

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/100/325

Declassified E.O. 12356 Section 3.3/NND No. 785015

10000/100/325

PROPERTY CONTROL
SEPT., OCT. 1943

319

AMG(P)

Please see file, and preceding minutes.
I have removed the offending redundant

Office copies!

Please see 7A. This seems an
eminently reasonable arrangement, & if
you agree, I will have copies prepared
for ~~issue~~ to you & for issue to
Reps. 4, 5, 8 & 9, & with them pass them
to you for action on your file.
Please indicate if you require copies
of any other folios.

SACS

(3 Oct 43)

W. A. Mathews
Col.

A.C.

I

J.A.C.S.

7A noted.

I agree with your suggestion and am glad to see it made in

having copies of 7A prepared for issue to Reps. 4, 5, 8 & 9.

I think that a copy of 8(B) ^{also} should be issued to Reps. 4

W. A. T. H. N. E.

Carl.

Ac

71

J.A.C.S.

7A nested.

I agree with your opinion and am glad to hear you are in the right.

heavy, cups of 7A prepared from 15 Rayon 45-849.

I think that a copy of B (B) ^{also} should be sent to Bureau of

'this' could be amended.

R. H. Farnum

Continued.

Aug 6 (F)

114 Oct 43.

10. 5. 5. 5.

Ref conversation Bing Guterbock - Col Guterbock

This morning phase see 7 A.

19 Oct.

Adrian

5

Dear, Mr. J. W. W. W.

9

(25) Minute to J.A.C.S. 5

1. At the time I forwarded the memorandum, reference to in your preceding minute, relating to 9A and 9B ~~was~~ the File (1013) was not in the ~~the~~ Central Registry but was in circulation on the minute of Colonel Agajohn relating to an entirely different matter, namely 9A.

2. In view of the fact that Region IV and also the Advanced Party J.A.C. would report within a short time, I felt that the matter should not be delayed until a return of the file was made as it was to be handled by Regions IV, V, VI, VII and IX before it would be returned.

3. I sincerely regret that the matter was improperly handled in this respect. I could have, under the matter

are coming 11
namely. 17 A.
2. In view of the past that Region
IX and also the Governor Party
of A.C. would expect within a
short time, I felt that the
matter should not be delayed
until a return of the file
was made as it was to be.
handled by Regions IX, X, XI, XII and
IX before it would be returned.

3. I sincerely regret that the matter
was improperly handled in this
respect. While I could have, under
the F.D.'s, guaranteed the matter
to Regional Property Divisions direct,
as you say, all Regional Property
Divisions, do not have Chicago.

4. You may be assured that any
failure to comply with
the F.D.'s in this respect was
purely unintentional, and will
not happen again

W.P.

Martin J. Glenn
1st Capt. 27th
Property Control Sq. Co.

(Minute 4 to Prop., cont'd.)

and annoying. See QA + QB. Furthermore

11A appears to be identical with QA + B
 but it bears a different date, thus
 adding to the confusion.

(d) It is quite obvious that, ^{the} orders regarding
 that officers will not themselves place
 papers on a file have not been
 obeyed - if the file had been dealt
 with throughout by the Chief Clerk, as it
 should have been, it could not have
 got into this state. That has to be

(e) I have given orders that have to be accepted
 typing will not in future be accepted
 unaccompanied by the file - if the
 initiating branch holds the file.

Official letters should only be signed
on the file, with the office copy
 duly attached to the tag & numbered. Only
 thus can files be kept in decent
 order.

(f) Please return file to SACS.

W. A. T. H. M.

overseen - of me by the Chief Clerk, as it
with throughout here! it could not have
should have state. that kept for

(e) I have given orders that kept for
typing will not in future be accepted
unaccompanied by the file. if the
initiating branch holds the file.
Official letters should only be signed
on the file with the office copy
duly attached to the tag & numbered. Only
thus can files be kept in decent
order.

(f) Please return file to SACS.

W. H. A. T. H. M. C. A.

(1) Oct 43

4Prop.

11A x 9A.

This matter has been not in concern with and then has been wholesale infringement of Office Orders.

(a) 9A. You should not have addressed Chiefs of Regions direct. It is quite clearly laid down in PDs that heads of Sub-Committees may correspond ~~direct~~ ^{with} (on technical matters only) with heads of corresponding Divisions in Regions - not with HQs of Regions.

(b) 8A comes within the definition of a "technical matter" and you would ^{therefore} have been justified in sending it out to heads of Regional Property Control Divisions.

BUT

(i) Some Regions have not got Property

Controllers.

(ii) You wished to consult legal suggesting that copies should also go to heads of legal Divisions in Regions.

THEREFORE the matter should have been

may correspond ~~and~~ with heads of corresponding matters only) in Regions - NOT with HQs of Divisions in Regions.

(6) SA comes within the definition of a "technical matter" and you would have been it out to heads of justified in sending Control Division. Regional Property

BUT

- (i) Some Regions have not put Property Controllers to consult legal
- (ii) You wished to consult legal suggesting that copies should also go to heads of legal divisions in Regions.

THEREFORE the matter should have been dealt with through Staff channels. Correct procedure wd. have been, ²⁶⁹ unnecessary

- (i) Minute the file to Legal - unnecessary to write him a letter (10A)
- (ii) Minute file to AMG(P) suggesting that two copies (one per legal, one for SA) be sent to Region. ²⁶⁹ All kept in file

All the above is perfectly clear from an intelligent reading of P.D.s.

(C) Duplicate office copies on a file are not totally unnecessary but confusing only

To be sent to Property Control Subcommittee Armistice
CC and to Regions IV, V, VI, VIII and IX for consideration
and any comments they care to make.

(2) To: Regions IV

V

VI

VIII

IX

In turn
Memo above relates to 7A which
has been approved by Property Control
Sub-Com, A.C. and Legal Sub-Com, A.C.
11 Oct 43
W. H. H. H.
Lt Col
Property Control Sub-Com

7(A) (3) To AM(P) for consideration by Regions 5, 8, 9.

To JACS. for final approval.

W. H. H. H.
Lt Col

26 Sept 1943

To: Joint Consultants Chgo of Stagg, Amstee CC

From: Property Control Sub-Commission

1. Reference 2A and 2B
2. Letter prepared for your signature is forwarded herewith
3. Please advise undesignated when letter is signed.

W. H. Blair
Lt Col
Property Control

(2)

Book. Please reconsider your item (c) of 2.
The point seems to be covered by 9.6.

26. Feb.

As A/Secy
Lt. Col.

(3)

To: Joint Consultants Chgo of Stagg, Amstee CC

From: Property Control Sub-Commission

1. Paragraph (c) in the first

has been deleted

3. when letter is signed.

Mr. Glenn
S. S. Col
Property Control

(2)

Book:

Please reconsider your letter (C) of 2.
The point seems to be covered by 9.6.

26. Feb.

Mr. A. L. L. L. L.
Ch. H.

(3)

To: Joint Committee, City of St. Louis, Committee C.C.

From: Property Control Sub-Committee

1. Paragraph (C) in the second
draft has been deleted
2. Corroborated letter is transmitted
3. Request undersigned is always
when letter is requested

26 Sept 43

Mr. Glenn
S. S. Col
Property Control

2698

~~CONFIDENTIAL~~

WAR DEPARTMENT
OFFICE OF THE CHIEF OF STAFF
CIVIL AFFAIRS DIVISION
WASHINGTON

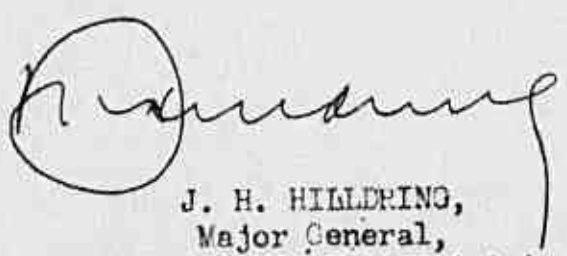
6 October 1943

MEMORANDUM FOR THE COMMANDER-IN-CHIEF
Allied Forces
APO 512, c/o Postmaster
New York, New York

Attention: Military Government Section.

Subject: Informational Material on International
Telephone and Telegraph Subsidiaries in
Italy.

1. Inclosed are three copies of a report submitted by the International Telephone and Telegraph Corporation on its subsidiaries in Italy. It is believed that this information will supplement that already submitted by the Foreign Property-Holders' Protective Committee in booklet form and forwarded to you on September 30.
2. It should be noted that the information in this report relates chiefly to corporate structure and not to physical properties. It is believed that detailed information on the latter is already in the possession of the Chief Signal Officer in the Theater.
3. This material has not been cleared with the British.


J. H. HILDERLING,
Major General,
Chief, Civil Affairs Division.

1 Incl.
Report (in triplicate)

2 Copies in Share A 26953

CR/1401/2104
CONFIDENTIAL

C
O
P
Y

CONFIDENTIAL

INTERNATIONAL STANDARD ELECTRIC CORPORATION

Investments in and advances to
Subsidiary and Affiliated Companies
and Accounts Receivable, Bank Deposits
and Patents in Italy

SOCIETA FINANZIARIA ELETTROTELEFONICA
(formerly Standard Elettrica Italiana)

Societa Finanziaria Elettrotelefonica is located at Piazza Quattro Novembre 6, Milan, Italy.

Societa Finanziaria Elettrotelefonica was incorporated April 14, 1909 in Milan, Italy for a fixed duration expiring December 31, 1950. The company was acquired by International Telephone and Telegraph Corporation as at September 30, 1925 when International Telephone and Telegraph Corporation acquired the International Western Electric Company, Inc. from Western Electric Company, Inc. The name of International Western Electric Company was changed to International Standard Electric Corporation.

Societa Finanziaria Elettrotelefonica has authorized, issued and outstanding 18,000 shares of Lire 300 par value per share, Lire 5,400,000, all of which are owned by International Standard Electric Corporation and which are carried on the books at cost, \$1,210,868. The company has no funded debt.

Societa Finanziaria Elettrotelefonica is a holding company -

- (a) holding 49% of the capital stock of Fabbrica Apparecchiature per Comunicazioni Elettriche, Milan, Italy, and
- (b) holding and servicing patents held by it and servicing patents held by International Standard Electric Corporation.

Certificates for the 18,000 shares of stock referred to above are located: 17,600 in custody Banca d'America e d'Italia, Milan, Italy, and 400 in custody of Societa Finanziaria Elettrotelefonica as directors' guaranty shares.

FABBRICA APPARECCHIATURE PER
COMUNICAZIONI ELETTRICHE

Fabbrica Apparecchiature per Comunicazioni Elettriche, Via ²⁶⁹¹ Bodio 33, Milan, Italy was incorporated in Milan, Italy on May 31, 1935 for a fixed duration expiring December 31, 1949.

The capital stock is represented by authorized, issued and outstanding 40,000 shares of Lire 500 par value per share, Lire 20,000,000 of which Societa Finanziaria Elettrotelefonica (formerly Standard Elettrica Italiana) owns 49%

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CONFIDENTIAL
-2-

or 19,600 shares. The value at which these shares are carried on the books of Societa Finanziaria Elettrotelefonica is understood to be Lire 9,800,000 (about \$500,000). The balance 51% is owned by Societa Italiana Reti Telefoniche Interurbane below. The company has no funded debt.

This company is indebted to International Standard Electric Corporation according to latest information, in the amount of \$66,457.

The business of this company is the manufacture and sale of electrical equipment in general and materials used in electrical communications in Italy and its colonies.

This investment was acquired in 1935 as a result of reorganization of International Standard Electric Corporation investments and activities in Italy.

SOCIETA ITALIANA RETI TELEFONICHE INTERURBANE

Societa Italiana Reti Telefoniche Interurbane, located at Via Fabio Filzi N. 19, Milan, Italy, was incorporated on November 21, 1921, in Milan, Italy for a fixed duration expiring December 31, 1956.

The capital stock is represented by authorized, issued and outstanding 26,000 shares of Lire 1,500 par value per share, Lire 39,000,000. International Standard Electric Corporation owns 5,200 shares or 20% of the total which stands on the books of the Corporation at cost, \$211,411. The company has no funded debt.

This company owes, according to latest information, \$38,176 to International Standard Electric Corporation.

The business of this company is the selling and merchandising of electrical communications equipment. In addition it owns 51% of the capital stock of Fabbrica Apparecchiature per Comunicazioni Elettriche above. This investment was acquired when International Standard Electric Corporation (formerly International Western Electric Company) was acquired from Western Electric Company, Inc. as at September 30, 1925.

The 5,200 shares referred to above are located: 5,132 in custody of Banca d'America de d'Italia, Milan, Italy and 68 shares in custody of Societa Italiana Reti Telefoniche Interurbane as directors' guaranty shares.

The balance of the shares is owned by Siemens & Halske, A.G., Berlin, 10%; Societa Italiana Pirelli-Milan, 40%; S.A. Ing. V. Tedeschi, 20% and Conduuttori Elettrici Affinix, 10%.

OTHER ACCOUNTS RECEIVABLE, BANK DEPOSITS

Royalties Receivable

Details of sources are not available, estimated at Lire 3,000,000 - approximately \$150,000

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Banca d'America e d'Italia

On time deposit - Lire 7,500,000 - approximately \$375,000.

The above items were acquired during recent years and represent income from investments and royalties in Italy.

TRAFFIC BALANCES DUE TO OR BY
U.S. CABLE AND RADIO SUBSIDIARIES

All America Cables & Radio Inc.	
Account Receivable from Italo Radio-Rome	\$28,170.18
Account Payable to Italian Cable Co.	359.00
Mackay Radio and Telegraph Co. (Delaware)	
Account Payable to Italo Radio-Rome	23,782.15
Commercial Cable Company	
Account Receivable from Italian Cable Co.	<u>5,869.89</u>
Net Traffic Balances (Receivable)	<u>\$9,898.92</u>

CONFIDENTIAL

30 September 1943

MEMORANDUM FOR THE COMMANDER-IN-CHIEF
Allied Forces
APO 512, c/o Postmaster
New York, New York

Attention: Brig. Gen. Julius C. Holmes
Chief, Military Government Section

Subject: Transmittal of Report prepared by
the Foreign Property-Holders
Protective Committee.

1. Inclosed are three copies of a Report prepared by the
Foreign Property-Holders Protective Committee and forwarded for
your use.

2. Your special attention is called to the covering letter
of this Report and your comments would be appreciated.

3. With reference to the second stated objective of the Com-
mittee, namely, "to enable him (the Theater Commander) to take such
steps as he thinks possibly are advisable toward restoring these
properties to their rightful owners," it should be noted that the
Theater Commander and A.M.G. are concerned only with the present
possession and use of such properties in the prosecution of the war.
The determination of title must necessarily await adjudication later.

J. H. HILLDRING,
Major General,
Chief, Civil Affairs Division.

1 Incl.
Report of Foreign Property-Holders
Protective Committee (in triplicate)

269

CR/6 Oct/1039

AC/1013
PC

6
13A
One copy
received here;
deposited in
library.
B.H.P.
9/54

12A

TO : Region 6.
FROM : Joint Assistant Chiefs of Staff.
SUBJECTS : (1) Status of Counsel Assigned to Regional Control Divisions.
(2) Appointment of "Curators" for Abandoned Property.
REFERENCE: AC/1013/ (Prop).
DATE : 18 October 1943.

1. Herewith (1) Memorandum defining the position of Counsel, Regional Property Control Divisions, (2) Memorandum from ANGOT H. Q. Sicily dated 30 Sept. 43 Ref ANGOT/6000/PC regarding the Appointment of Curators for Abandoned Property.
2. The arrangements and procedure contained in each of these enclosures will be followed. Copies are being sent to Regions 4, 5, 8, & 9 by ANG (P).

W. H. Col
Joint Assistant Chiefs of Staff.

Copies to : AS)
Int) With enclosures
(P)
Prop)
Leg.) Without Enclosures
ANG(P)

WHR/cf

2692

MEMORANDUM DEFINING THE STATUS OF COUNSEL ASSIGNED TO
REGIONAL PROPERTY CONTROL DIVISIONS

(Issued with AC/1013/(Prop) dated 16 Oct.43)

1. Counsel assigned to Regional Property Control Divisions shall remain in their present assignment, functionally and administratively as integral members of the Property Control organization and subject to the orders of their respective Chief Regional Property Controllers.
2. Regional Property Controllers will be responsible for opinions and advice given by counsel assigned to them respectively.
3. The functions of counsel assigned to Regional Property Controllers as aforesaid will be to give legal opinions and advice in all routine matters (e.g. questions of title, drafting agreements) which arise in the course of Property Control activities and to perform such other duties of a legal or non-legal character as their respective chiefs may direct.
4. Counsel assigned as aforesaid will refer to their Chief Property Controller the following matters:
 - (a) All questions of legal policy.
 - (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly those questions affecting substantial groups or classes of similarly categorized property of every kind.The Regional Chief Property Controller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.
5. The Regional Chief Legal Officer to whom any such matter is referred will render his opinion to the Regional Chief Property Controller, in writing if requested, or if in the former's opinion any such matter should be referred to the Allied Commission he will so advise the Regional Chief Property Controller in writing, if requested, with reasons for his recommendation. In the latter instance it will then be the responsibility of the Regional Chief Property Controller to forward the matter through the appropriate channels to Property Control, Allied Commission and to advise the Regional Chief Legal Officer of the final determination of higher authority in respect thereto. The Regional Chief Legal Officer shall be responsible only for those legal matters arising under Property Control which have been actually so referred to him by the Regional Chief Property Controller.
6. The foregoing does not preclude the use of counsel assigned to Regional Property Controllers by Regional Chief Civil Affairs Officers for other work during early phases and before Property Control begins to function and requires their services.

12C
(12C)

EXTRACT FROM MEMORANDUM FROM AMGOT HQ SICILY DATED 30 SEPT 43 REF
AMGOT/6006/PC

(Issued with AC/1013/(Prop) dated 16 Oct. 43)

1. The following procedure will be adopted in all matters concerning movable or unmovable property at present left uncared for by its lawful owners, after agreement has been reached with the President of the Tribunale.
2. All persons who for valid reasons request the appointment of a "Curatore" to take charge of property deemed to be left uncared for will present their petition to the senior notary (notaio) of the town or district where the said property is situated.
3. The notary will issue a recommendation as to the necessity of appointing a "Curatore" and forward it to the competent Assistant Property Controller or the S. L. O. of the Province for his approval.
4. The petition, if approved, will then be transmitted to the competent "Presidente del Tribunale" who will appoint a "Curatore" chosen from the list of notaries exercising their functions in the district in which the property is situated.
5. It will be specified in the order appointing the "Curatore" that for his services he will be entitled to the usual honorarium determined by Italian Law. All monies received by him will be deposited in a special bank Account.
6. Notice that such procedure is coming into force should be published in the local newspapers and through any means of official publicity at your disposal.

/aar

TO : AMG (P) 11A
FROM : Joint Chiefs of Staff.
Subject : Status of Counsel assigned to Regional Property
Control Divisions.
REFERENCE : AC/1013/ *pass.*
DATE : 15 OCTOBER 1943. 11B 507A

1. Herewith 5 copies of a memorandum of the Legal Sub-Commission dated 3 Oct 43 relating to the above for issue to Regions 4, 5, 8 and 9 as agreed by you in Minute 7. The proposed arrangements have the concurrence of J.A.C.S.
2. Please detach copy of 8B for your file. You will observe from 9A that this has already gone out (improperly) to Regions.

ABD
Brigadier.
E. GUETERBOCK.

Colonel.
R.G. KIRKWOOD.

Joint Chiefs of Staff.
Holding & Planning Center.

/wcw.

2689

11B

A 1013 (LEG.) DATED 8 OCT 43

EXTRACT FROM MEMORANDUM ON THE LEGAL ADMINISTRATION OF THE PROPERTY CONTROL DIVISION DATED 3 OCT 43
BY W. J. H. H. H.

1. Counsel assigned to Regional Property Control Divisions shall remain in their present assignment, functionally and administratively as integral members of the Property Control organization and subject to the orders of their respective Chief Regional Property Controllers.

2. Regional Property Controllers will be responsible for opinions and advice given by counsel assigned to them respectively.

3. The functions of counsel assigned to Regional Property Controllers as aforesaid will be to give legal opinions and advice in all routine matters (e.g., questions of title, drafting of documents) which arise in the course of Property Control activities, to perform such other duties of a legal or non-legal character as their respective chiefs may direct.

4. Counsel assigned as aforesaid will refer to their Chief Property Controller the following matters:

- (a) All questions of legal policy.
- (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly those questions affecting substantial groups or classes of similarly categorized property of every kind.

The Regional Chief Property Controller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.

5. The Regional Chief Legal Officer to whom any such matter is referred will render his opinion to the Regional Chief Property Controller, in writing if requested, or if in the former's opinion any such matter should be referred to the Allied Commission he will so advise the Regional Chief Property Controller in writing. If requested, with reasons for his recommendation. In the latter instance it will then be the responsibility of the Regional Chief Property Controller to forward the matter through the appropriate channels to Property Control, Allied Commission and to advise the Regional Chief Legal Officer of the final determination of higher authority in respect thereto. The Regional Chief Legal Officer shall be responsible only for those legal matters arising under Property Control which have been actually so referred to him by the Regional Chief Property Controller.

6. The foregoing does not preclude the use of counsel assigned to Regional Property Controllers by Regional Chief Civil Affairs Officers for other work during early phases and before Property Control begins to func-

3. The functions of counsel assigned to Regional Property Controllers as aforesaid will be to give legal opinions and advice in all routine matters (e.g., questions of title, drafting agreements) which arise in the course of Property Control activities and to perform such other duties of a legal or non-legal character as their respective chiefs may direct.
4. Counsel assigned as aforesaid will refer to their Chief Property Controller the following matters:
 - (a) All questions of legal policy.
 - (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly those questions affecting substantial groups or classes of similarly categorized property of every kind.The Regional Chief Property Controller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.
5. The Regional Chief Legal Officer to whom any such matter is referred will render his opinion to the Regional Chief Property Controller, in writing if requested, or if in the former's opinion any such matter should be referred to the Allied Commission he will so advise the Regional Chief Property Controller in writing, if requested, with reasons for his recommendation. In the latter instance it will then be the responsibility of the Regional Chief Property Controller to forward the matter through the appropriate channels to Property Control, Allied Commission and to advise the Regional Chief Legal Officer of the final determination of higher authority in respect thereto. The Regional Chief Legal Officer shall be responsible only for those legal matters arising under Property Control which have been actually so referred to him by the Regional Chief Property Controller.
6. The foregoing does not preclude the use of counsel assigned to Regional Property Controllers by Regional Chief Civil Affairs Officers for other work during early phases and before Property Control begins to function and requires their services.

2688
8892

~~10B~~
10A

TO: Legal Sub-Commission, A.C.
FROM: Property Control Sub-Com., A.C.
SUBJECT: Appointment of "Curators" for Abandoned Property.
REFERENCE: AC/1013.
DATE: 12 October 1943.

1. There is attached a copy of a memorandum (AMGOT/6006/PC), from Chief Staff Officer AMGOT HQ SICILY relating to appointment of "Curators" for abandoned property.
2. I have sent copies to Chiefs of Regions IV, V, VI, VIII, and IX, with the suggestions that they call it to the attention of their Property Control Divisions and S.C.A.O's.
3. In view of paragraph 3 of the memorandum referred to in paragraph 1, above, the matter is called to your attention with the view that you may also desire to suggest that Chiefs of Regions call the memorandum to the attention of their Legal Divisions.

MRS
MARTIN R. GLENN
Lt. Col. J.A.G.D.
Property Control Sub-Com.,
A.C.

2687

9A

TO: Chiefs of Regions IV, V, VI, VIII, and IX.
FROM: Property Control Sub-Com., A.C.
SUBJECT: Appointment of "Curators" for Abandoned Property.
REFERENCE: AC/1013.
DATE: 12 October 1943.

1. There is attached a copy of a memorandum (AMGOT/8006/PC), dated 30 September 1943, from Chief Staff Officer AMGOT HQ SICILY, relating to appointment of "Curators" for abandoned property.
2. It is suggested that you call the matter to the attention of your Regional Property Control Division and all S.C.A.O's.

2686

MRS
MARTIN R. GLENN
Lt. Col. J.A.G.D.
Property Control Sub-Com.,
A.C.

JACS

8A
3A

AC/1013/1

AMGOT/6006/PC
AMGOT HQ. SICILY
30 September 1943

SUBJECT: Appointment of "Curatore" for abandoned property.

TO : All S. C. A. O.'s.

1. The following procedure will be adopted in all matters concerning movable or unmovable property at present left uncared for by its lawful owners, after agreement has been reached with the President of the Tribunale.
2. All persons who for valid reasons request the appointment of a "Curatore" to take charge of property deemed to be left uncared for will present their petition to the senior notary (notaio) of the town or district where the said property is situated.
3. The notary will issue a recommendation as to the necessity of appointing a "Curatore" and forward it to the competent Assistant Property Controller or the S. L. O. of the Province for his approval.
4. The petition, if approved, will then be transmitted to the competent "Presidente del Tribunale" who will appoint a "Curatore" chosen from the list of notaries exercising their functions in the district in which the property is situated.
5. It will be specified in the order appointing the "Curatore" that for his services he will be entitled to the usual honorarium determined by Italian Law. All monies received by him will be deposited in a special Bank Account.
6. Notice that such procedure is coming into force should be published in the local newspapers and through any means of official publicity at your disposal.

DISTRIBUTION

S.C.A.Os. Palermo 1
Ragusa 1
Trapani 1
Siracusa 1
Enna 1
Messina 1
Agrigento 1
Catania 1
Caltanissetta 1
Spares. 10

/s/ Charles M. Spofford
CHARLES M. SPOFFORD
Colonel, GSC
Chief Staff Officer

2685

CR

56cc/965

7 Spares
in spare file

EX TRI.

88

AMGOT/6006/PC
AMGOT HC. SICILY
30 September 1943

SUBJECT: Appointment of "Curatore" for abandoned property.

TO : All S. U. A. O.'s.

1. The following procedure will be adopted in all matters concerning movable or unmovable property at present left uncared for by its lawful owners, after agreement has been reached with the President of the Tribunale.

2. All persons who for valid reasons request the appointment of a "Curatore" to take charge of property deemed to be left uncared for will present their petition to the senior notary (notaio) of the town or district where the said property is situated.

3. The notary will issue a recommendation as to the necessity of appointing a "Curatore" and forward it to the competent Assistant Property Controller or the S. L. C. of the Province for his approval.

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4. The petition, if approved, will then be transmitted to the competent "Presidente del Tribunale" who will appoint a "Curatore" chosen from the list of notaries exercising their functions in the district in which the property is situated.

5. It will be specified in the order appointing the "Curatore" that for his services he will be entitled to the usual honorarium determined by Italian law. All monies received by him will be deposited in a special Bank Account.

6. Notice that such procedure is coming into force should be published in the local newspapers and through any means of official publicity at your disposal.

DISTRIBUTION

S.C.A.Os. Palermo	1
Nagusa	1
Trapani	1
Siracusa	1
Enna	1
Messina	1
Agrigento	1
Catania	1
Caltanissetta	1
Spares.	10

/s/ Charles M. Spofford
CHARLES M. SPOFFORD
Colonel, GSC
Chief Staff Officer

TO: Joint Assistant Chiefs of Staff.

FROM: Legal Sub-Commission, Allied Commission.

SUBJECT: Status of Counsel Assigned to Regional Property Control Divisions.

REFERENCE: AC/1013 (Leg.).

DATE: 8 Oct. 43.

As the result of a meeting held on 4 October 1943, which was attended by the Acting Chiefs of the Legal and Property Divisions, Allied Commission and Regions, it was decided to make the following recommendations to the J.A.C.S.:

1. Counsel assigned to Regional Property Control Divisions shall remain in their present assignment, functionally and administratively as integral members of the Property Control organization and subject to the orders of their respective Chief Regional Property Centrollers.
2. Regional Property Centrollers will be responsible for opinions and advice given by counsel assigned to them respectively.
3. The functions of legal counsel assigned to Regional Property Centrollers as aforesaid will be to give legal opinions and advice in all routine matters (e.g. questions of title, drafting agreements) which arise in the course of Property Control activities and to perform such other duties of a legal or non-legal character as their respective chiefs may direct.
4. Legal counsel assigned as aforesaid will refer to their Chief Property Centroller the following matters:
 - (a) All questions of legal policy.
 - (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly those questions affecting substantial groups or classes of similarly categorized property of every kind.

The Regional Chief Property Centroller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.
5. The Regional Chief Legal Officer to whom any such matter is referred will render his opinion to the Regional Chief Property Centroller, in writing if requested, or if not requested, in a memorandum.

- main in their present assignment, functionally and administratively as integral members of the Property Control organization and subject to the orders of their respective Chief Regional Property Controllers.
2. Regional Property Controllers will be responsible for opinions and advice given by counsel assigned to them respectively.
 3. The functions of legal counsel assigned to Regional Property Controllers as aforesaid will be to give legal opinions and advice in all routine matters (e.g. questions of title, drafting agreements) which arise in the course of Property Control activities and to perform such other duties of a legal or non-legal character as their respective chiefs may direct.
 4. Legal Counsel assigned as aforesaid will refer to their Chief Property Controller the following matters:
 - (a) All questions of legal policy.
 - (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly these questions affecting substantial groups or classes of similarly categorized property of every kind.

The Regional Chief Property Controller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.
 5. The Regional Chief Legal Officer to whom any such matter is referred will render his opinion to the Regional Chief Property Controller, in writing if requested, or if in the former's opinion any such matter should be referred to the Allied Commission he will so advise the Regional Chief Property Controller in writing, if requested, with reasons for his recommendation. In the latter instance it will then be the responsibility of the Regional Chief Property Controller to forward the matter through the appropriate channels to Property Control, Allied Commission and to advise the Regional Chief Legal Officer of the final determination of higher authority in respect thereto. The Regional Chief Legal Officer shall be responsible only for these legal matters arising under Property Control which have been actually so referred to him by the Regional Chief Property Controller.
 6. The foregoing does not preclude the use of legal counsel assigned to Regional Property Controllers by Regional Chief Civil Affairs Officers for other work during early phases and before Property Control begins to function and requires their services.

CPL Property Control
Attaching Legal Officer

ALLIED FORCE HEADQUARTERS
Military Government Section

2 October 1943.

SUBJECT: Hirings and Claims Instructions for Treatment of
Enemy Property.

TO : JACS.

Thank you for your report of 29 September ACC/1013 reference above. It is exactly what was wanted, and has been sent to the Department concerned today for their comments, together with copies of the relevant General and Special Administrative Instructions. We have asked for a conference, and suggest that your representative attends. You will be notified further.

D. S. Jackling cc. 2682
D. S. JACKLING
Lt. Colonel,
Mil. Gov. Sec.

CR/ 6 Oct/1020

J.A.C.S.

AG/1013

54

Subject: Civilian Interviews and functions of C.P.
To : All S.C.A.Os and Heads of Divisions.

6062/CP.

AMCOT HQ SICILY

23 September 43.

There would appear to be considerable misunderstanding as to the precise functions of the Controller of Property, and your attention is directed to Proclamation No. 6, in which such functions are clearly defined.

It should be particularly noted that the Controller of Property is not concerned with the following matters :-

Requisitioning.
Billeting, whether of Army or Civilian personnel.
Damage to properties belonging to local inhabitants.
Compensation for War Damage.
Claims and hirings.

The above matters have in many cases been referred to the C.P or his assistants, with a consequent loss of time.

DISTRIBUTION

S.C.A.Os Agrigento.	1	File 266 & 5001	2
Caltanissetta	1	Float	1
Catania	1	Divisions	12
Etna	1	Staff Capt "A"	1
Palermo	1	Information Office	1
Ragusa	1	Lieut. Guarino. A.A.	1
Syracuse	1	Spares	15
Trapani	1	AMCOT 5th Army Region 3	(10)
Messina	1	AMCOT 8th Army Region 2	(10)
		M.G.S., A.F.H.Q.	(12)

64 2681
CHARLES H. SPOTFORD,
Col., C.S.C.
Chief Staff Officer.

CR/66ct/994

Subject: Civilian Interviews and Functions of C.P.

6062/CP.

: All S.C.A.Os and Heads of Divisions.

AMGOT HQ SICILY

28 September 43.

There would appear to be considerable misunderstanding as to the precise functions of the Controller of Property, and your attention is directed to Proclamation No. 6, in which such functions are clearly defined.

It should be particularly noted that the Controller of Property is not concerned with the following matters :-

Requisitioning.
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Syracuse	1	Spares	15
Trapani	1	AMGOT 5th Army Region	3 (10)
Messina	1	AMGOT 8th Army Region	2 (10)
		M.C.S., A.F.H.Q.,	(12)

Charles H. Spofford
 CHARLES H. SPOFFORD,
 Col., G.S.C.
 Chief Staff Officer.

2003

Declassified E.O. 12356 Section 3.3/NND No. 785015

MSG CMC V MCS TIZ
MESSAGE NO. 2
28 SEPTEMBER 1943

TO JACS

SUBJECT CONTROLLER OF PROPERTY

REFERENCE LETTER THIS HQ 23 SEPT. REF. 386/3 INCLOSING MEMO AND REQUESTING
COMMENTS. URGENTLY NEEDED PLEASE EXPEDITE. PLEASE INFORM THIS HQ WHEN COMMENTS
AND SUGGESTIONS CAN BE AVAILABLE.

Sec 3A

SIGNED LT. COL. W. E. JACKLING

Prop Cont
A. W. D. G.

14/30
28/9/43
631
2A

Comments forwarded
29 Sept 43
Sec 2A

ACC/1013

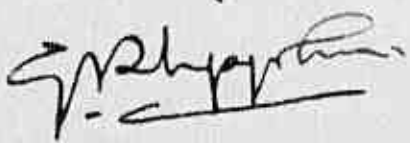
3A

2673

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N/A
1. Suits

TO : Region 4, 5, 6, (Major Ainslie) 8, 9, Property Control
Armistice C.C., Lt. Col. Bennett.
FROM : Legal Division, Armistice C.C.
SUBJECT : Property Control.
REFERENCE: ACC/1013.
DATE : 1 October 1943.

1. There will be a meeting in lecture room "C" LONDON on Monday, Oct 4 at 1030 hrs to consider "The position, duties, and responsibilities of officers assigned to Property Control Divisions as counsel and to consider whether any change in the present arrangement is desirable.
2. I shall be glad if all Regional Chief Legal Officers, Regional Chief Property Controllers, Chief Property Control Armistice C.C. and Lt Col Bennett will attend.


Legal Division Armistice C.C.

2678

2A

TO: Military Government Section, A.F.H.Q.
FROM: Planning Staff, Armistice C.C.
SUBJECT: Hirings and Claims Instructions for Treatment of Enemy Property.
REFERENCE: AGO/1013.
DATE: 19~~25~~ September 1943.

2A

1. Reference your letter MGS-601 dated 23 September 1943, transmitting draft of "Instructions for Treatment of Enemy Property" submitted by Hirings and Claims.

2. It appears that the draft is in consonance with the Rules of Land Warfare, as laid down by the Hague Conventions in 1907. The following comments and suggestions are made with the view of rendering the draft more consistent with policies and procedures contained in General Administrative Instruction No. 10 and Special Administrative Instruction No. 1:

- (a) Paragraph (a) 4. states that "Neither rent for the use of property, nor compensation for damage caused by the necessities of war can be claimed", then the paragraph states, in substance, that a note of the use or damage should be made so that the owner may be compensated at the close of hostilities. It is assumed that this paragraph was intended to relate to privately-owned real estate. Therefore it is suggested that it be rewritten to read: "Payment of rent for the use of privately-owned real property, or compensation for damage thereto caused by the necessities of war, will not be made during the war; funds for such payments may be determined after the war in accordance with the terms of peace".
- (b) Paragraph (a) 7 states that privately-owned personal property susceptible of direct military use may be taken possession of but "that they must be restored at the conclusion of peace and indemnities paid for them". It is believed that it is sufficient to state, in this respect, that: "Payment for such privately-owned personal property will not be made during the war; the matter of restoration or compensation will probably be determined at the conclusion of peace".

-2-

- (c) Paragraph (b) makes no reference to state-owned real estate, other than forts, arsenals, dockyards, magazines, barracks, railways, canals, bridges, piers, wharves, etc, and also those that are devoted to art, education, charity. There is another class of state-owned real estate not strictly military in character, and not devoted to art, education and charity; this class consists of public governmental buildings, lands, parks, etc. It is therefore suggested that paragraph (b) 1 and 2 may be rewritten as follows:-

"1" "Real property belonging to the State which is of military character, such as forts, arsenals, dockyards, magazines, barracks, stores, railways, canals, bridges, piers, wharves, etc, remain absolutely in the hands of the occupant, who may use them as desired, and no compensation whatever may be paid therefore. Other state-owned real estate (public buildings, lands, etc) may be taken over and used by the occupant when necessary for the armed forces or the occupant, but will not be subjected to unnecessary waste or spoliation. No compensation whatever will be paid for the use of such properties; claims for unnecessary waste or spoliation will not be considered until after the war.

2 While all state-owned real estate may be seized by the occupant, institutions dedicated to public worship, charity, education, sciences and art, such as churches, chapels, synagogues, mosques, almshouses, hospitals, schools, museums, libraries, etc, and also municipally owned properties (i.e owned by local units of government) must, except as indicated below be respected as privately owned property whose owner is present. But such properties may, in these cases of urgent and justifiable military necessity, be taken over by the occupant and used to house troops, sick and wounded, horses and stores; but any wilful destruction, damage, or desecration of such buildings (such as using a church or a museum for a stable) is forbidden. No compensation whatever will be paid for the use of such properties; claims for unnecessary spoliation will not be considered until after the war." 2678

- (d) It is suggested that paragraph (b) 4 be amended to expressly include objects of art, by adding at the end thereof the following "Objects of art will be respected and protected."

- (e) It is suggested that paragraph (b) 6 beginning "Parastatal Companies" be rewritten to read as follows: "Property belonging to Parastatal or Semi-Statat Companies will be treated as state-owned property. Parastatal or Semi-Statat Companies, as used herein, include all enterprises and institutions not being the absolute property of the state, but in which the

- 8 -

State has a substantial interest or exercises substantial control.

- (c) It is particularly suggested that the draft expressly set-ferth the procedure for furnishing reports to the Controller of Allied and Enemy Properties, concerning properties acquired by Hirings and Claims. This is extremely important, so that adequate records can be maintained. In this connection attention is invited to paragraphs 14, 19, 23 and 25 and 26 of General Administrative Instructions No. 10.

RBA
R.B. PATHMORE Colonel.
J.J. ALBRIGHT Colonel.
Joint Assistant Chiefs of Staff,
Armistice C.O.

RESTRICTED

frt

ALLIED FORCE HEADQUARTERS
Military Government Section

MGS-601

23 September 1943.

TO: J.A.C.S.

1. The Assistant Director of Hirings & Claims has called here to discuss coordination of the work of his Department with the activities of the Controller of Property and his assistants both under A.M.G. and Armistice C.C.
2. He left a copy of his Department's draft Instructions for Treatment of Enemy Property (sent herewith). It appears that several points require tying up with the procedure outlined in General Administrative Instruction No. 10 and Special Administrative Instruction No. 1. Your comments and suggestions are requested by 26th September.

S. J. Dalrymple
DALRYMPLE
Lt. Colonel,
Mil. Gov. Sec.

1 Incl.
As above.

267

RESTRICTED

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High in ACC/700
ACC
10B

ARTICLE 15. THE RULES OF WAR.ARTICLE 15. THE RULES OF WAR.

Administration
Reference No.

(a) The rules set out below, respecting the acquisition or regulation of public or private property in every occupied territory, are based on the rules concerning the laws and customs of war on land laid down by the Hague Convention

1907.

Heads of Services will take all necessary steps to ensure that all branches and officials under their direction will strictly follow these rules, and will not permit any breach thereof.

PRIVATE PROPERTY.

1. The unlimited right to seize and take away property of every kind no longer exists. (H.L.L. 405).
2. Private property must be respected. It may not be confiscated or pillaged, even if found in a town or place taken by assault, though the right of an army to make use of and to requisition certain property is fully admitted. What is forbidden is such damage, destruction, improper seizure or taking of property as is not required in the interests of the army, and as would, therefore, increase the sufferings of the population in war (H.L.L. 407).

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3. The temporary use of real estate for the wants of the army is justified, even though such use may endanger its value. This applies to the necessary use of land in war for services, magazines, and construction of entrenchments, the inhabitants may be compelled to accommodate the troops and the site and material in their houses, and any articles in their stables and sheds. Buildings may be used for the purpose of reconnaissance, cover, defence, etc., and if it is necessary, houses, forests and other objects may be destroyed, cut down, and removed to clear a field of fire or to provide

PRIVATE PROPERTY.

1. The unlimited right to mine and take any property of every kind no longer exists. (M.H.L. 405).
2. Private property must be respected; it may not be confiscated or pillaged, even if found in a town or place taken by assault, though the right of an army to make use of any to requisition certain property is fully admitted. That is forbidden is such damage, destruction, improper seizure or taking of property as is not required in the interests of the army, and as would, therefore, increase the sufferings of the population in war (M.H.L. 407).

267

3. The temporary use of real estate for the wants of the army is justified, even though such use may enlarge its value. Thus apart from the necessary use of land in war for marching, encampments, and construction of entrenchments, the inhabitants may be compelled to accommodate the troops and the sick and wounded in their houses, and any animals in their stables and sheds. Buildings may be used for the purpose of repositories, cover, defence, &c., and if it is necessary, houses, farms and woods may be demolished, cut down, and removed to clear a field of fire or to provide material for bridges, fuel &c., imperatively needed by the army (M.H.L. 410).
4. Neither must for the use of property, nor compensation for damage caused by the operations of war can be claimed. However, a note of the use or damage should be kept, or given to the inhabitant, so that in the event of funds being provided by either belligerent at the close of hostilities to compensate the inhabitants, there may be evidence to assist the assessors. (M.H.L. 411).

5. In quartering troops in private dwellings care must be taken to leave the inhabitants; the latter should not be driven into the streets without shelter. If for military reasons, stations for operation purposes or to protect men and horses from the weather, it is imperative to remove the inhabitants, measures should be

rule to give them notice and provide them with facilities for taking their indispensable baggage with them. (N.M.L. 442).

6. When buildings of absent owners are made use of, care should be taken that they are reasonably treated. The fact that the owners are away does not authorize pillage or damage. A note should be left if anything is taken. There is, however, no obligation to protect abandoned property, for to do so might require a very numerous body of men.

7. There are two categories of private personal property.

The first category comprises all such things as are susceptible of direct military use. These may be taken possession of, but the mere and admission of the owner must be taken for record purposes, and a receipt given to the owner, giving a clear description of what has been taken as they must be restored at the conclusion of peace and indemnities paid for them; the question of who pays these indemnities will be settled with the peace terms.

The following classes of property fall within the above category :-

Appliances adopted for the transmission of news by land, sea, or air, such as cables, telegraph and telephone plants; all kinds of transport whether on land, at sea, or in the air, such as horses, mules, bicycles, carts, carriages, railways and railway plant, trams, ships in port, river and canal craft, aircraft of all descriptions, except balloons, dirigibles, depots of arms, military hospitals, aerodromes, except balloons as structural steel, heavy machinery and building materials; and in general all kinds of war material. No actual expropriation is made in the Hague rules to oblige the belligerent who effects the seizure to give a receipt, but the fact of seizure should obviously be established in some way, if only to give the owner an opportunity of claiming the compensation expressly provided for.

owner must be taken for record purposes, and a receipt given to the owner, giving a clear description of what has been taken as they must be restored at the conclusion of peace and inventories held for them; the question of who pays these insurances will be settled with the peace terms.

The following classes of property fall within the above category :-

Appliances adopted for the transmission of news by land, sea, or air, such as cables, telegraph and telephone plants; all kinds of transport whether on land, at sea, or in the air, such as horses, mules, bicycles, carts, carriages, railways and railway plant, ferries, ships in port, river and canal craft, aircraft of all descriptions, except airborne aircraft; depots of arms, whether military or sporting; such articles as structural steel, heavy machinery and building materials; and in general all kinds of war material. No actual stipulation is made in the Hague Rules to oblige the belligerent who effects the seizure to give a receipt, but the fact of seizure should obviously be established in some way, if only to give the owner an opportunity of claiming the compensation expressly provided for.

2. The second category of private personal property covers all such articles as are not susceptible of direct military use, but are necessary for the maintenance of the army. The taking of such articles is forbidden unless they are actually required for the needs of the army. They must be duly requisitioned and with in accordance with the requisitioning procedure of the respective State. The following classes of property fall within the above category :

Food and fuel supplies, liquor and tobacco, cloth for uniforms, boots, and the like.

3. Requisitions can only be demanded on the authority of the local authority concerned, but if it is not necessary that his order should be obeyed, as the articles taken must be paid for.

The assistance of the local authorities of the invaded territory may be involved to obtain the supplies. When it is impossible to obtain this assistance special parties under an officer should be detailed to collect what is required. Except in cases of emergency no one under the rank of commissioned officer is, by the regulations of practically all armies, permitted to requisition.

10. Requisitions of supplies may be made in bulk, that is, a community may be called on to supply certain quantities, or a return may be called for from inhabitants giving the amounts in their possession of which a proportion may then be requisitioned or the householders may be requisitioned to feed or partly feed the soldiers quartered on them, and any other way that is convenient may be employed provided the above-mentioned rules are observed.

267

ARMED PROPERTY.

(b)

1. Real property belonging to the State which is of a military character, such as forts, arsenals, dockyards, magazines, barracks, and stores, also railways, canals, bridges, piers, and wharves, remain absolutely in the hands of the occupant until the end of the war.
2. Special exception, however, is made in favour of property belonging to local, that is to say, provincial, county, municipal and parochial authorities. This, as well as the property of institutions dedicated to public worship, charity, education, science, and art, such as churches, chapels, synagogues, mosques, almshouses, hospitals, schools, museums, libraries, and the like, must be treated as private property. Troops, sick and wounded, horses, and stores may therefore be housed in buildings of the abovecharacter, but such use is only justifiable if it is a military necessity. Any seizure, destruction, or wilful damage to the property of such institutions, or to historic monuments, or works of science and art, is prohibited. It would not be improper to place sick and wounded in

provided the above-mentioned rules are observed.

(b)

MILITARY PROPERTY.

267

1. Real property belonging to the State which is of a military character, such as forts, arsenals, dockyards, magazines, barracks, and stores, also railways, canals, bridges, piers, and wharves, remain absolutely in the hands of the occupant until the end of the war.
2. Special exception, however, is made in favour of property belonging to local, that is to say, provincial, county, municipal and parochial authorities. This, as well as the property of institutions dedicated to public worship, charity, education, science, and art, such as churches, chapels, synagogues, mosques, almshouses, hospitals, schools, museums, libraries, and the like, must be treated as private property. Troops, sick and wounded, horses, and stores may therefore be housed in buildings of the above character, but such use is only justifiable if it is a military necessity. Any seizure, destruction, or wilful damage to the property of such institutions, or to historic monuments, or works of science and art, is forbidden. Thus, it would not be improper to place sick and wounded in a church if no accommodation could immediately be found elsewhere, but a consecrated building should not be used for the purpose of barracks, stables, or stores, unless it is absolutely necessary.
3. Movable property belonging to the State is, like private property, divided as regards its treatment, into two categories. Cash, specie, funds, and realisable securities which are strictly the property of the State, and all property directly susceptible of military use, such as means of transport, appliances for the communication of news, depots of arms, stores and supplies, may be taken possession of as booty.

4. Other movable public property, not directly susceptible of military use, as well as that belonging to the institutions mentioned above, which is to be treated as private property, must be respected and cannot be appropriated.
5. Where there is any doubt whether certain property is public or private, as may frequently occur in the case of stores and supplies obtained from contractors, it should be considered to be public property unless and until its private character is distinctly proved.
6. Property belonging to Parastatal Companies, that is, companies in which the Government holds a majority of the shares or a company whose losses may devolve upon the Government and in whose profits the Government is entitled to share, whether movable or immovable, will be treated as though it were State property.

METHOD OF KEEPING RECORDS.

1612

