until the Restitution Authority has determined that the property is subject to restitution, and such determination is no longer subject to appeal until the fact that the property is subject to restitution has been acknowledged in any other way. The notice must be given within one month from such date, or from the date when the claimant in fact learns of the possession of the real property, if he takes possession at a later date.

2. The provisions of the Law for the Protection of Tenants (Hausbesitzschutzgesetz) in the version of 13 December 1942 (RGBl. 1, page 712) shall not apply to any restitutor or to any person to his interest has obtained the property subject to restitution by way of an aggravated confiscation or by way of the time he has received the possession of the property or should have known under the circumstances, that the property at any time had been obtained by way of an aggravated confiscation. The provisions of the Law for the Protection of Tenants shall also not apply, unless as the claimant is in need of adequate dwelling space for himself or his close relatives. Similarly, the Law for the Protection of Tenants shall not apply if dwelling space, which at the time of the confiscation or of the filling of the petition for restitution was used in connection with the operation of a business enterprise subject to restitution, is needed for the continued operation of such enterprise. The provisions of the Law for the Protection of Tenants shall not be applicable to space used for commercial purposes if the claimant has a legitimate interest in the immediate return of such space.

3. Leases entered into with the approval of Military Government may be cancelled only with the consent of Military Government.

ARTICLE 43
Employment Contracts
Irrespective of any contractual provision to the contrary, the provisions of the Labor Code concerning the con- tract made since the confiscation by the restitutor or any other person to his interest to the subject to restitution by giving notice as provided in a collective labor-agreement or if the absence thereof within the statutory period; this shall also be the rights of the claimant to terminate an employment contract for just cause without notice. Restitution may be given up on the ground that the restitution of the property has determined that the enterprise is subject to restitution and an employment contract is no longer necessary until the fact that an enterprise is subject to restitution has been acknowledged in any other way. Such enterprise may be given within three months from such date, or from the time when the claimant in fact learns of the possession of the enterprise, if he obtains possession at a later date.

PART VII
CLAIMS OF THE RESTITUTOR FOR REFUND AND INDEMNIFICATION

ARTICLE 44
Obligation to Refund
1. In exchange for the confiscation of the confiscated property the claimant shall refund to the restitutor the con- sideration received by him, in kind if possible. This amount shall be increased by the amount of any encumbrance against the confiscated property existing at the time of confiscation and discharged thereby; unless such encumbrance has been replaced by another encumbrance which continues to be effective, until the discharge of such encumbrance was created as the result of a confiscation within the meaning of this Law.
2. Where several items of property were confiscated for a single reason, the sum to be refunded shall be a lump sum, but restitution takes place in regard to some of these items only, the lump sum being reduced in proportion to the amount of the time of the confiscation existed between the lump sum and the time of the items that are not restituted.
3. If at the time of the confiscation the claimant, for any of the reasons set forth in Article 1, did not obtain, wholly or in part, the power freely to dispose of the con- sideration received, the refund shall be determined by a like amount. The claimant shall be entitled to the restitutor any claim for indemnification to which he may be entitled with respect to this amount.
4. Under no circumstances shall the claimant be re- quired to refund any amount exceeding the value of the confiscated property at the time of restitution, less the value of the remuneration received against the property.

ARTICLE 45
Repayment of Tax
The restitutor shall have no equitable lien (Güterbek- behaltnahme) for his claim toward such lien would serve no purpose or object or is against the public interest. The same shall apply to any execution or attach- ment the confiscator of the property is subject to restitution.

ARTICLE 46
Judicial Determination of Terms of Payment
1. The Restitution Authorities shall determine the terms of payment to be made in connection with restitution, taking into consideration the purpose of this Law, the debtor's ability to pay, and existing statutory prohibitions and limitations on payment in kind and similar proceedings by other authorities exercising jurisdiction over such property.

ARTICLE 47
Claims for Indemnification
1. Claims for indemnification which the restitutor may have against any of his predecessors in interest shall be governed by the rules of the Civil Law. The liability to make restitution shall be deemed to constitute a defect in title within the meaning of the Civil Code. Section 439, para- graph 1 of the Civil Code shall not be applicable.
2. In case of restitution of real or tangible personal property, any claim shall be satisfied only by restoration of the property to its original condition. Such de- finite in kind as to be feasible. Any restitution of the property to its original condition. Such de-
PROPERTY CONTROL

JULY 1949

- 77 -
views of the Code of Civil Procedure. For this purpose, the Restitution Agency shall have the powers of a court (Vollordnungsmacht). In such cases, the Restitution Agency may avail itself of the services of other agencies especially of the courts.

PART X
JUDICIAL PROCEEDINGS

ARTICLE 66
Members of the Restitution Chamber
The Restitution Chamber shall be composed of a Presiding Judge and an Associate Judge, eligible for the office of judge or for the higher administrative service. The Presiding Judge shall be a judge normally assigned to a court. The Associate Judge shall be a judge for at least three years, unless he is a professional judge. One of the three judges shall belong to a class of persons who has been in law. Any of the reasons set forth in Article 1.

ARTICLE 67
The Restitution Chamber shall adjust the legal relations of the parties in interest according to the provisions of this Law.

1. Unless this Law provides otherwise, the procedure shall be governed by the rules of procedure applicable in matters of non-contentious litigation, subject, however, to the following modifications:

(a) The Chamber shall order an oral hearing; the hearing shall be public.

(b) The proceedings shall be stayed for a period not to exceed six months, at the request of the claimant. The request shall be granted if the case has been reopened.

(c) The Chamber shall render partial judgment on one or more of the claims before it, or on part of a claim, where the determination of a partial claim, offset or equitable lien or any other defense in the nature of set-off, or a counter-claim would substantially delay the decision on restitution.

(d) Without prejudice to the final decision, the Chamber may order the temporary surrender of the confiscated property to the claimant either with or without security. In this case the claimant shall, with respect to third persons, the rights and obligations of a court have application.

ARTICLE 68
Form and Contents of the Decision
1. The decision of the Restitution Chamber shall be pronounced in an open session, and by support of evidence, and with appeal notwithstanding. The provisions of Sections 718, paragraph 2, and Sections 711 to 720 of the Code of Civil Procedure shall be applicable.

2. An appeal (not only) by the claimant may be taken from the decision within three months if the appellant resides in a foreign country. The time to appeal shall begin to run from the date of service of the order; Article 81, paragraph 2, shall be applicable. The Civil Division of the Court of Appeals (Oberlandesgericht) shall hear the appeal. The appeal may be based only on the grounds that the decision violated the law. The provisions of Sections 851, 851 and 853 of the Code of Civil Procedure shall be applicable.

3. Implementing regulations may order juridical persons to hear such appeals on a certain Court of Appeals.

ARTICLE 69
Board of Review
A Board of Review shall have the power to review any decision on any claim for restitution under this Law and to take whatever action it deems appropriate with respect to an appeals. Regulations to be issued by Military Government will provide the composition and composition of the Board, its jurisdiction, procedure, and all other matters as are deemed appropriate.

PART XI
SPECIAL PROCEEDINGS

ARTICLE 70
Petition by the Public Prosecutor
Where no petition for the restitution of confiscated property has been filed on or before 31 December 1946, the Public Prosecutor at the seat of the Restitution Chamber may file the petition for restitution on behalf of a successor in interest provided for in Article 3. The petition shall not apply if the claimant has waived his claim for restitution on or before 31 December 1946. The petition of the Public Prosecutor must be filed on or before 30 June 1948.

ARTICLE 71
Conflict of Jurisdiction
1. If claims as described in Articles 1 to 48 are asserted by a person entitled to restitution in a court of competent jurisdiction including the stage of compulsory execution by way of deposition, release or execution, the Court shall notify the Restitution Agency. The Court may, and at the request of the Restitution Agency must, stay the proceedings or temporarily suspend execution by an order from which no appeal may be taken. The Restitution Agency may direct that the claim be dealt with under this Law to the exclusion of the jurisdiction of the Court in which the claim is being continued, or if the claimant wishes to prosecute his claim before the ordinary civil court, or if the claimant wishes to bring the case before the other courts. If an action in the ordinary civil courts is terminated because the claim is dismissed under this Law, the cause shall remain with neither party entitled to costs incurred out of court. The Court shall report to the Central Filing Agency any action taken under paragraph 1.

ARTICLE 72
ASSESSMENT OF COSTS
Costs
1. As a rule no court fees shall be assessed in favor of the State (Grunstelasten) in proceedings before Restitution Authorities. However, implementing regulations may provide for the assessment of costs, fees and expenses.

2. No advance payment, or bond or security for costs may be demanded from a claimant.

ARTICLE 73
DUTY TO REPORT AND PENALTIES
Duty to Report
1. Anyone who has or has had in his possession, at any time after it was transferred by or taken from a persecuted person, any property confiscated or otherwise acquired in violation of the provisions of this Law, as well as the address of the person from whom the property has been acquired, shall report the property as well as the address of the person to the nearest police station.

The report to be filed hereunder shall show the exact circumstances under which the property has been acquired and the person in whose possession it was transferred.

1 Amendment No. 1, effective 15 May 1948 changes "May" to "April".

2. The following property need not be reported:

(a) Tangible personal property which has been acquired in the course of an ordinary and usual business transaction in an establishment normally dealing in that type of property, provided, however, that property acquired at an auction, or at a private sale in an establishment engaged in a considerable extent in the business of buying or selling or otherwise disposing of confiscated property, must be reported.

(b) Tangible personal property, the value of which did not exceed RM 1,000 at the time of the confiscation;

(c) Donations made to close relatives (as defined in Section 53, paragraph 5 of the Criminal Code) and donations which without doubt were made for moral consideration;

(d) Property which has been transferred by a person to another person as to which the claimant has relinquished his right of restitution expressly or in writing at any time between 5 May 1945 and the effective date of this Law.

3. No report filed pursuant to paragraph 1 by any person shall be treated as conclusive evidence that a Restitution Authority, as an admission of the reporting party that the property so reported is not the property in question or is not connected in any way with the property in question or is not connected in any way with any property which is recorded in any other public register.

2. Whenever a public authority or other public agency learns of the whereabouts of property which must be reported, it shall report such fact without delay to the Central Filing Agency. Article 73, paragraph 4, shall be applicable.

ARTICLE 74
Obligation to Inspect the Land Title Register and other Public Registers
1. Anyone holding or claiming an interest in the nature of real property, shall be notified by inspection of the Land Title Register whether or not the property in question is to be reported. The same applies to any person with any other interests which are recorded in any other public register.

2. Whenever a public authority or other public agency learns of the whereabouts of property which must be reported, it shall report such fact without delay to the Central Filing Agency. Article 73, paragraph 4, shall be applicable.

ARTICLE 75
Penalties
1. Any person who

(a) intentionally or negligently fails to comply with

2. Whenever a public authority or other public agency learns of the whereabouts of property which must be reported, it shall report such fact without delay to the Central Filing Agency. Article 73, paragraph 4, shall be applicable.
his duty to report as set forth in Articles 73 and 74 et. seq., (because) makes any false or misleading statement to the Registration Authority, shall be punished with imprisonment not exceeding five years, or a fine, or both, unless heavier penalties under any other law are applicable.

2. No penalty shall be imposed in the case of subparagraph (ii), where the report required by this Law has been made voluntarily and for the avoidance of delay.

ARTICLE 75
Penalties (continued)

1. Whoever, without reasonable excuse, destroys, or conceals any property or document under the provisions of the Law, in order to thwart the rights of a claimant, shall be punished with imprisonment not exceeding five years, or a fine, or both, unless heavier penalties under any other law are applicable.

2. Confiscation in a penalty of up to five years may be imposed in especially serious cases.

3. The attempt shall be punishable.

ARTICLE 77
Penalties (continued)

In the cases within the scope of Articles 75 and 76, nobody may plead ignorance of facts which he could have ascertained by the inspection of public books and registers, if and to the extent to which Article 74 imposed on him the obligation of such inspection.

PART XIV
RE-ESTABLISHMENT OF RIGHTS OF SUCCESSION AND ADOPTION

ARTICLE 79
Exclusion from Inheritance

An exclusion from the right of succession or the foreclosure of an estate which has been determined during the period from 30 January 1933 to 8 May 1945 by virtue of a law or an order issued for any of the purposes of paragraph 2 shall be deemed not to have occurred.

The examination shall be deemed to have occurred at the effective date of this Law for the purpose of determining the periods of limitation.

ARTICLE 80
Avoidance of Testamentary Dispositions and of Declarators of Inheritance

1. Testamentary dispositions and contracts of inheritance made in the period from 30 January 1933 to 8 May 1945 in which any descendant, parent, grandparent, brother, sister, half-brother, half-sister, or their descendants, as well as a spouse, was excluded from inheritances for the purpose of avoiding a seizure of the estate by the State, expected by the testator for any of the reasons set forth in Article 1, shall be voidable.

2. The power of avoidance shall be exercised by Sections 3980 et seq. or 2251 et seq. of the Civil Code, unless paragraph 3 rules otherwise.

3. The declarators of inheritances by persons described in paragraph 1 shall be voidable, provided that such disclaimers were made within the period from 30 January 1933 to 8 May 1945 in order to prevent an expected seizure of the property by the State for any of the reasons set forth in Article 1. The right of avoidance shall be governed by Section 3984 et seq. of the Civil Code, unless paragraph 3 of this Article provides otherwise.

4. Testamentary dispositions, contracts of inheritance or declarations of inheritance must be voided on or before 31 December 1948. The exercise of the right of avoidance within this period shall be deemed timely.

ARTICLE 81
Testamentary Disposition of a Persecuted Person

1. A testamentary disposition made between January 1933 and 8 May 1945 shall be valid in spite of complete non-compliance with formal requirements if the testator made such disposition in view of an actual or imaginary immediate danger to his life based on measures of persecution for any of the reasons set forth in Article 1, the circumstances were such that he could not or could not be expected to comply with the statutory form requirements.

2. Any testamentary disposition coming within the scope of paragraph 1 shall be deemed not to have been made if the testator was still capable of making a testamentary disposition complying with the statutory form requirements after 30 September 1948.

ARTICLE 82
Re-Examination of Adoptions

1. If an adoption relationship was cancelled within the period from 30 January 1933 to 8 May 1945 for any of the reasons set forth in Article 1, the adoption relationship shall be reinstated, unless the case is rape for a contract by a contract between the legal parents or their heirs and the child or his heirs. Section 1772 of the Civil Code, with the exception of Sections 1786 and 1787 of the Civil Code and 1786 of the Civil Code, shall apply in the case of reestablishment of a relationship. A contract of reinstatement may be judicially confirmed even after the death of the parties to it. If one of the parties concerned is not available, a guardian (presumably) may be appointed to represent his interests in the proceedings to reinstate the adoption.

2. The adoption was cancelled by decision of a court during the period from 30 January 1933 to 8 May 1945 for any of the reasons set forth in Article 1, and if no facts have appeared which would entitle the contracting parties to revoke the adoption on their own initiative, either party to the contract or his heirs may demand that the adoption be reinstated.

3. The local court (Amtsgericht) which cancelled the adoption shall have jurisdiction. In the case of paragraph 2, the principles of paragraph 1, fourth sentence, above, shall be applicable. The decision of the court shall be discretionary and shall take into account the equities of the parties. When the law which, at the time of the adoption is vacated, the adoption shall be reinstated same pre-tune. The court may exclude the retroactive effect of its decision from certain parts thereof.

4. A fine or fees shall be charged in these proceedings.

5. The application for re-establishment of an adoption must be r de on or before 31 December 1948.

ARTICLE 83
Judicial

Any claims arising under Articles 78 to 81 shall be decided by the ordinary civil courts. No filing with the Central Filing Agency is required.

PART XV
REINSTATEMENT OF TRADE NAMES AND OF NAMES OF ASSOCIATIONS

ARTICLE 85
Re-Registration of Canceled Trade Names

1. Where a trade name was cancelled in the Commercial Register of the period from 30 January 1933 to 8 May 1945 after the business establishment had been closed for any of the reasons set forth in Article 1, the cancelled trade name shall be re-registered on application if the business is re-opened by its last owner or re-owners, or their heirs.

2. If the closed business establishment was conducted at the time of its disintegration by a single owner, the last owner or his heirs shall be entitled to re-register the cancelled trade name. If there are several owners or partners, the re-registration of the enterprise, the re-registration of the cancelled trade name may be demanded, provided the heirs who do not participate in the business asset to the resumption of the cancelled trade name.

3. If at the time of its closing the business establishment was conducted by several personally liable partners, re-registration of the cancelled trade name may be demanded if all the personally liable partners establish a business enterprise or if one or several of them do so with the consent of the remaining cases: with respect to heirs of partners the principle of paragraph 2 shall be applicable.

ARTICLE 86
Change of Trade Name

Where a trade name has been changed to the period from 30 January 1933 to 8 May 1945 for any of the reasons set forth in Article 1, the former trade name may be restored upon the application of the person who owned the enterprise at the time the name was changed or by his heirs, provided they own now the enterprise. The principles of Articles 83, paragraph 2, second sentence, and paragraph 3, shall be applicable.

ARTICLE 87
Names of Corporations

The principles of Articles 83 and 86 shall be applicable to the trade names of corporations.

ARTICLE 88
Restatement of Trade Names in Other Cases

Whenever the use of the former trade name is essential for the purpose of full restoration, the Registration Chamber may permit the restatement of a cancelled or changed trade name in cases other than those provided for in Articles 83 to 86.

ARTICLE 89
Names of Associations and Endowments (Stiftungen)

Association shall be applicable to the resumption of the name by an association or an endowment.

ARTICLE 90
Procedure

Applications for the registration in the Commercial Register of former trade names must be filed within the period provided for in this Law for the filing of claims for re-registration. The procedure in it capacity as Court of Registry shall have jurisdiction over these applications except in cases provided for in Article 80. Otherwise the procedure shall be governed by the rules of procedure applicable in matters of non-contentious litigation. No costs or fees shall be charged in these proceedings.

PART XVI
FINAL PROVISIONS

ARTICLE 91
Claims Reserved to Special Legislation

The reinstatement of lapsed interests arising out of international contracts and those linked with interests of international rights (patents etc.) may be regulated by special legislation.
ARTICLE 90
Statute of Limitations
To the extent to which the statute of limitations or pre-
scriptive period of the Civil Code might defeat any claim
falling under this Law, the statute of limitations or a pre-
scriptive period to be deemed to have expired only six
months after such cause of action arises by reason of
operation of this Law, but in no event prior to 30 June 1949.

ARTICLE 91
Taxes and Other Levies
1. Taxes and other public levies shall not be imposed in
connection with restitution.
2. Non-tax levies, including inheritance tax, or other public
assessments, fees or costs shall be refunded or subsequently
levied in connection with the return of confiscated property.

ARTICLE 92
Implementing and Carrying-out Provisions
1. The Reinstatement Agencies will be designated by imple-
menting regulations.
2. Unless otherwise provided in this Law, or ordered by
Military Government, the Minister President of each State
or any Ministers designated by him, shall issue the legal and
administrative regulations necessary for the implementation
of this Law.

ARTICLE 93
Jurisdiction of German Courts
1. German Courts are hereby authorized to exercise juris-
diction in civil cases arising under this Law against any
stateless person having the assimilated status of United
National person (i.e., any person against any national of the
United Nations not falling within categories (3), (4), (5) of
Section 10 (3) to Article VI of Military Government Law No. 2,
as amended or as hereafter amended.
2. German Courts are hereby authorized to exercise juris-
diction in cases involving offenses against any of the
provisions of Articles 73 and 74 of this Law by persons not
exempted from the jurisdiction of the German Courts under:
Section 10 (3) to Article VI of Military Government Law No. 2
as amended or as hereafter amended.

ARTICLE 94
Official Text
The German text of this Law shall be the official text and
the provisions of Paragraph 5 of Article II of Military Government
Law No. 4, as amended, shall not apply.

ARTICLE 95
Effective Date
This Law shall become effective in Bavaria, Bremen, Hesse and Wurttemberg-Baden on 10 November 1947.

BY ORDER OF MILITARY GOVERNMENT
MILITARY GOVERNMENT - GERMANY
UNITED STATES AREA OF CONTROL

REGULATION NO. I
UNDER MILITARY GOVERNMENT LAW NO. 59
Establishment of Central Filing Agency and Manner of
Filing Claims for Restitution
Pursuant to Articles 50 and 56 of Military Government Law No. 59, "Restitution—Identifiable Property", it is hereby ordered as follows:

1. Establishment of Central Filing Agency
There hereby established the Central Filing Agency (Central Filing Agency) provided for in Article 55 of Military Government Law No. 59, the mailing address of which is:
Central Filing Agency
Bad Nauheim, Germany

2. This Agency is hereby vested with all powers and responsibilities which the Central Filing Agency has under the provisions of Military Government Law No. 59.

II. Manner of Filing Claims for Restitution
1. In order to facilitate the speedy handling of claims, the petition containing the claim for restitution should follow the outline set out in the Appendix hereto. All information therein requested should be given, to the extent to which it is known, in exact and concise form.
2. Where the claimant desires to give more extensive explanations, they should be added as numbered appendices to the petition, together with appropriate documents and statements.
3. No printed forms need be used. The petition shall contain all required information in the order in which it is set forth in the Appendix hereto and each thereof shall be given a number appearing on the left margin of the paper, corresponding to the number set forth in the Ap-
pendix. The sheets of paper on which the claim is typed should, for this purpose, be the same size with that between 11 and 13 inches long, or have dimensions as similar as possi-
ble. All copies should be written on one side of the sheet only and shall be legible. A minimum of five copies of the petition and all accompanying documents may be filed together with such additional copies as may be re-
quired for the service of one copy on each interested party to the proceeding. (See Article 81 of Military Govern-
ment Law No. 59.)
4. Since the Law will be administered by German agen-
cies, the petition should be written in German, if possi-
bile; otherwise, the English language shall be used. Affi-
ciation connected to any other language shall be accom-
pounded by a translation in German.
5. It shall be possible, a separate petition should be filed for each claim:
   a. where more than one set of confiscation is in the
      Consideration for the claim,
   b. where the properties claimed are presently in more
      than one location.
6. Original documents should not be filed but should be reference copies of original documents, if requested by the Reinstatement Authority. However, true copies or photostats of pertinent documents should be attached to all claims filed. Pictures or drawings should be furnished, if possible, where they are necessary in order to present an adequate description of the property.
7. Each petition shall be docketed and shall be signed by
the claimant or by the duly authorized representative of
the claimant, or if by a person other than the claimant, the power of attorney or other authorization of such a person should accompany the claim.

III. Penalties for False Claims
Any person knowing or having false statements in con-
nection with a claim for restitution under Military Govern-
ment Law No. 59 will be liable to punishment under Arti-
cle II, paragraph 33, of Military Government Ordinance No. 326.

IV. Effective Date
This regulation shall become effective on 10 November 1947.

BY ORDER OF MILITARY GOVERNMENT.

APPENDIX
OUTLINE OF INFORMATION REQUESTED IN A
PETITION FOR RESTITUTION UNDER MILITARY
GOVERNMENT LAW NO. 59

PART A
Information Concerning the Claimant, his Attorney or Agent, if any, and the Percipient Person
1. Information Concerning the Claimant:
   a. Last name, first name, and middle name (if any),
   b. Permanent residence,
   c. Present address,
   d. Address to which correspondence with the claimant
      concerning this claim should be sent.
   e. Name and address of person within Germany who is
      authorized by the claimant to receive service of legal
      papers on his behalf; (see Article 56, paragraph 4),
   f. Claimant is not the percipient person, state all
      facts on which claimant bases his right to succeed to
      claim of the percipient person. Attach copies of any
      pertinent documents showing the event that claim is based
      on, assignment, copies of the Military Government Law
      authorizing such assignment should be at-
5. Information Concerning the Agent of the Claimant, if
   any:
   a. Last name, first name, and middle name (if any),
   b. Permanent residence,
   c. Present address,
   d. Address of nature of agency (attorney-at-law, attorney-in-fact,
      guardian, etc.). Attach copies of appropriate docu-
5. Information Concerning the Percipient Person:
   a. Last name, first name, and middle name (if any),
   b. Present address, if in Germany,
   c. Last known residence and address in Germany.
   d. Residence and address at the time of the act of
      confiscation.

PART B
Information Concerning Property Claimed
1. Real Property and Interests in Real Property:
   a. Description of real property or of interests
   b. Location of the property.
   c. Description of entry of property in Land Title Register
2. Business Enterprises:
   a. Name and description of the business enterprise.
   b. Location of the business enterprise:
   c. Description of entry in Commercial Register
3. Security Interests, claims, shares, etc.
   a. Give an exact description of the type, certificate number, etc., of the security.
   b. If an interest in or an obligation for the payment of and assignment, give name and address of
   c. If any.
gives a full statement of the petitioner's claim for restitution.

PART D

Prayer for Relief

The Restoration Authority will not enter an order for restitution unless, under this Law, the claimant satisfies, in a prayer for relief, the following requirements:

1. That the claimant or his successor in title is the true owner of the property for which the claim is made.
2. That the property is of a type that is the subject of a claim for restitution.
3. That the claimant or his successor in title has a legal interest in the property.
4. That the claimant or his successor in title has a legal interest in the property.

PART E

W/We, hereby declare that all information given in the foregoing affidavit is to the best of our knowledge accurate, complete and true.

________________________________________
Date
Signature

MILITARY GOVERNMENT — GERMANY
UNITED STATES AREA OF CONTROL

GENERAL AUTHORIZATION NO. 2
Pursuant to Regulation No. 1

UNDER MILITARY GOVERNMENT LAW NO. 2

1. A General Authorization is hereby granted by Military Government, in accordance with paragraphs 580, 581, and 74 of Regulation No. 1 under Military Government Law No. 2, "Restitution of Identifiable Property," for the performance of any official act of the character described in paragraph 580 of such Regulation, for the entry upon the commercial register, register of cooperatives, register of associations or ship register, as prescribed in paragraph 581 of such Regulation and for the determination, whether compensation is requested, and, if so, in what amount; and, further, that such information is made for rents, use, credits, etc.; and, whether and to what extent any other relief is sought under the provisions of this Law.

 Date

MILITARY GOVERNMENT — GERMANY
UNITED STATES AREA OF CONTROL

$ REGULATION NO. 2
UNDER MILITARY GOVERNMENT LAW NO. 59

Filing of Reports as Required by Military Government Law No. 59

Pursuant to Articles 73 and 75 of Military Government Law No. 59, "Restitution of Identifiable Property" (see Appendix A), all persons holding certain property which may be subject to restitution under this Law are required to file, on or before 15 May 1946, a report concerning such property, with the Zone Command; \( \text{Central Filing Agency,} \) Bonn, Germany, as established by Regulation No. 1 under this Law.

Pursuant to Articles 79 and 79 of this Law (see Appendix A), penalties are provided for the failure of such persons to file such reports. Pursuant to Article 92 of this Law and in accordance with Articles 73 and 74 thereof, it is hereby ordered as follows:

1. Manner of Filing Reports:
   a. The report should follow the outline set out in Appendix A, and all information required should be given in exact and concise form.
   b. When the reporting person desires to give more extensive explanations, they should be added as numbered
unlawful. The penalty under any other law are "applied.
2. Conviction in a penalitry up to five years may be imposed in especially serious cases.
3. The attempt shall be punishable.

ARTICLE 77
Penalties (continued)
In the cases within the scope of Articles 76 and 77, nobody may be held in custody unless there would have resulted from a decision by the Justice Department that public order would have been disturbed.

EXCEPT FROM REGULATION NO. 1
UNDER MILITARY GOVERNMENT LAW NO. 59
I. Establishment of Central Filing Agency
1. There is hereby established the Central Filing Agency (Zentralarchivamt) provided for in Article 53 of Military Government Law No. 59, the mailing address of which is:
   Zentralarchivamt (Central Filing Agency)
   Bad Nauheim, Germany
2. This Agency is hereby vested with all powers and responsibilities which the Central Filing Agency has under the provisions of Military Government Law No. 59. (Section II to IV are omitted.)

APPENDIX B
Outline of Information to be Reported

PART A
Information Concerning the Person Filing the Report
1. Information Concerning the Person Filing the Report:
   1. Last name, first name and middle name (in full).
   2. Permanent residence.
   3. Present address.
   4. Address to which correspondence with the person filing this report, should be sent.
II. Information Concerning the Agency, if any, of the Person Filing the Report:
   1. Last name, first name and middle name (in full).
   2. Present address.
   3. Nature of agency (attorney-at-law, attorney-in-fact, guardian, etc.) and name of appropriate documents pertaining to the agency.

PART B
Information Concerning Property Reported
I. Information Concerning Person Holder and Location of Property Reported:
   1. State whether reporting person is present possessor of the property.
   2. If not, state full name and address of person presently in possession of the property.
   3. Present location of property, if known.
II. Real Property and Interests in Real Property:
   1. Detailed description of real property or interest therein.
   2. Location of the property.
   3. Description of entry of property in Land Title Register (Grundbuch).
III. Business Enterprises:
   1. Name and description of the business enterprise.

ANNEX XIV
MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL
LAW NO. 77
Amended (1)
Suspension of Certain Organizations and Offices concerned with Labor
1. The organizations, agencies and offices listed in the appendix to this law are hereby suspended to the full extent of their present operation in the occupied territory.
2. Any rung-erichter (Labor Courts) are hereby suspended until further directions of the Military Government.
3. All funds, records and property of the organizations, agencies and offices hereby suspended shall be preserved intact by the present functionaries thereof for such suspension as may be directed by the Military Government. Pending such directions all such records shall be subject to inspection by officers of the Military Government. Officers in charge thereof and administrative officials shall remain at their posts, until otherwise instructed.
4. Any person violating the provisions of this law shall upon conviction by Military Government Court, be liable to any lawful punishment, including death, as the court may determine.

BY ORDER OF MILITARY GOVERNMENT.

APPENDIX LAW NO. 77
Suspension of Certain Organizations and Offices concerned with Labor
2. Reihenschiedsgerichte der Arbeit (Office of the Reich Trustees of Labor).

1 SHAKF enment consisted of dropping the following from Ap- pendix:
   "Reihenschiedsgericht für Landesbehörde Arbeit (Office of the Special Commissioner for State Employment)"
   "Reihenschiedsgericht für Staatserichtungsbehörde (Office of the Reich Administration)
   "Reihenschiedsgericht für Staatserichtungsbehörde (Office of the Reich Administration)" - 82.