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AMGOT, ENEMY PROPERTY & PLANNING
MAY 1941; JAN. - MAR. 1942;
DEC. 1942 - JULY 1943

37 pp

Subject:-

Directive for P.C. Division

To:- P.A.O.

From:- P.C.

11 July 1943

1. In AMGOT plan para 82 it is laid down that private businesses and industries furnishing war material useful to the military (e.g. cement and asphalt plants) will be operated for the benefit of the military under the supervision of the C.P. and in Proclamation No. 6 Article VI the C.P. is empowered to take into his control any property the control of which is in the opinion of the C.C.A.O. essential to the needs of the Allied forces or the inhabitants of the occupied territory.

2. The precise significance of these directives is not entirely clear, and I suggest that in view of the exiguous establishment allotted to him, it should be clearly laid down that the C.P. should not be made responsible for the technical operation or management of the industrial concerns which would appear to fall rather within the sphere of the C.S.D. which is equipped with mining and engineering experts.

3. The question therefore arises as to what (if any) the functions of the P.C. in respect of these industries should be. Assuming that these industries are private property and that they will be taken out of the control of their owners reoperated without respect to any remuneration on the capital invested, I suggest the following procedure :- The P.C. will initiate the formal act of taking control of them in the name of AMGOT in a document addressed to the Secretary of the Company or the proprietor ordering him a) to hand over the property to an officer of the C.S.D. on a certain date, and b) to prepare a balance sheet of the undertaking as at that date. c) To prepare an inventory in triplicate of the property. This inventory will be checked by officers of the C.P. and C.S. Divisions and signed jointly by them and the manager or secretary of the Company, one copy being retained by the C.D., another by the C.S.D. and the third by the Secretary of the Company. The written order referred to above will be published in the AMGOT Gazette and the property will be entered in a register to be kept by the C.P. C.S.D. will make careful notes as to the condition of the property a copy of which will be filed with C.P.

4. Apart from this formal act of taking control the C.P.'s functions should be confined to that of record. C.S.D. will furnish in a form to be prescribed by C.P. periodical accounts etc. as well as records of any plant or machinery disposed of or acquired, and a balance sheet at prescribed intervals (e.g. half yearly?) The C.P. will thus be enabled to collate a complete record of what has been done to the property during the period of control, which would furnish the basis for assessing claims eventually raised by the owner.

5. In cases where the owner or his representative is absent C.S.D. will request C.P. to take formal custody of the undertaking.

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2. The precise significance of these directives is not entirely clear, and I suggest that in view of the exiguous establishment allotted to him, it should be clearly laid down that the C.P. should not be made responsible for the technical operation or management of the industrial concerns which would appear to fall rather within the sphere of the C.S.D. which is equipped with mining and engineering experts.

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5. In cases where the owner or his representative is absent C.S.D. will request C.P. to take formal custody of the undertaking and hand it over. An inventory will be drawn up jointly and C.P. will where possible prepare a balance sheet of the undertaking at the date of taking over.

6. When the industrial concern to be taken over by the C.S.D. is Allied Property, the undertaking will be leased by C.P. to C.S.D. for a rental to be agreed on. C.S.D. will be responsible for maintenance, and no disposal of plant or machinery will be permitted except with the consent of the P.C.

7. Where the C.P. is directed to take over private property of any person, company or institution whose activities are deemed by the C.C.A.O. to be prejudicial to the safety of the Allied Forces or of public order the procedure will be similar to that laid down in para

/5 above

5 above except that the property will not be taken over by the C.S.D. but will be disposed of by the C.P. as laid down in para 24 of the draft directive.

8. I shall be grateful for your early approval of the principles laid down in this memorandum as the scheme if agreed to will entail considerable modifications in the General Directive for this division.

Ch. L. Harris

Lieut-Colonel,
P.C. AMOT.

P.C.

*I'm not sure that I do agree.
B.O. when we get over the other
side over what this really is*

bdo.

Q. w/7

Ch. L. Harris

Lieut-Colonel,
P.C. ALGOT.

P.C.

I'm not sure that I do agree.
B.O. when we get over the other
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bdo.

[Signature] w/

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BIGOT
MOST SECRETSUBJECT: AMGOT. General Directive to P.C.

To: P.A.O..

12 July, 1943.From: P.C.

1. I attach revised draft of general directive for P.C. Division completed after discussion with C.F.O., C.L.O. and A.D.C.S. & R. The following are the chief alterations made in this draft:-

Paragraph 1. -- Redrafted.

Paragraph 4. -- Entirely new. Deals with property of United Nations nationals other than U.S.A. or British Commonwealth.

Paragraph 14. -- Added an express responsibility on P.C. for Parastatal property not in custody of AMGOT or A.F.

Paragraph 17. -- Restricts abandoned property responsibility to such as is directed by C.C.A.O.

Paragraph 24. -- Restricts medium sized private undertakings for which P.C. is responsible to those specified by C.C.A.O.

Paragraph 29. -- Entirely new. Requires that Divisions of AMGOT occupying property shall give P.C. records, etc.

Paragraph 30. -- Entirely new. Provides method of handling prejudicial property.

Paragraph 31. -- Entirely new. Defines Parastatal.

Paragraph 32. -- Revised to provide possibility of C.P.O. taking over certain parastatal enterprises.

2. The original draft of the clauses respecting industries to be taken over by the C.P. are retained, but certain changes are recommended in the attached memorandum for your early approval of which I shall be grateful

Ch. S. Harris

Lt. Col.
P.C.
AMGOT.

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BIGOT.
MOST SECRET.

A M G O T

PROPERTY CONTROLLER.

1. DUTIES.

The duties of the C.P. will be the following:-

- (a) The C.P. will be responsible for the custody of:-
 - (i) Property of Allied Governments or nationals sequestered by the Italian Government.
 - (ii) Enemy state property not in custody of some other branch of the Armed Forces.
 - (iii) Such abandoned property or property belonging to absentee owners of which no representatives can be found in the Occupied Territory as the C.C.A.O. may direct.
- (b) He may also be required to take into his control, when directed to do so by the C.C.A.O.:-
 - (i) Any property the control of which is in the opinion of the C.C.A.O. essential to the needs of the Allied Forces or inhabitants of the Occupied Territory
 - (ii) The property of any person, company or institution whose activities are deemed by the C.C.A.O. to be prejudicial to the safety of the Allied Forces or of public order.
- (c) He will also assist all branches of the Allied Forces to ascertain secure and take possession of any enemy State property susceptible of military use which they may require.

For the purpose of (a)(i) above, the term "Allied" will be deemed to include only the U.S.A. and the British Commonwealth nations, but may subsequently be extended by the C.C.A.O. to include all or any of the other United Nations.

With respect to (a)(ii), the term "enemy state property" includes all property owned, controlled or administered by any state at war with the U.S. or Great Britain and also that of companies, institutions or bodies in which any such state has any substantial interest or over which it exercises substantial control.

2. GENERAL DIRECTIVE.

ALLIED PROPERTY.

- (a) The C.P. will be responsible for the custody of:-
 - (i) Property of Allied Governments or nationals sequestered by the Italian Government.
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2. GENERAL DIRECTIVE.

ALLIED PROPERTY.

As far as can be ascertained the Italian procedure for dealing with estates of enemy nationals and governments has been to appoint private persons as sequestrators, these sequestrators being obliged to account for the estates under their control to the Prefect of the Province in which they are situated. In the case of small estates the banks have assumed the function exercised by the sequestrator in the case of larger estates, the tenants of these properties paying their rents to a bank specified by the Prefect, the banks rendering periodical returns as well as paying certain living allowances agreed with the Prefect to any resident owners or their dependants. These are generally referred to as 'blocked' estates.

3. In accordance with Article IV of the Proclamation No. 6, P.C. will obtain from Public Officials and/or their nominees no have charge of the sequestered estates of Allied Governments or nationals, records and full description of all properties under their charge. P.C. will formally take custody of these properties, the Declaration of Custody being published in the AMGOT Gazette. In cases where the sequesteror is, in the opinion of the P.C. a reliable and efficient person, the P.C. will appoint him as his agent for managing the property. In cases where the sequesteror is absent or has been found ^{un}reliable, the P.C. will either

- (a) take over the management of the property or
- (b) appoint an agent for this purpose.

Procedure (b) will be followed unless there are special conditions rendering it inapplicable. Where the sequesteror continues in office, it is desirable that the P.C. should not meddle with the detailed administration of the property and his direction should be confined to matters of policy only. The former sequesteror if he continues to administer the property on behalf of the P.C., will be entitled to a fee computed on the same basis as his pre-occupation remuneration, unless or until contrary instructions are issued, and the said fee will be a charge against the estate. If another agent is appointed his fee will be agreed with the P.C. on the basis the fee to which the former sequesteror was entitled.

4. In the case of property of Governments or nationals of Allied Nations other than the U.S. and The British Commonwealth of Nations, the Italian regulations regarding sequestration, etc. will remain in force until repealed in whole or in part. If, therefore, the sequesteror of any such property is absent, the P.C. will have to assume responsibility for these properties. He will take them into formal custody and entrust their management to a sequesteror or trustee who will administer them according to the existing regulations. Sequesterors who are present will continue administering the property in their charge under the general supervision of the P.C., until the C.O.A.O. shall direct otherwise.

5. In the case of blocked estates (if any such exist in HORRIFIED) the pre-occupation practice will initially be rendered impracticable by the closing of the banks and as it is impossible to foresee what banks will be reopened and where, it may be necessary for the P.C. to appoint a Trustee, (e.g. a local lawyer of good reputation) to look after these estates on his behalf, until such time as some bank can resume this function. The fee to be paid to the Trustee which will be a charge against these estates, will be agreed between the P.C. and the Trustee.

6. In all cases in which any change is made by the P.C. in the ~~individual~~ or ~~institution responsible for managing sequestered or blocked estates~~, the P.C. will make an inventory of the property on assuming custody. This inventory, which will include a description of the condition of the property, will be agreed with the future Agent or Trustee appointed by the P.C.

7. All expenses for maintenance of Allied property taken in custody by the P.C. will be charged against the estates in question and normally the P.C. will not be permitted to employ public funds for this purpose unless expressly authorized to do so by the C.F.O. However, in cases of emergency where action has to be taken before there is time for obtaining authority from the Finance Division, the P.C. or his subordinate officer may expend a given sum not exceeding in protecting any particular piece

Procedure (b) will be followed unless there are special conditions rendering it inapplicable. Where the sequestrator continues in office, it is desirable that the P.C. should not meddle with the detailed administration of the property and his direction should be confined to matters of policy only. The former sequestrator if he continues to administer the property on behalf of the P.C., will be entitled to a fee computed on the same basis as his pre-occupation remuneration, unless or until contrary instructions are issued, and the said fee will be a charge against the estate. If another agent is appointed his fee will be agreed with the P.C. on the basis the fee to which the former sequestrator was entitled.

4. In the case of property of Governments or nationals of Allied Nations other than the U.S. and The British Commonwealth of Nations, the Italian regulations regarding sequestration, etc. will remain in force until repealed in whole or in part. If, therefore, the sequestrator of any such property is absent, the P.C. will have to assume responsibility for these properties. He will take them into formal custody and entrust their management to a sequestrator or trustee who will administer them according to the existing regulations. Sequestrators who are present will continue administering the property in their charge under the general supervision of the P.C., until the G.C.A.O. shall direct otherwise.

5. In the case of blocked estates (if any such exist in HORRIFIED) the pre-occupation practice will initially be rendered impracticable by the closing of the banks and as it is impossible to foresee what banks will be reopened and where, it may be necessary for the P.C. to appoint a Trustee, (e.g. a local lawyer of good reputation) to look after these estates on his behalf, until such time as some bank can resume this function. The fee to be paid to the Trustee which will be a charge against these estates, will be agreed between the P.C. and the Trustee.

6. In all cases in which any change is made by the P.C. in the ~~administration~~ ~~or institution~~ responsible for managing ~~sequestered~~ ~~blocked~~ ~~estates~~, the P.C. will make an inventory of the property on assuming custody. This inventory, which will include a description of the condition of the property, will be agreed with the future Agent or Trustee appointed by the P.C.

7. All expenses for maintenance of Allied property taken in custody by the P.C. will be charged against the estates in question and normally the P.C. will not be permitted to employ public funds for this purpose unless expressly authorized to do so by the C.F.O. However, in cases of emergency where action has to be taken before there is time for obtaining authority from the Finance Division, the P.C. or his subordinate officer may expend a given sum not exceeding in protecting any particular piece of Allied property which in his opinion is of such sufficient value to render the ultimate recovery of the sum expended reasonably secure.

8. It will be possibly found that some owners of sequestered estates are still resident in HORRIFIED and that in the past the sequestrator allowed them a bare living allowance out of the Estate Income. It can be anticipated that pending the return to them of their property, they will ask for either an increased living allowance by reason of the increase in cost of living or the payment to them of the whole of the estate income. In these cases, theoretically, the whole of the income over maintenance, administration and similar expenses can be paid to them but care should be taken to retain a reserve for contingencies particularly where buildings are concerned and where rents will remain practically constant but cost of repairs will possibly be increased three or four-fold.

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9. Considerable difficulty may be experienced in the question of allowances to joint owners of the estate some of whom are present and some absent particularly when there is no written agreement between the joint owners as to their interests. In all cases of doubt reference should be made to the Legal Division.

10. In cases where owners are present in O.T. and claim for the restoration of their property this should not be returned to them until their title has been verified by the Legal Division.

+ business
11. On the outbreak of war, enemy owned companies ~~were~~ placed by the Italian government under the control of a chief sequestrator resident in Rome who appointed local deputies to exercise this ~~function~~. In assuming custody of the property of Allied companies it should be noted that the case of Allied Companies undertakings whose assets have been sequestrated may present some difficulties. Here again a complete and detailed inventory should be prepared. Where these undertakings have been occupied ~~by any~~ branches of the Armed Forces, it would be advisable, if possible, to ask for their co-operation in protecting Allied property and in compiling an inventory at the earliest possible opportunity (e.g. a petrol depot belonging to an American or British concern which will in the first phase almost certainly have been taken over by D.A.D. S & T. (P)). Moreover, in this and in other cases it is possible that an enemy company has been authorised by the Italian Government to use these installations and a representative of that company should therefore also be requested to assist in preparation of the inventory, if available. Also it would be advisable to check any inventories with those in the possession of the local sequestrator, if available.

12. It should, however, be clearly laid down that P.C. is not responsible for recording any removal of or damage to property which may have occurred before he has formally taken custody.

13. ENEMY STATE PROPERTY.

Buildings.

(i) AMOT departments will be responsible for compiling records, inventories, etc. of buildings occupied by them, and their contents. (A form of record is attached in Annex). Copies will be filed with the P.C. who will prepare the formal declaration of custody which will be published in the AMOT Gazette.

(ii) The Advisor on Fine Arts and Museums shall be responsible for the preparation of inventories and records of such properties and shall file copies thereof with P.C. It would seem advisable that this be done before the reopening of such institutions.

(iii) C.S.D. will be responsible for compiling records, inventories, etc. of State lands, forests, quarries, mines, etc. not occupied by the Armed Forces. Records will be filed with P.C. who will take formal custody ~~of them~~, the declaration of custody to be published in the AMOT Gazette. Such records to include inventories of all movable property such as furniture, machinery, ~~etc.~~, livestock, growing crops.

14. Properties owned by Parastatal enterprises will be treated as State-owned and will be dealt with as above, the various departments of AMOT being responsible for preparing records of all properties occupied by them which will be filed with the P.C. In the case of properties not taken over either

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12. It should, however, be clearly laid down that P.C. is not responsible for recording any removal of or damage to property which may have occurred before he has formally taken custody.

13. ENEMY STATE PROPERTY.

Buildings.

(i) AIGOT departments will be responsible for compiling records, inventories, etc. of buildings occupied by them, and their contents. (A form of record is attached in Annex). Copies will be filed with the P.C. who will prepare the formal declaration of custody which will be published in the AIGOT Gazette.

(ii) The Advisor on Fine Arts and Museums shall be responsible for the preparation of inventories and records of such properties and shall file copies thereof with P.C. It would seem advisable that this be done before the reopening of such institutions.

(iii) C.S.D. will be responsible for compiling records, inventories, etc. of State lands, forests, quarries, mines, etc. not occupied by the Armed Forces. Records will be filed with P.C. who will take formal custody of them, the declaration of custody to be published in the AIGOT Gazette. Such records to include inventories of all movable property such as furniture, machinery, etc., livestock, growing crops.

14. Properties owned by Parastatal enterprises will be treated as State-owned and will be dealt with as above, the various departments of AIGOT being responsible for preparing records of all properties occupied by them which will be filed with the P.C. In the case of properties not taken over either by the Armed Forces or by any Division of AIGOT, the P.C. will be responsible for taking the necessary action.

15. Exchange of Information.

The C.P. will at the earliest opportunity provide the Armed Forces with as complete list as possible of State property which he proposes to take under his custody in order to enable them to occupy or seize such of it as they may require. It would similarly be desirable for branches of the Armed Forces who have occupied or seized State property (other than that of a strictly military nature) to furnish the C.P. with as complete a record as possible including date of occupation and the general condition of the property at the time of taking over.

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16. Municipal Property.

Municipal Property is regarded as private property under international law, and as it is contemplated that municipalities as bodies corporate will not be dissolved, municipal property will be treated as private property whose owner is present. The P.C. will therefore not be responsible for taking it into his custody unless specially directed to do so by the C.C.A.O.

PRIVATE PROPERTY.

17. Abandoned Property.

The P.C. will only be required to take such abandoned property under his custody as is considered by the C.C.A.O. to be of importance either to the Armed Forces or to the economic or social welfare of the community.

18. However, it may be felt that there is some obligation on the part of the occupying power to look after the interests of those persons whom they compulsorily prevent by deportation, internment etc., from looking after their own property. It would therefore be desirable to arrange with the Security branches of the Armed Forces that all internees should be given the opportunity of appointing representatives among the inhabitants of Occupied Territory with power to look after their property. The most convenient way of doing this would be to draw up in conjunction with a well-known Notary Public a form of power of attorney which would be distributed to Os.C. internment camps for distribution to internees who wished to avail themselves of this privilege.

19. In view of the extreme shortage of personnel, the object of the P.C. (except as otherwise directed) should be to hand over the management of estates, properties, etc. to a reliable local firm or person conversant with the type of business in question. The P.C. will, however, take formal custody of such properties and will be responsible for seeing that the agents appointed by him carry out their duties in a satisfactory manner. Cases, however, may occur in which the P.C. Division will have to take over the direct management of abandoned estates.

20. The P.C. will have the following powers which he will exercise at his discretion, namely:-

- (i) Sell any part of the property which consists of perishable goods, produce, growing crops, stock-in-trade, furniture or other property under his control whose value or physical condition is from its nature likely to depreciate.
- (ii) If the property is capable of being let, to let it.
- (iii) To pay any rates, taxes or other imports due in respect of the property.
- (iv) To pay any mortgage interest or other payments secured on the property.
- (v) To pay any other sums necessary for the preservation of the

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- (ii) If the property is capable of being let, to let it.
- (iii) To pay any rates, taxes or other imports due in respect of the property.
- (iv) To pay any mortgage interest or other payments secured on the property.
- (v) To pay any other sums necessary for the preservation of the property.
- (vi) To raise on the security of the property any sums required for its preservation.
- (vii) To enter into any contract and to execute any legal deed necessary for the exercise of any of the foregoing powers.
- (viii) If the property consists of a business, to carry on the business or to make arrangements for some other person to carry it on.
- (ix) Do all such things in relation to any private property which he takes under his control as would be done if he held a general power of attorney from the owner adapted to the circumstances of the case.

(x) With the consent of the C.C.A.O. make payments from time to time out of the assets in his control to any dependents of the owner, when it appears that such dependents are without adequate means of support.

21. When the Armed Forces occupy abandoned property; in the case of (a) dwelling houses, hirings and/or U.S. Army Engineers should record dates of occupation and the initial occupying unit should prepare inventories of their contents. They should also, where possible, give some indication of its pre-occupation value. In the case of (b) industrial premises, Hirings or U.S. Army Engineers should record dates of occupation and in conjunction with a technical unit, make an inventory of fixed and movable plant.

22. If any of the movable plant is seized or requisitioned by any branch of the Armed Forces the branch concerned will be responsible for making a record of the assets so appropriated. Copies of all records mentioned above should be forwarded to P.C. for filing but P.C. will not be held responsible for the accuracy or completeness of these records. It should clearly be laid down that C.P. has no responsibility for any property in the occupation of the Armed Forces. This would seem to follow logically from the stipulation contained in 44 (b) of AIGOT plan which confines his responsibility for State property to such property as is not in custody of other branches of the Armed Forces. The P.C. will, however, collate all records supplied to him concerning abandoned property when it is finally derequisitioned. Normally the P.C. will in such cases make arrangements for the private letting of such premises as soon as possible after they have been derequisitioned. He will take an inventory of the contents of the property on derequisitioning but he will not be responsible for recording any damage to or removal of property which has arisen during the period of ~~military~~ occupation by Armed Forces.

23. From the point of view of the P.C.'s responsibility, abandoned industrial and commercial concerns may be divided into three categories:

- (i) small businesses and industrial undertakings of no particular importance in the economic life of the territory.
- (ii) medium or large size businesses and undertakings of interest to the civilian population but not of such a nature as to be taken over by the C.S.D.
- (iii) industrial concerns etc. of vital interest to (a) the Armed Forces and/or (b) the essential economic needs of the territory.

With regard to (i), P.C. should be relieved of all responsibility even of record.

24. With regard to (ii) it is not expected that the number of enterprises of which no representative can be found will be great, but where directed to do so by the C.C.A.O., P.C. should take formal custody, the declaration being published in the AIGOT Gazette, but his responsibility in the conduct of the concern should be limited to making arrangements for leasing it at a rental, the lessee taking over the stock at a valuation at current wholesale prices but preferably by public tender, but if this is impracticable, by private arrangement. If the previous occupant was only a tenant of the premises and the lease has only a short period to run, then considerable difficulty may be experienced in leasing the premises. Action to be taken will depend upon the terms of the existing lease and conditions existing at the time. With regard to (iii) see para. 27 below.

take formal
custody as

of the assets so appropriated. Copies of all records mentioned above should be forwarded to P.C. for filing but P.C. will not be held responsible for the accuracy or completeness of these records. It should clearly be laid down that C.P. has no responsibility for any property in the occupation of the Armed Forces. This would seem to follow logically from the stipulation contained in 44 (b) of AMGOT plan which confines his responsibility for State property to such property as is not in custody of other branches of the Armed Forces. The P.C. will, however, collate all records supplied to him concerning abandoned property when it is finally derequisitioned. Normally the P.C. will in such cases make arrangements for the private letting of such premises as soon as possible after they have been requisitioned. He will take an inventory of the contents of the property on derequisitioning but he will not be responsible for recording any damage to or removal of property which has arisen during the period of ~~military~~ occupation by Armed Forces.

*the found
custody as*

23. From the point of view of the P.C.'s responsibility, abandoned industrial and commercial concerns may be divided into three categories:

- (i) small businesses and industrial undertakings of no particular importance in the economic life of the territory.
- (ii) medium or large size businesses and undertakings of interest to the civilian population but not of such a nature as to be taken over by the C.S.D.
- (iii) industrial concerns etc. of vital interest to (a) the Armed Forces and/or (b) the essential economic needs of the territory.

With regard to (i), P.C. should be relieved of all responsibility even of record.

24. With regard to (ii) it is not expected that the number of enterprises of which no representative can be found will be great, but where directed to do so by the C.O.A.O., P.C. should take formal custody, the declaration being published in the AMGOT Gazette, but his responsibility in the conduct of the concern should be limited to making arrangements for leasing it at a rental, the lessee taking over the stock at a valuation at current wholesale prices but preferably by public tender, but if this is impracticable, by private arrangement. If the previous occupant was only a tenant of the premises and the lease has only a short period to run, then considerable difficulty may be experienced in leasing the premises. Action to be taken will depend upon the terms of the existing lease and conditions existing at the time. With regard to (iii) see para. 27 below.

25. In cases where letting the business is impracticable, stocks should be sold and the premises with the tenant's fixtures where possible let. Industrial undertakings for which no lessee can be found should be placed on a care and maintenance basis. The C.P. has powers to raise loans on the security of the property for this purpose.

26. When undertakings are available for lease an inventory should be prepared by the C.P. and copies made available to prospective tenants. Before any properties or undertakings in this category are offered to any private lessee, the Armed Forces should be notified of their existence and given a prior opportunity to take them over.

If any unit of the Armed Forces intends to use any premises or works which have come into the custody of the P.C. they should be formally requisitioned from the P.C. A detailed inventory should be made jointly by the P.C. and a representative of the occupying unit and jointly signed. A report by one of the technical officers attached to the C.S.D. should also be prepared.

27. PRIVATE INDUSTRIAL ENTERPRISES CONTROLLED BY THE P.C.

Private Industrial Undertakings operated under the supervision of the P.C.

(i) Businesses furnishing war material useful to the Armed Forces. It may be assumed that normally either the owners of these businesses or some authorised representatives will be present, but if this is not the case, the P.C. will take formal custody in the usual manner. If owners are present, he will merely take an inventory of the property taken over. If the property in question has been previously occupied by any branch of the Armed Forces, P.C. will ask for the cooperation of the occupying branch in making this inventory, which should be agreed and signed jointly. This inventory should include a list of any articles, machinery, etc. already removed by the Armed Forces. If the business in question has been in actual operation previous to our occupation, the manager of the concern would normally be continued if acceptable to Security and deemed to be reasonably efficient. The direction will be placed in the hands of a Board consisting of (a) one or more members of the different branches of the services interested in the commodities produced; (b) a representative of the F.D. and (c) where appropriate representatives of the C.S.D., one from the Supplies Section and the other a technical officer conversant with the type of business concerned, (d) the P.C. or one or more members of his staff. The Board shall have the power to appoint local committees consisting of representatives of such branches or departments as they may deem advisable. A balance sheet should be prepared showing the position of the undertaking at the date of taking control.

(ii) Undertakings, the control of which may be from time to time delegated to the P.C. by the C.C.A.O. These will be dealt with on similar lines to (i).

28. In all cases in which the P.C. takes control of any private industrial enterprises whether the concern is actually to be operated under his control and supervision or not, a balance sheet will be prepared at the earliest opportunity showing the position at the date of taking over by P.C. In cases where an enterprise is initially taken over by the Armed Forces and subsequently transferred to the custody of the P.C., a balance sheet should likewise be prepared showing the position as on the date on which the enterprise was taken over by the Armed Forces. Pending the preparation of this balance sheet, the manager of the Co. should be instructed to make a detailed inventory of stocks and rule off the accounts. Stocks should be brought in at stock or market value whichever is the lower, and the price at which such stock is sold to or requisitioned by Military will be the average pre-occupation line price. These balance sheets will normally be prepared by the Companies' own employees, but if these should not be available then the P.C. should use his own Italian civilian staff which should include some experienced accountants, capable of this type of work.

29. Where the responsibility for supervising the operation of the undertaking is assigned to a division of AFOT, other than that of the P.C., the operating Division will be responsible for furnishing C.F. with the necessary records upon taking over control in the shape of inventories, balance sheets, etc. and

as (A) the position at the date of transfer

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29. Where the responsibility for supervising the operation of the undertaking is assigned to a division of AMGOT, other than that of the P.C., the operating Division will be responsible for furnishing C.P. with the necessary records upon taking over control in the shape of inventories, balance sheets, etc. and shall periodically submit further records showing what use or disposition has been made of these properties in such form as the C.P. may direct, e.g., if the operating Division should decide to remove any part of the fixed plant or machinery of any property for employment elsewhere, a certificate shall be forwarded to C.P. stating the disposition of the said plant or machinery, the reasons therefore and to book the value of the assets transferred.

30. Other Property the custody of which is assumed by C.P. on the direction of C.C.A.O.

With respect to the property referred to in 1 (b) (ii), unless, such property is handed over to the control of the C.S. or any other Division of AMGOT for operation, it shall be dealt with in the manner of the property referred to in para 24, that is to say, C.P. will either lease it if it consists

and (b) the position at the date of transfer

of real estate or an industrial or commercial undertaking or if this is impracticable, he will place it on a care and maintenance basis, or if the said property consists of moveable property, he will arrange for storage ~~at the expense of the owner, or if deemed advisable, lease or sell the same~~

31. PARASTATAL UNDERTAKINGS.

The term parastatal undertakings is understood to include all enterprises and institutions being the absolute property of the State, in which the State has a substantial interest or exercises substantial control..

The P.C. will take formal custody of the property of all such undertakings which have not been taken over by other branches of the Armed Forces, but he will only be responsible for the actual management of such undertakings of this nature as the C.C.A.O. may from time to time assign to his control. Where Parastatal enterprises are managed or operated by other Divisions of ANGOT, his function will be confined to receiving and collating records of the property taken over, such as inventories, balance sheets, etc. including records of disposal of plant and fixed assets, in the manner prescribed in para.29 above.

32. In respect of the parastatal enterprises, the control of which is not handed over to other Divisions of ANGOT, the C.P. may, as directed by the C.C.A.O. either (a) himself assume the management of the enterprise, or (b) lease the enterprise to a third party, or (c) place it on a care and maintenance basis. In all cases he will compile careful records of the property taken over, such as inventories, balance sheets, notes on the condition of the property, etc. and in the case of (b) require from the lessee such periodical returns as he may think fit. Should the C.C.A.O. desire that any parastatal undertaking which normally works at a loss, shall be continued to be operated by the P.C. for the benefit of the Occupied Territory, the P.C. will arrange with the C.F.O. for such financial assistance as may be necessary and will report to C.F.O. at frequent intervals concerning the financial position of the undertaking.

33. Any doubt as to the parastatal character of any enterprise will be referred to the Legal Division, e.g. schemes for land improvement, colonization, etc. It may be found that some of them are essentially "mixed" in character, whereas in others the participation of the state is limited to loans and subsidies for specific purposes. The former should be treated as State property, the latter as private, but in all cases decision should be referred to the Legal Division.

34. ORGANIZATION AND PERSONNEL.

The C.P. Division will be divided at HQ into two main Sections, one dealing with real property and the other with industrial and commercial business and enterprises. Each of the divisions will be in the charge of a A.C.P. (Major). Territorially HORRIFIED will be divided into 4 divisions each in charge of an A.C.P. (Captain) assisted by a Lieut. Records will be collated at the HQ of the Division in a section under a A.C.P. (Captain). This will entail the increase of the existing W.E. and T.O. by 3 Lieutenants.

The attached chart shows the proposed ^{initial} layout.

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The attached chart shows the proposed ^{initial} layout.

C. P. COLONEL.

PERSONAL ASST.
Lt.

D.C.P. - Lt. Col.

ACCOUNTS
Finance OfficerRECORDS
CaptainA.C.P. (Major)
Lands and BuildingsA.C.P. (Major)
Industrial & Commercial EnterprisesDistrict No. 1
Palermo

ACP - Captain

DACP - Lieut.

District No. 2
Trapani
Agrigento
Caltanissetta

ACP - Captain

DACP - Lieut.

District No. 3
Messina
Enna

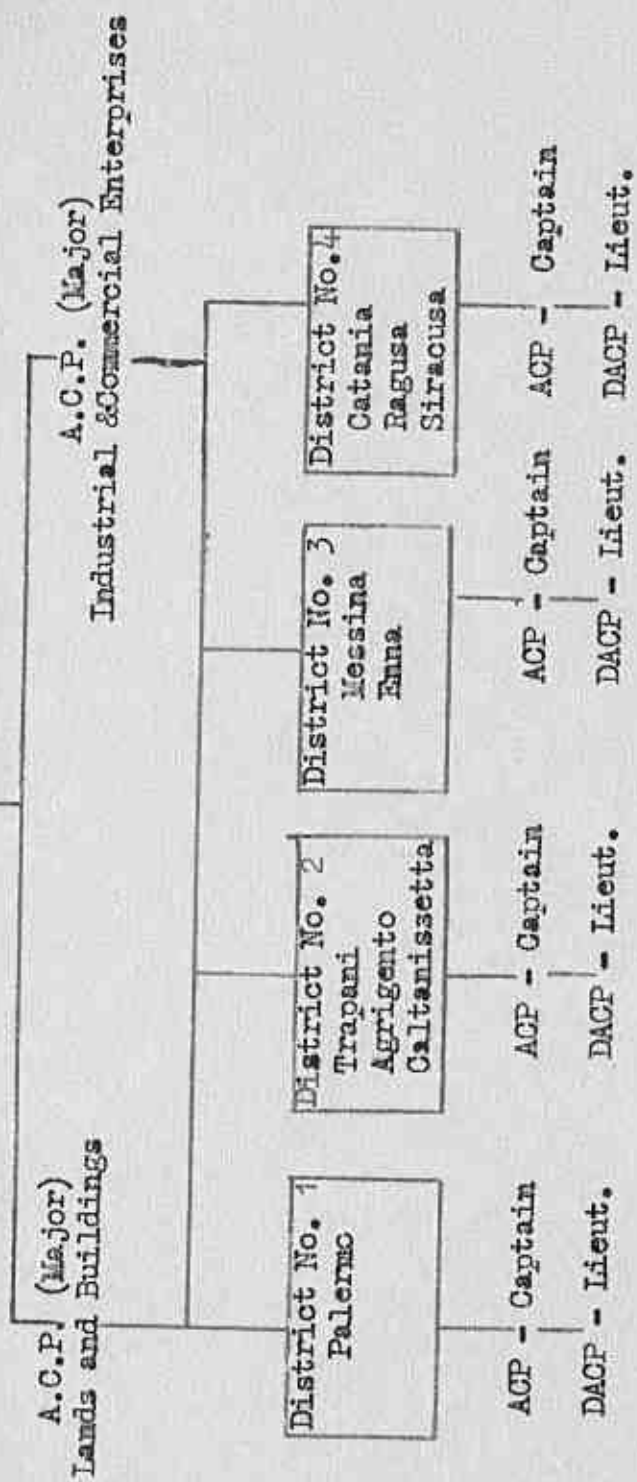
ACP - Captain

DACP - Lieut.

District No. 4
Catania
Ragusa
Siracusa

ACP - Captain

DACP - Lieut.



MEMORANDUM ON FUNCTIONS OF ALLIED AND
ENEMY PROPERTY DIVISION AND CIVILIAN
SUPPLY DIVISION

1. Further discussion of the Plan between the staff of the Property Custodian and the Civilian Supply Divisions indicated that the respective functions of the two divisions have not as yet been satisfactorily clarified. This paper is intended as an interpretation of the plan with a view to delineating the relationship of these two divisions.

2. The Allied and Enemy Property Division will, as stated in para 15(f) of the Plan, be responsible for the custody of:

(a) Property of Allied owners sequestered by the Italian

Government;

(b) Property of the enemy Government not in the custody of some other branch of the Allied Forces;

(c) Abandoned property or property belonging to absentee owners.

3. The incidence of "custody" will vary with the type of property. ^{Q. E. C. 8} With unimproved real estate it will amount to legal custody only. With

improved real estate (e.g. buildings, house homes, apartments, etc) it will involve care and maintenance and responsibility for leasing and necessary repair. ^{also in office of C. C. A.}

In the case of business properties or industries, it will involve operation through management selected or approved by the Custodian.

The general functions of the Custodian ^{Article 6. Antagonist to No. 80} will be to act as trustee ^{or} and receiver, and as such he will be responsible for procuring whatever personnel

is necessary to maintain properties in his custody, or to operate them if it is determined that operation should be continued.

4. ^{Q. E. C. 6. in para. 15(f) of the Plan} the Civilian Supply Division ^{will} has, among other things, the responsibility for survey, development and control of the resources of the territory for both military and civil needs. This function, coupled with the other functions of

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improved real estate (e.g. buildings, house homes, apartments, etc) it will involve care and maintenance ^{also as a trustee} responsibility for leasing and necessary repair.

In the case of business properties or industries, it will involve operation through management selected or approved by the Custodian.

The general functions of the Custodian ^{as trustee} will be to act as trustee

^{or} and receiver, ^{as such} he will be responsible for procuring whatever personnel is necessary to maintain properties in his custody, or to operate them if it

is determined that operation should be continued.

4. ^{Q. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.} the Civilian Supply Division ^{has}, among other ^{things, to} ^{be} responsibility

for survey, development and control of the resources of the territory for both military and civil needs. This function, coupled with the other functions of

the division, (i.e. estimating and meeting essential civilian needs, supervising rationing, transport and labor) ^{is} ^{the} ^{overall} ^{jurisdiction, control}

and supervision of the economy of the territory. Thus it is within the

province of the Civilian Supply Division to determine whether ^{the} ^{natural}

resources of the territory shall be developed, what industries should be

continued, and to allocate to those industries deemed essential, necessary

fuel and other supplies.

-2-

It follows that, subject to over-riding military directions, the Civilian Supply Division will direct the Property Custodian as to which industries or businesses in his custody should be operated and which should be closed down.

5. The Civilian Supply Division will have on its staff experts in various fields, e.g. utilities, communications, mining, and possible one or more industrial engineers. This personnel will be available to advise the Custodian on technical problems arising on any business or industry which is being operated under the supervision of the Custodian. These experts will not assume actual management functions, but ^{will} ~~may~~ be called on for advice and consultation when necessary. They will be used by the Custodian just in the same way that he ~~would~~ use Italian consulting engineers who might be of service in technical problems. ~~The advice of this staff will be particularly important in determining whether damaged plant may be economically repaired.~~

6. A decision was reached at the Executive Council meeting on 11 June that industries deemed essential for the military forces ^{should} be operated under the supervision and control of the Civilian Supply Division. ~~Issues of this sort, If the owner is not an absentee or the Italian State the effect of this decision will be to place the responsibility for management on the Civilian Supply Division. This is the only case or class of cases in which the Division will exercise management functions.~~

7. The Property Custodian Division has a staff of ~~own~~ officers on the present T/O W.E. It may ~~well~~ ^{well} be that this will prove inadequate if ~~this division with~~ a substantial number of properties, particularly operating businesses, falling into the custody of the division. ~~It is not recommended that any change be made at this time but the situation be reviewed on the basis of actual experience, both as to the amount of property which is required~~

SECRET.

141F/7851/6/CA.

AMGOT.

Property Custodian Division

To: P.A.O.

From: P.C.

Pursuant to Minutes No. 35 and 39 of meeting of Executive Council AMGOT 3 July, 1943, requesting Heads of Divisions to submit lists of shortages in officer personnel and requirements for Accountants, the following information is submitted:

Vacancies exist under present W/E for two British Officers, one rank of Captain - one rank of Lieut.

Vacancy exists under present T/O for one American Officer not exceeding rank Lt-Col.

I understand that no Officer has yet been appointed to the American post of D.P.C. carrying the rank of Lieut-Col, and I recommend most strongly that Captain Dowd be appointed to this post with that rank as he will have 2 Majors subordinate to him. This would create an additional vacancy for one American Captain.

The T.O. and W.E. are obviously grossly inadequate to the magnitude of the task for which this division will be responsible, but in view of the present shortage of personnel I am prepared to defer ^{any extensive} application for further staff until such time as it is possible to estimate actual requirements in situ. I should, however, be grateful for the immediate increase of my staff by not less than 3 Lieuts ^{in addition to the completion of the existing W/E and T.O.}

I am given to understand that Lieut Sbrolla U.S. Army has not yet been appointed to any other division, and I should therefore be glad to take him on my staff at least temporarily with two others one which should be British.

I should also like to give notice that I shall in any event require the services of at least two experienced Chartered Accountants in addition to my present staff, and I recommend that steps be taken to procure these without delay.

Lieut-Col.
Property Custodian.

Vacancies exist under present W/S for two British Officers, one rank of Captain -- one rank of Lieut.

Vacancy exists under present T/O for one American Officer not exceeding rank Lt-Col.

I understand that no Officer has yet been appointed to the American post of D.P.O. carrying the rank of Lieut-Col, and I recommend most strongly that Captain Devand be appointed to this post with that rank as he will have 2 Majors subordinate to him. This would create an additional vacancy for one American Captain.

The T.O. and W.S. are obviously grossly inadequate to the magnitude of the task for which this division will be responsible, but in view of the present shortage of personnel I am prepared to defer ~~any~~ *any extensive* application for further staff until such time as it is possible to estimate actual requirements *in situ*. I should, however, be grateful for the immediate increase of my staff by not less than 3 Lieuts *in addition to the completion of the existing W.E. and T.O.*

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Lieut-Col.
Property Custodian.

4226

SENATE BILL 899 AND HOUSE RESOLUTION 2233 AS AMENDED

A BILL

To amend the Act approved January 2, 1942, entitled "An Act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 2 1942 (55 Stat. 880; 31 U.S.C. 224d), be, and hereby is, amended to read as follows:

That, for the purpose of promoting and maintaining friendly relations by the prompt settlement of meritorious claims, the Secretary of War and the Secretary of the Navy, and such other officer or officers as the Secretary of War of the Secretary of the Navy, as the case may be, may designate for such purposes and under such regulations as he may prescribe, are hereby authorized to appoint a Claims Commission of Commissioners, each composed of one or more officers of the Army, Navy, or Marine Corps, as the case may be, to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of claims, including claims of insured but excluding claims of subrogers, on account of damage to or loss or destruction of public property both real and personal, or on account of damage to or loss or destruction of private property both real and personal or personal injury or death of inhabitants of a foreign country, including places located therein which are under the temporary or permanent jurisdiction of the United States, arising in such foreign country, including claims for damage to or loss or destruction of personnel property bailed to the Government and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction, or injury is caused by Army, Navy, or Marine Corps forces, or individual members thereof, including

(55 Stat. 830; 31 U.S.C. 2244), be, and hereby is, amended to read as follows:

That, for the purpose of promoting and maintaining friendly relations by the prompt settlement of maritorious claims, the Secretary of War and the Secretary of the Navy, and such other officer or officers as the Secretary of War of the Secretary of the Navy, as the case may be, may designate for such purposes and under such regulations as he may prescribe, are hereby authorized to appoint a Claims Commission of Commissioners, each composed of one or more officers of the Army, Navy, or Marine Corps, as the case may be, to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of claims, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of public property both real and personal, or on account of damage to or loss or destruction of private property both real and personal or personal injury or death of inhabitants of a foreign country, including places located therein which are under the temporary or permanent jurisdiction of the United States, arising in such foreign country, including claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction, or injury is caused by Army, Navy, or Marine Corps forces, or individual members thereof, including military personnel and civilian employees thereof, or otherwise incident to noncombat activities of such forces, where the amount of such claim does not exceed 5,000 dollars: Provided, That no claim shall be considered by such Commission unless presented within one year after the occurrence of the accident or incident out of which such claim arises except that claims arising out of accidents of incidents occurring after December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944:

Provided further, That any such settlements made by such Commissions shall be subject to such regulations as the Secretary of War or the Secretary of the Navy may prescribe and may, in cases where the amount exceeds 2,500 dollars but does not exceed 5,000 dollars, be subject to the approval of such commanding or other officer of Army, Navy, or Marine Corps forces, as the case may be, as the Secretary of War or the Secretary of the Navy may prescribe; and the Secretary of War and the Secretary of the Navy, respectively, shall have authority, if he deems any claim in excess of 5,000 dollars to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed: Provided further, That no claim of any national of any country at war with the United States, or of any ally of such enemy country, except as the Commission or the local military commander shall determine that the claimant is friendly to the United States, and no claim resulting from action by the enemy or resulting directly or indirectly from any act by our armed forces engaged in combat, shall be allowed under this Act: Provided further, That any such settlements made by such Commissions under the authority of this Act shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

SEC. 2. All payments in settlement of claims under section 1 of this Act shall be made out of the appropriation, current at the time of settlement, for "Pay, subsistence, and transportation of naval personnel", as to claims settled by Commissions composed of officers of the Navy or Marine Corps, and out of the appropriate, current at the time of settlement, for "Finance Service, Army", as to claims settled by Commissions composed of officers of the Army.

prescribe; and the Secretary of War shall have authority, if he deems any claim in excess of 5,000 dollars to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed. Provided further, That no claim of any national of any country at war with the United States, or of any ally of such enemy country, except as the Commission or the local military commander shall determine that the claimant is friendly to the United States, and no claim resulting from action by the enemy or resulting directly or indirectly from any act by our armed forces engaged in combat, shall be allowed under this Act: Provided further, That any such settlements made by such Commissions under the authority of this Act shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

SEC. 2. All payments in settlement of claims under section 1 of this Act shall be made out of the appropriation, current at the time of settlement, for "Pay, subsistence, and transportation of naval personnel", as to claims settled by Commissions composed of officers of the Navy or Marine Corps, and out of the appropriate, current at the time of settlement, for "Finance Service, Army", as to claims settled by Commissions composed of officers of the Army.

SEC. 3. This Act shall be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, ascertainment, adjustment, determination, or payment of claims by the Secretary of War and the Secretary of the Navy, respectively.

SEC. 4. This Act shall be applicable to claims not heretofore satisfied arising on or after May 27, 1941: Provided, That as to any claim

in excess of 1,000 dollars this Act shall be applicable for the purpose of payment thereof, or the purpose of the certification thereof to Congress for payment, only if the accident or incident out of which such claim arises has occurred, or shall occur, subsequent to December 6, 1941.

SEC. 5. The Act of April 18, 1918 (40 Stat. 512), relating to

indemnity for damages caused by American forces abroad, is hereby repealed.

SEC. 6. Claims of the type described in section 1 hereof on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, caused by Coast Guard forces, or individual members, including military personnel and civilian employees thereof, or otherwise incident to activities of such forces, arising at any time while the Coast Guard shall be operating as a part of the Navy may be considered, ascertained, adjusted, determined, and paid in the manner in this Act provided for the settlement of Navy and Marine Corps claims, except that in such cases one or more officers of the Coast Guard may be appointed by the Secretary of the Navy to a Claims Commission or Commissions or an officers to approve settlements of claims made by such Commission or Commissions, and all payments in settlement of such claims shall be made out of the appropriation "General expenses, Coast Guard": Provided, that no claims on account of damage to or loss or destruction of property, or personal injury or death, caused by Coast Guard forces, or individuals members thereof, or otherwise incident to the activities of such forces, shall be considered, ascertained, adjusted, determined, or paid under the provisions of this Act at any time when the Coast Guard shall be operating under the Treasury Department.

SEC. 7. In time of war, any claims, whether Army, Navy, Marine Corps, or Coast Guard, which may be settled under this Act may, at the request of the service concerned, be settled by any Commission or Commissions appointed

of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, caused by Coast Guard forces, or individual members, including military personnel and civilian employees thereof, or otherwise incident to activities of such forces, arising at any time while the Coast Guard shall be operating as a part of the Navy may be considered, ascertained, adjusted, determined, and paid in the manner in this Act provided for the settlement of Navy and Marine Corps claims, except that in such cases one or more officers of the Coast Guard may be appointed by the Secretary of the Navy to a Claims Commission or Commissions or an officers to approve settlements of claims made by such Commission or Commissions, and all payments in settlement of such claims shall be made out of the appropriation "General expenses, Coast Guard"; Provided, That no claims on account of damage to or loss or destruction of property, or personal injury or death, caused by Coast Guard forces, or individuals members thereof, or otherwise incident to the activities of such forces, shall be considered, ascertained, adjusted, determined, or paid under the provisions of this Act at any time when the Coast Guard shall be operating under the Treasury Department.

SEC. 7. In time of war, any claims, whether Army, Navy, Marine Corps, or Coast Guard, which may be settled under this Act may, at the request of the service concerned, be settled by any Commission or Commissions appointed under this Act even though not composed of officers of the service concerned, subject to reimbursement by the service for whom the claims were settled pursuant to the provisions of this Act.

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PAGE THREE

PAGE

PAGE

MISSION OF CIVIL AFFAIRS OFFICERS ON FIGHTING OVER PROBLEMS.

AND OTHER WHEN COMING.

1. Limited numbers of Civil Affairs Officers have been allocated to each assault force and are for this purpose attached to the assault Commander of each assault.

Civil Affairs Officers will not go ashore in the first assault stage, but will subject to the discretion of the assault Commander go ashore as soon as a sufficiently substantial area has been captured to ensure their presence ashore. As soon as they go ashore, which should be as far as possible be in position or not less than two, they are to ascertain the whereabouts of contact units and make arrangements for their own transport to the places where they consider within their own discretion, that their presence may be needed. They will take ashore with them a supply of the proclamations with which they have been furnished.

As soon as an urban centre has been occupied, a copy of proclamations number one and number two, followed by such other proclamations as may be provided, will be posted up in a public place (e.g. Town Hall, market, public square, etc.). Proclamations will not be posted up on Churches. Several copies of each proclamation will be posted in the larger centres, where people are likely to congregate and able to read them. The posting of proclamations should follow contact with the local civic or administrative authority, who should be brought along with the Civil Affairs Officer for the first posting of proclamations.

The posting of proclamations in other parts of each centre may be undertaken by the local authorities, if considered reliable or by any other personnel detailed for the purpose.

2. On making contact with the administrative or Civic authorities, Civil Affairs Officers will instruct them to remain at their posts and to continue doing their work. Civil Affairs Officers will be posted in suitable premises which are most likely to be in the local Fascist headquarters (Casa del Fascio). If not suitable, Civil Affairs Officers will install themselves in the town hall or administrative office. In any event they will take offices in a prominent and suitable building and visit any occupants for the purpose, but care will be taken not to cause, destroy or damage any archives or residences.

3. Local Fascist and police records are to be seized and secured. Contact units are to be warned of the necessity of securing records of all sorts and preventing their destruction.

4. Having set up the offices and displayed a notice to that effect, all the military and civil authorities in the area will be notified of the location.

5. If time permits before entering any substantially inhabited centre, arrangements should be made for the seizure of the following:

on shore as soon as a ship is sighted. As soon as they are sighted, they are to ascertain whether their presence is necessary. As far as possible, they are to ascertain whether their presence is necessary for their own transport. The whereabouts of combat units and other personnel within their own discretion, but their to the places where they are needed. They will take action with them a supply of the presence may be needed. They will take action with them a supply of the presence may be needed. They will take action with them a supply of the presence may be needed.

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The posting of proclamations in other parts of such centers may be undertaken by the local authorities, if considered reliable or by any other personnel detailed for the purpose.

In making contact with the administrative or civic authorities, Civil Affairs Officers will instruct them to remain at their posts and to continue doing their work. Civil Affairs Officers will be expected to suitable premises which for offices should be in the local fascist headquarters (Casa del Fascio). If not suitable, Civil Affairs Officers will install themselves in the town hall or administrative office. In any event they will take offices in a prominent and suitable building and erect any contents for the purpose, but care will be taken not to remove, destroy or damage any archives or residence.

Local fascist and police records are to be seized and secured. Docket units are to be warned of the necessity of securing records of all sorts and preventing their destruction.

Having set up the offices and displayed a notice to that effect, all the military and civil authorities in the area will be notified of the location.

If the permits before entering any substantially inhabited centre, arrangements should be made by Civil Affairs Officers, with the combat units engaged to deal with the following matters:-

1. To alone and mount a guard on all bank premises, (see instructions in Part II, regarding Banks).
2. To guard power stations and public utilities.
3. To prevent the access of troops to Church premises (e.g., Convents, etc., or monuments which

.....442 (3)

- 2 -

SECRET

NOOT 22/10/77

are liable to be seized, or warehouses containing valuable goods.

4. To arrange in co-operation with military security organizations for the arrest and internment of undesirable.
5. To discuss billeting with the local authorities, if available.
6. To discuss internment, provision of free food for troops and to ascertain the amount of local resources.

6. In the event of combat units by-passing, without entering large urban centres, Civil Affairs Officers will visit these, with escort if considered necessary and make the same arrangements as have been described above, with the local administrative and civic authorities.

7. In the case of banks in centres which have been occupied by our troops, Civil Affairs Officers will, themselves, close banks and seal vaults, removing such keys as they can secure. They will do the same with police and other archives, unless it is practical to remove these in the event of there being no Civil Affairs personnel available to remain permanently in the centre. However, in removing such archives, care must be taken not to damage or lose them. The sealing of banks, premises and archives should be resorted to in the presence of the local administrative officials. The act of sealing in the eyes of the local administration has considerable value. It will, of course, be explained to them that any unauthorized breaking of such seals will render the Senior Civil Administrative official in the place liable to arrest and severe punishment.

8. It is, however, important for Civil Affairs Officers to remember that the available Civil Affairs personnel in the immediately post combat phase will be very limited and that they must preserve a sense of proportion about what is important. The most important thing is to assist the troops in their operations. It may, therefore, be less important to formally take over a centre which has been by-passed than to go forward with the combat troops to help them in procuring food and maintaining order in their immediate rear. The rule of "first things first" must be remembered and "first thing" is to clear the way out of the territory. The "first thing" therefore is to help the combat units, even if this is at the expense of efficient or tidy administration.

9. In the first stages, a clear distinction between the duty of Civil Affairs Officers on the administrative side of Civil Affairs, Police Officers, etc. will be difficult to draw. You will be so few that you must all know and do each others job and never, never say that it isn't your job to do something which a combat unit Commander has asked you to do.

Local resources.

6. In the event of combat units bypassing, without entering large urban centers, Civil Affairs Officers will visit these, with escort if considered necessary and make the same arrangements as have been described above, with the local administrative and civic authorities.
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- 1 -

SECRETSECRET

MEMORANDUM FOR: S.A.C.

DATE: 12/15/53

12 May 53

REQUISITIONING OF PROPERTY AND CLAIMS INHONORABLEOBJECT OF MEMO:-

1. To lay down a policy common to both Task Forces, as far as this is practicable, in regard to:-

- (a) Requisitioning.
- (b) Hirings.
- (c) Claims.

POLICY:-

2. A common policy is desirable because:-

- (a) Politically, it will impress the inhabitants that the two armies are in complete agreement.
- (b) Militarily, neither army will be attracting to itself goods, services, etc., at the expense of the other, by offering better terms in the shape of higher prices or prior payment.

3. The problem is to obtain uniformity, with as little disturbance as possible to the established procedure and custom of each army.

EXISTING REGULATIONS:-

4. Regulations on the subject are:-

- (a) U.S.:-

- (i) Field Service Regulations, Administration, FM 100-10, paras. 502-503.
- (ii) W.D. Circular 21, dated Jan. 15, 1943, (which amplifies the above - copy with Col. Allwine).

- (b) BRITISH:-

- (i) Field Service Regulations, Vol. I, Sections 176-182.
- (ii) Notes on Military Government of Enemy Occupied Territory, attached as Appx. 'A' (not attached).

5. Both U.S. and British Regulations are derived from the same source, so the principles incorporated in them are the same. The application of the principles differ, however, because:-

- (a) The administrative systems of the two armies are different.
- (b) British regulations are detailed, and that of the U.S. are more general.

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- (a) The administrative systems of the two armies are different.
- (b) British regulations are detailed, specify what forms should be used, and that they must be printed in the language of the country occupied.
- (c) U.S. regulations give complete discretion as to detail to theatre and task force commanders.

- 2 -

REQUISITIONS:-6. (a) What may be requisitioned?

Both U.S. and British regulations are substantially in agreement.

(b) Who may requisition?

- (i) British Army - officers of a service detailed for that duty.
- (ii) U.S. Army - special staff.

(c) When should payment be made?EXTRACT FROM REGULATIONS

- (i) British Army - "speedy settlement will be made direct to claimants when possible"
- (ii) U.S. Army - "property requisitioned is either paid for in cash or restored with suitable indemnification"

7. Discussions within H.Q. Force 141 and with Force 343 make it clear that Force 343 wish to pay as quickly as possible for requisitioned goods and services, preferably on the spot. The system they propose to adopt, is that used in TOCH by WIT, i.e., to appoint Class 'B' Agent Officers with powers of requisition and with funds to make immediate payment.

8. Attached as Appx. 'B' are:- (not attached)

- (a) General instructions which would apply to this procedure.
- (b) Specimen purchase order.
- (c) Examples of rubber stamps in use.

9. On the other hand, Civil Affairs and British (particularly Financial Adviser, and HIRINGS & CLAIMS) wish to avoid immediate payment, and favors the establishment of a joint committee at Div or Task Force H.Qs:-

- (a) to coordinate U.S. and British pricing arrangements.
- (b) to insure that no payment is made for those goods which international law permits to be requisitioned without payment.
- (c) to insure that Civil Affairs, who are represented on the Committee, can restrict requisitioning to such items as are not required for essential civil needs.

U.S. regulations (para. 508) advise the establishment of a central purchasing agency under the Communications Zone Commander.

ACCOMMODATION-(Including Billeting & Hiring):-10. PAYMENT:-

- (a) U.S. Regulations do not specify whether or not billets should be paid for in occupied territory, but refer to "rules of land warfare."
- (b) British Regulations say that "as a rule no payments will be made ...". On the other hand, "Notes on Military Government, etc.," classifies property into several subheads, some being paid for, some not. Billets on private property are normally paid for if the owner or family are present in the territory.

(ii) U.S. Army

claimant
 "property requisitioned is either paid for in cash or restored with suitable indemnification"

7. Discussions within H.Q. Force 141 and with Force 343 make it clear that Force 343 wish to pay as quickly as possible for requisitioned goods and services, preferably on the spot. The system they propose to adopt, is that used in FOCH by WH, i.e., to appoint Class 'B' Agent Officers with powers of requisition and with funds to make immediate payment.

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U.S. regulations (para. 503) advise the establishment of a central purchasing agency under the Communications Zone Commander.

ACCOMMODATION-(Including Billeting & Hiring):-

10.

PAYMENT:-

- (a) U.S. Regulations do not specify whether or not billets should be paid for in occupied territory, but refer to "Rules of Land Warfare."
- (b) British Regulations say that "as a rule no payments will be made..." On the other hand, "Notes on Military Government, etc.," classifies property into several subheads, some being paid for, some not. Billets on private property are normally paid for if the owner or family are present in the territory.

11. Clear instructions to both Task Forces are needed, and it is suggested that if the U.S. accepted the British interpretation of "Rules of Land Warfare," they would not be departing from their own regulations.

- 3 -

12. HIRINGS OF FOREIGNERS:-Procedure:-

- (a) U.S. arrange hirings through their Engineers.
 (b) British arrange hirings through the Director of Hirings.

There is no need for either Task Force to depart from its normal procedure, but it is suggested that in H.Q. Force Ltd, the U.S. Engineer Officer responsible for hirings policy be located with the British Director of Hirings. This is done in Algiers.

CLAIMS:-

13. The establishment of a joint claims Commission in the Island is essential, but it is thought that neither government will wish itself bound to decisions of an international body involving large sums of money. Therefore, the Commission in MORRILL should be advisory only, and its advice would be referred to the existing British and U.S. Claims Officers at A.F.H.Q., which can accept or reject the advice offered.

14. The composition of the advisory body might be:-

Finance Officer (U.S.)	- 1
Financial Adviser (Br.)	- 1
Claims Officer (U.S.)	- 1
Claims Officer (Br.)	- 1
Civil Affairs Officer (U.S.)	- 1
Civil Affairs Officer (Br.)	- 1

W. G. R.M.
 Lieut. Col.
 A.C.M.C.

Hq 1st Force
 WGR/hr

* Since writing this note, Force 343 intimate that they probably will not follow the old TORCH procedure, but will adopt the proposals given in para. 9 above.

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14. The composition of the advisory body might be:-

Finance Officer (U.S.)	- 1
Financial Adviser (Br.)	- 1
Claims Officer (U.S.)	- 1
Claims Officer (Br.)	- 1
Civil Affairs Officer (U.S.)	- 1
Civil Affairs Officer (Br.)	- 1

Hq 141 Forces
WGB/mr

W. G. ROCH,
Lieut. Col.
A.P.H.C.

* Since writing this note, Para 343 intimate that they probably will not follow the old ROCH procedure, but will adopt the proposals given in para. 9 above.

421

(COPY OF MESSAGE RECEIVED FROM AFHQ)

10

BIGOT

CLASS: MOST SECRET

TO: TROOPERS

NO: T 61

For speed from DUNLOP.

1. Reference heading to F1 notes 14th March on treatment enemy property is procedure in notes and F5 summary of subsequent modifications of 1st April authorized.

2. For privately owned premises is intention that payment shall be made to avoid economic hardship when whole premises taken over and inmate or business has to move elsewhere but that no payment shall be made where billeting does not involve removal of occupant. Non-payment in such cases may have political consequences and is affected by attitude it is desired to adopt to population.

3. RENNELL has seen telegram.

ORIGINATOR: CAO

AUTHENTICATION: NONE

INFORMATION: S/GS
DTC
Fin Adv
CinC Med
ACCinC Med
USN
G-3 (Plans)
Force 141
AG Records

HC-OUT-219 8 MAY 43 1210A et

4218

BIGOT.

MOST SECRET.

141F/7939/CA.

PROPOSAL FOR JOINT CLAIMS COMMITTEES - FIELD - I

1. It is proposed that joint claims committees be formed for each large city plus one or more for each province depending on the size, number of people and geographical problems there of.

2. These ^{committees} cities will consist of:-

one Civil Affairs Officer
One Pay and Finance Officer,
One Member of Requisitioning Unit, preferably of the
Division concerned.

3. There will be one British and one American member on each committee, the Division representative to be British or American as the case may be.

4. The functions of these committees will be two fold:-

(a) To assess the value of private movable and immovable property requisitioned.
When doubt exists as to the status of property (whether private or parastatal) assessment should be made and submitted with a notation to that effect.

(b) To assess, through the Civil Affairs member, the amount of goods, and materials that can still be requisitioned without detriment to the community.
To make these estimates, the Civil Affairs member should have on hand necessary data on the needs of communities concerned.

HQ 141 Force.
29 Apr 43.

Frederick L. Graham
Frederick L. Graham,
Captain C.A.C.
Civil Affairs.

2. These cities will consist of:-

on Civil Affairs Officer
 One Pay and Finance Officer,
 One Member of Requisitioning Unit, preferably of the
 Division concerned.

3. There will be one British and one American member on each committee, the Division representative to be British or American as the case may be.

4. The functions of these committees will be two fold:-

(a) To assess the value of private movable and immovable property requisitioned.

When doubt exists as to the status of property (whether private or parastatal) assessment should be made and submitted with a notation to that effect.

(b) To assess, through the Civil Affairs member, the amount of goods, and materials that can still be requisitioned without detriment to the community.

To make these estimates, the Civil Affairs member should have on hand necessary data on the needs of communities concerned.

HQ 141 Force.
 29 Apr 43.

Frederick L. Graham
 Frederick L. Graham,
 Captain C.A.C.
 Civil Affairs.

4217

BIGOT.

8
MOST SECRET.

141F/7929/CA.

PROPOSALS FOR JOINT CLAIMS COMMITTEES - FIELD - II

1. It is proposed that joint claims committees be formed for each Division concerned in Operations on Horrified.
2. These committees will be composed of:-
 - One Pay and Finance Officer,
 - One Civil Affairs Officer,
 - One Member of Requisitioning Division.
3. One member of the committee will be British and one American, the Divisions representative to be British or American as the case may be.
4. The functions of these committees will be as stated in I.

HQ 141 Force.
29 Apr 43.

Frederick L. Graham
Frederick L. Graham,
Captain C.A.C.
Civil Affairs.

4216

HIGOTMOBT. SECRET.141/ /GAI24 APR 43.SUBJECT: Civil Affairs Planning Section.

The C.A. planning section of 141 Force HQ will consist of Major General Lord Rennell and certain officers attached or posted, all of whom will in due course take up appointments in the Military Government of HONRIPIED, either in the provinces or at Headquarters. These appointments will NOT be made in the immediate future and will not necessarily bear any relation to the work which the officers will do in the planning section. Thus an officer who for the purposes of planning deals with Civilian Supplies will not necessarily be either at the head of, or even in the civilian supply branch of the Military Government; he may quite possibly find himself in an administrative appointment in one of the provinces of HONRIPIED.

The planning section will, generally speaking, come to a head through the C.S.O.L. (Lt. Col Thorne Thorne), to whom all correspondence, telegrams, etc. will go, and through whom all papers will issue. He will keep all the planning section papers and be responsible for all relations with other branches of 141 HQ. He will deal with all the mechanics of planning C.A. in the plan, allocate officers and vehicles in the assault and subsequent phases, arrange their training programme eventually for their disposal in the convoys etc. He will also be responsible for preparing and issuing their general directions, particular instructions etc. He will have direct access to Major General Lord Rennell, whose principal staff officer he is, until such time as the government is set up in HONRIPIED when he will assume whatever functions are allotted to him. He will have a limited number of subordinate American and British officers to help him, and will have charge of the

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The planning section will, generally speaking, come to a head through the G.S.O.1. (Lt. Col Thorne Thorne), to whom all correspondence, telegrams, etc. will go, and through whom all papers will issue. He will keep all the planning section papers and be responsible for all relation with other branches of 141 Hq. He will deal with all the mechanics of planning G.A. in the plan, allocate officers and vehicles in the assault and subsequent phases, arrange their training programmes eventually for their disposal in the convoys etc. He will also be responsible for preparing and issuing their general directions, particular instructions etc. He will have direct access to Major General Lord Rennell, whose principal staff officer he is, until such time as the government is set up in HONORIFIED when he will assume whatever functions are allotted to him. He will have a limited number of subordinate American and British officers to help him, and will have charge of the clerical staff of the planning section. He will deal with the Military Government W/T, and have such relations with AMM as are appropriate for the purpose, with the agreement and knowledge of A and 30141.

4215

where will, in addition to the G.S.O.1 and staff, be a number of other officers who will either be posted or lent to the planning section to deal with special subjects such as civilian supply, finances, currency, police, etc. These officers will be grouped into appropriate sub-sections and the senior officer of these sections will have direct to Major General Lord Rennell as his assistance for this purpose. These officers, but not necessarily all of them, since some may only be lent ad hoc, will find places in the Military Government, but as stated above, not necessarily in the same spheres as they have been in, in the planning section. The heads of these sub-sections may have access to AGH etc., with Major General Lord Rennell's agreement, to deal with the subjects they are handling. Their correspondence, in and out, will however pass through the G.S.O.1, in all circumstances.

Headquarters,

Field.

Major General Lord Rennell.

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Major General Lord Rennell.

Field.

421

UDLX/7979/CA

FOOTPS ON BIRINGS AND CLATIS
BILLY CONWAY

17 Nov 13

Present:—
Major General The Lord Howell of Redd, Col. Cavendish,
Brigadier Stanham, Brigadier Dunlop, Lt. Col.
Roe, Lt. Col. Maxwell, Major Jenner, Major
Cardenack-Hesday, Capt. Davis, Lt. Col. Manser
Col. Sims, Lt. Col. Spafford, Lt. Col. Stanley,
Capt. Graham.

RESULTS/TALKING

1. The O.C.A.O. outlined British practices in requisitioning referring to Articles 415 and 416 of the Manual of Military Law and memorandum "The Requirement of Enemy Property in O.T.A." (copy attached) and stated that these laid down the policy for the handling of private and public property in Occupied Territory.
2. Privately owned railways, canals and so on are classified under these regulations as "for direct military use".
3. In practice privately owned automobiles are regulated and paid for, and are not considered as being for direct military use except when so used by forces during combat.

RESEARCH AND CONCEPTS - THE

1. Officers authorized to regulation will do so by giving a proper note to the owner.
2. The C.G.A.O. suggested joint claims committee composed of:
 - 1. Pay and Finance Officer.
 - 1. Civil Affairs Officer.
 - 1. Officer of the regulating unit, preferably representing the Division concerned.
- (a) This committee would ascertain value of the property regulated.

21 Nov 67

Present: Major General Sir Lord Bennett of Robt, Col. Candrus,
Brigadier Statham, Brigadier Dunlop, Lt. Col.
Sgt. Lt. Col. Maxwell, Major Jernett, Major
Chapman-Hamilton, Capt. Davis, Lt. Col. Denny
Col. Sims, Lt. Col. Mofford, Lt. Col. Brantley,
Capt. Graham.

I. DISSENTING.

1. The G.O.A.O. outlined its position in requisitioning referring to Articles 415 and 416 of the Manual of Military Law and mentioning the treatment of Enemy Property in G.I.A. (copy attached) and stated that those laid down, the policy for the handling of private and public property in occupied territory.
2. Privately owned railways, roads and so on are dismantled under these regulations as "for direct military use".
3. In practice privately owned automobiles are requisitioned and used for, and are not considered as being for direct military use except when so used by forces during combat.

II. METHOD OF REQUISITIONING

1. Officers authorized to requisition will do so by giving a proper note to the owner.
2. The G.O.A.O. suggested joint claims committees composed of:
 - 1 - Pay and Finance Officer,
 - 1 - Civil Affairs Officer
 - 1 - Officer of the requisitioning unit, preferably representing the Division concerned.
- (a) This committee would assess the value of the property requisitioned.
- (b) It must be prepared to operate in the very early stages of the operation.
- (c) It must, through the Civil Affairs member, assess the amount of material that can still be requisitioned without detriment to the locality.
3. Capt. Graham (Civil Affairs) to prepare proposals for setting up these committees with their function.
4. Policy on Public Measures was brought out as stated on page 23 of Notes on the Military Government of Occupied Enemy Territory - Part IV. It was suggested that instructions for each task force should be issued stating to whom each will be delivered by those units capturing it.

Action - 1st March with Civil Affairs.

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5. HIRINGS will be arranged in consultation with Civil Affairs Officer as follows:-

- (a) British - through Director of HIRINGS
- (b) U.S. - through Engineer Service

6. Because of the American system of extending discretionary powers to Finance and Engineer Purchasing Officers to make payments in the field, it was decided that instructions be made up based on the British, American or a combination of the two systems which will bring purchasing to a common and unified level.

Action - 'A' Branch with Civil Affairs.

III. CLAIMS

The discussion on claims evolved itself into the following points:-

1. There will be a Joint Advisory Claims Commission at Harried consisting of six officers as follows:-

- 2 - Finance Officers.
- 2 - Claims Officers.
- 2 - Civil Affairs Officers.

2. One officer of each category will be British and one American.

3. This commission will be housed with Civil Affairs as claimants may address claims to it - but only through the local authority for Civil Affairs.

4. The roles of this body will be referred to the respective Claims Commissions (British and American) at A.P.H.Q.

5. The respective Commissions at A.P.H.Q. would in practice normally be guided by the views of the Advisory Committee in Harried.

6. The powers of the British and American Claims Officers should be identical. These powers to be agreed.

Action - Col. Gervin.

7. Col. Gervin was asked to determine whether the powers of the American Claims Officer would be restricted.

IV. FORMS AND INSTRUCTIONS

It was decided that:-

1. Draft of Requisition Forms to be printed in English, using the North African Form as sample, should be submitted.

Action - Col. Gervin.

2. Traffic Accident Forms will be printed in Italian and printed in English.

Number required with sample form should be submitted.

Action - Capt. Graham.

3. Allowing form without values will be printed here in English and

Action - "A" Branch with Civil Affairs.

III. CLAIMS.

The discussion on claims evolved itself into the following points:-

1. There will be a Joint Advisory Claims Commission at Hartford consisting of six officers as follows:-
 - 2 - Finance Officers.
 - 2 - Claims Officers.
 - 2 - Civil Affairs Officers.
2. One officer of each category will be British and one American.
3. This commission will be housed with Civil Affairs so elements may address claims to it - but only through the local authority for Civil Affairs.
4. The advice of this body will be referred to the respective Claims Commissions (British and American) at A.F.H.Q.
5. The respective Commissions at A.F.H.Q. would in practice normally be guided by the views of the Advisory Committee in Hartford.
6. The powers of the British and American Claims Officers should be identical. These powers to be agreed.
 - Action - Col. Gendron.
7. Col. Gendron was asked to determine whether the powers of the American Claims Officer would be restricted.

IV. NOTES AND RECOMMENDATIONS.

It was decided that:-

1. Draft of Requisition Forms to be printed in English, using the North American form as sample, should be submitted.
 - Action - Col. Gendron.
2. Traffic Incident Forms will be printed in Italian and printed in English.
 - Number required with sample form should be submitted.
 - Action - Capt. Graham.
3. Killington form without prices will be printed here in English and French. A draft will be made.
 - Action - Col. Gendron.
4. All forms must be made available in U.S.
 - Action - J. (Mains)
5. A draft instruction on filling and claims policy co-ordinated between British and U.S. branches concerned should be prepared.
 - Action - Col. Gendron.

V. NEXT MEETING.

The next meeting will be held at 34.30 hrs 5 May 45 in the 1st Conference Room.

21. Notes

Frederick L. Gendron
Colonel.

DISTRIBUTION:

SAC (2)

OCAD

III

IA

Q (Madr.)

Civil Affairs

Eng. Sec. AFHQ

Harbors & Claims AFHQ

Financial Advisor AFHQ

Deputy Paymaster in Chief

Claims Sec. AFHQ

4212

5

SUBJECT OF SUBSEQUENT INDICATIONS TO MEMORANDUM ON
TREATMENT OF SEIZED PROPERTY (W.O. 12.6.42)

1. Heavy machinery, structural steel and building materials even when bona fide private property, should be treated as munitions of war under W.O. 12.6.42 (W.O. to H.E. and E.A. 80053 - 2.4.42).
2. No payment should be made for requisitioned private enemy property, even when owners are present, unless essential to avoid economic disturbances or political unrest, which was sole reason for authorizing payment (W.O. to H.E. 51850 - 12.6.42).
3. Privately owned motor vehicles are regarded as susceptible of direct military use and thus fall under para 413 M.D.L., and Para. 4 (a) Section III of Memorandum 0484/15; payment may, however, be made for them and other property susceptible of direct military use if essential to avoid economic disturbances or political unrest in the same way as requisitioned property. (W.O. to H.E. 93057 - 5.6.42).
4. All property classified as susceptible of direct military use should be treated accordingly. The ultimate use to which the material may be put is immaterial (W.O. to H.E. and E.A. 98014 - 27.6.42).
5. "Needs of Army of Occupation" should mean "Needs of the Army of the Occupying Power wherever located", and not be confined to that part of the Army located in the territory concerned. (W.O. to H.E. and E.A. 98014 - 27.6.42).
6. If property can be moved it should be regarded as movable. (W.O. to H.E. and E.A. 98014 - 27.6.42).
7. Where it has been decided that immediate payment is necessary for seized or requisitioned goods, reasonable prices should be paid (W.O. to H.E. 97228 - 24.6.42).

War Office (P.5)
1st April, 1943.

3. Privately owned motor vehicles are regarded as susceptible of direct military use and thus fall under para 415 HGB., and Para. 1 (a) Section One of Verordnung 644/43; payment may, however, be made for them and other property susceptible of direct military use if essential to avoid economic disturbances or political unrest in the same way as requisitioned property. (W.O. to H.E. 93057 - 5.6.42).

4. All property classified as susceptible of direct military use should be treated accordingly. The ultimate use to which the material may be put is immaterial (W.O. to H.E. and H.A. 99044 - 27.6.42).

5. "Needs of Army of Occupation" should mean "Needs of the Army of the Occupying Power wherever located", and not be confined to that part of the Army located in the territory concerned. (W.O. to H.E. and H.A. 99046 - 27.6.42).

6. If property can be saved it should be regarded as movable. W.O. to H.E. and H.A. 99044 - 27.6.42).

7. Where it has been decided that immediate payment is necessary for sired or requisitioned goods, reasonable prices should be paid (W.O. to H.E. 97228 - 24.6.42).

War Office (P.5)
1st April, 1943.

The following has been approved for certain occupied enemy territories in Africa only. Specific authority must be obtained before any departure from the Royal of Military law is made in a territory.

THE TREATMENT OF ENEMY PROPERTY IN O.E.A.

(References are to Land War Regulations).

DEFINITION ONE: Property which can be classified clearly as either public or private.

I. Private Lovable Property. This may be divided into two classes:-

- (a) Munitions of war. It is permissible to seize such property without making immediate payment. The articles are required to be restored at the conclusion of peace, or an indemnity must be paid for them. The party responsible for paying the indemnity will be named in the peace settlement (Art. 53, Para. 2). This procedure will be followed, and such articles as structural steel, heavy machinery, and building materials will be included under this heading. (W.O. telegram No. 75655 (P.1). As far as possible records will be maintained so that the owners will be in a position to claim indemnity in due course.

- (b) Property not susceptible of direct military use. According to law this may be requisitioned by the Army of Occupation and payment should be made as soon as possible. (Art. 52). Payment will be made both retrospectively and in future where owners are still present. (W.O. telegram No. 75659 (P.1). Where an owner is not present the Custodian will record a charge against the Army, on behalf of the absent owner, but no cash payment will be made by the Army.

II. Private Unlovable Property. This may be requisitioned and made use of, and neither rent nor compensation may be claimed. It is agreed that rent will be paid to owners who are still present in the territory, in order to avoid hardship. (W.O. telegram No. 65442 of 5/5). Where an owner is not present the Custodian will keep records of the property so taken over, in order that the owner may be in a position to claim compensation at the close of hostilities in the event of funds being made available.

III. The decision to make payment to owners who are present (I-a and II) may be understood to include payment to the wives and families of absent owners where this appears to be justified by the circumstances.

IV. Such property may belong to a company, some or all of the shareholders being absent from the territories. Local discretion is granted to make full payments, even where no payment can be claimed, (either in full or in part, in which case the balance due would be recorded) where circumstances make it advisable, e.g. where the business cannot otherwise continue to operate. Where the business in question is operated by the Custodian, in the place of the absent owner, no payment will be made, but records will be kept for future possible settlement.

V. Public Lovable Property, such as cash, stores, rolling stock, etc. and no payment need be made. (Art. 53).

to be restored at the conclusion of peace, or an indemnity must be paid for them. The party responsible for paying the indemnity will be named in the peace settlement (Art. 55, Para. 2). This procedure will be followed, and such articles as structural steel, heavy machinery, and building materials will be included under this heading. (W.O. telegram No. 75659(P.1)). As far as possible records will be maintained so that the owners will be in a position to claim indemnity in due course.

(b) Property not susceptible of direct military use. According to law this may be requisitioned by the Army of Occupation and payment should be made as soon as possible. (Art. 52). Payment will be made both retrospectively and in future where owners are still present. (W.O. telegram No. 75659(P.1)). Where an owner is not present the Custodian will record a charge against the Army, on behalf of the absent owner, but no cash payment will be made by the Army.

II. Private Immovable Property. This may be requisitioned and made use of, and neither rent nor compensation may be claimed. It is agreed that rent will be paid to owners who are still present in the territory, in order to avoid hardship. (W.O. telegram No. 65442 of 5/5). Where an owner is not present the Custodian will keep records of the property so taken over, in order that the owner may be in position to claim compensation at the close of hostilities in the event of funds being made available.

III. The decision to make payment to owners who are present (I-b and II) may be understood to include payment to the wives and families of absent owners where this appears to be justified by the circumstances.

IV. Such property may belong to a company, some or all of the shareholders being absent from the territories. Local discretion is granted to make full payments, even where no payment can be claimed, (either in full or in part, in which case the balance due would be recorded) where circumstances make it advisable, e.g. where the business cannot otherwise continue to operate. Where the business in question is operated by the Custodian, in the place of the absent owner, no payment will be made, but records will be kept for future possible settlement.

V. Public Immovable Property, such as cash, stores, rolling stock, etc. This may be seized, and no payment need be made. (Art. 55). This procedure will be followed.

VI. Public Immovable Property.
(a) Of a military character (forts, dockyards, etc.) is absolutely in the hands of the occupant for the duration of the war.

(b) Of a non-military character (public buildings, farms, mines) may be used by the occupant, but only as usufructuary. (Art. 55).

This procedure will be followed, and no payment will be made in respect of such property.

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Dr Kals

SECTION TWO: Property which cannot be classified clearly as public or private.

I. 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.

II. Parastatal Institutions, General. The term "parastatal" has been found to be misleading, as it covers not only State concerns but those which are partly state and partly private concerns. It is not possible at this stage to classify them accurately, except in a very few cases, up to determine the extent of private interests where they are known to exist.

In order that suitable records may be maintained against the time when it is possible to ascertain ownership and consider claims from private persons, all such institutions will be placed in the hands of the Custodian of Enemy Property, whether any interested parties are present in the territory or not. (W.O. telegram No. 73659(P.1.).

III. Parastatal Businesses.

(a) Where the business continues to operate.

Where it is desirable that such a business should function for the benefit of the Army or of the territory, the net assets payable to or due from G.E.A. under the agreement made with the concern appointed to run the business, will be put through the accounts of the Custodian, who will be responsible for maintaining such records of the property concerned as will enable subsequent claims to be considered and for recording any net balances and net deficits accruing. The method of running the businesses will be decided by the competent authority locally, who will seek advice from the War Office if necessary.

In the event of profits accruing he will only pay out money to private persons if their claim to an interest is beyond doubt, if they are resident in the territory, and if the income is necessary to them in order to prevent hardship. This privilege may be extended to the wives and families of absent owners at discretion.

Where the Army or G.E.A. make use of such a business (by purchasing its products, etc.) a charge will be recorded on a minimum basis only, and in no case will any actual cash payment be made.

If as a result of this procedure the business is short of the funds it needs in order to operate an advance will have to be made to it by the Custodian, who will in turn obtain funds for this purpose from the G.E.A. if necessary.

The Custodian, who will have a credit account with the G.E.A. will not hold a reserve of cash, but will only retain enough for his current cash requirements.

a very few cases, not to determine the extent of private interests where they are known to exist.

In order that suitable records may be maintained against the time when it is possible to ascertain ownership and consider claims from private persons, all such institutions will be placed in the hands of the Custodian of Enemy Property, whether any interested parties are present in the territory or not. (W.O. telegram No. 75659(S.I.).

III. Parastatal Businesses.

(a) Where the business continues to operate.

Where it is desirable that such a business should function for the benefit of the Army or of the territory, the net sums payable to or due from C.E.P.A. under the agreement made with the concern appointed to run the business, will be put through the accounts of the Custodian, who will be responsible for maintaining such records of the property concerned as will enable subsequent claims to be considered and for recording any net balances and net deficits accruing. The method of running the business will be decided by the competent authority locally, who will seek advice from the War Office if necessary.

In the event of profits accruing he will only pay out money to private persons if their claim to an interest is beyond doubt, if they are resident in the territory, and if the income is necessary to them in order to prevent hardship. This privilege may be extended to the wives and families of absent owners at discretion.

Where the Army or C.E.P.A. make use of such a business (by purchasing its products, etc.) a charge will be recorded on a minimum basis only, and in no case will any actual cash payment be made.

If as a result of this procedure the business is short of the funds it needs in order to operate an advance will have to be made to it by the Custodian, who will in turn obtain funds for this purpose from the C.E.P.A. if necessary.

The Custodian, who will have a credit account with the C.E.P.A. will not hold a reserve of such, but will only retain enough for his current cash requirements.

(b) Where the business ceases to operate.

Where the business is not required to operate for the benefit of the Army or of the territory, the Custodian will either liquidate it and take charge of the assets, or allow it to continue on a care and maintenance basis, whichever course he considers better.

- 3 -

IV. Movable Property of a Parastatal Business.

Such property will be treated as though it were State property, and therefore liable to seizure by the Army, without payment, but the Custodian will maintain records of any property so taken over in order that in the event of subsequent claims by private persons being proved, it will be possible to settle them.

There will be co-operation between the Army and G.T.A. to ensure that the property of a business in operation will not be requisitioned if such a course would interfere with the running of the business.

Local discretion is granted to make payments, under the conditions outlined in III(a) above, to private owners.

V. Immovable Property of a Parastatal Business.

All such property will be treated as though it were State property and therefore liable to be used by the Army if necessary.

There will be co-operation between the Army and G.T.A. as in IV above.

Local discretion is granted to pay rentals to private persons as in III(a) above.

NOTE:

Where damage is done to private movable or immovable property in the course of military operations or on the orders of our own forces, in pursuance of the "scorched earth" policy, care should be taken to avoid any promise of compensation to the owners. The answer to any enquiries from private owners must be that the question of compensation cannot be decided until after the conclusion of the War.

War Office (P.4.)
14.5.42.

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MAJOR JAMES REED

1. Copy of letter addressed to
Brig. Home 2/12/42, 1 enclosure.
2. Summary of rulings given in various
W.O. telegrams, on points arising out
of the W.O. memo. on treatment of
enemy property.

P.S.
31/5/43

4207

O184/13 (P.5.)

The War Office

AIR MAIL

London, S.W.1.

SECRET

5th December, 1942.

Dear Hone,

1. During your recent visit we discussed the War Office memorandum on the treatment of enemy property (O184/13 dated 14th March, 1942). You expressed your self as satisfied with this as a working basis except as regards the treatment of private movable property, and you submitted a memorandum explaining the difficulties experienced by your officers in classifying such property owing to the fact that paragraphs 415 and 416 of the Manual of Military Law cannot be clearly interpreted.

2. We do realise, as you point out, that there are two phases of an occupation; one when hostilities are still in progress, and a second when operations are concluded and a military administration is endeavouring to restore the territory to a state of order and stability.

3. In the second phase we recognise that whatever may be our legal rights it may be desirable and necessary to pay for almost all types of private movable property for the simple reason that not to do so would create a strong grievance against our administration, thus giving rise to political unrest, which might easily necessitate the retention of a larger garrison than would otherwise be necessary.

4. It is, therefore, our desire to devise some means of getting over this difficulty when necessary and we have considered very carefully the solution you proposed, i.e., that property of a consumable nature should be governed by paragraph 416, and property of a non-consumable nature should be governed by paragraph 415. Such a ruling would, we feel, be in the nature of a departure from the Manual of Military Law and although it might provide a way out of your particular difficulty if we could arrive at a satisfactory definition of "consumable" and "non-consumable" it would bind us in our standing to the full on our rights of conquest. We could not agree that the policy which is suitable for Eritrea should be adopted in every occupied enemy territory as a matter of principle. We should, therefore, much prefer to deal with the matter in each particular territory from the point of view of what is practically desirable and by making any necessary concession from our strict rights where policy calls for this rather than attempt to find a more liberal interpretation of the law which would have to be of universal application.

X other cases where the local circumstances might warrant.

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5. We should, therefore, be prepared in the second phase in Eritrea, and possibly in other territories to be determined on individual merits as a matter of policy, to waive our absolute rights as laid down in the Manual of Military Law, (subject to the obvious safeguards against paying absent owners, etc.) and I should be grateful if you would, in agreement with the Chief Political Officer, East Africa Command, the Controller of Finance and Accounts, the Command Paymaster and the Army Financial Adviser, submit to us a draft instruction for the guidance of all concerned where it is decided to apply this policy, stating clearly those cases in which it is considered that payment should be made and the person who should certify payment. We will then give it urgent consideration and consult the Treasury if necessary.

6 I am sending copies of this letter and of your memorandum to the Chief Political Officer, East Africa Command, Chief Paymaster, Middle East Command, Financial Adviser, Middle East and Chief Paymaster and Financial Adviser, East Africa Command.

Yours,

(Signed) C.M. KEY,

new models in the field of quantum computing, that are the most important of the field.

On the other hand, their suitability to act as an alternative to the traditional services described above is limited by the fact that they are not available in all areas.

The New Orleans commission states that "specimens of our men in uniform and 'putting over' as in this fashion the broad variety of articles by of the large commission, and, if the men specimens of our men to be considered a complete study of people, something, and such-like, the principle is it more destroyed since the New Orleans commission states that "specimens of men" is to be desired for valuable counter intelligence, including articles and specimens used."

The matter is further complicated by the provisions of Field Service Regulations Vol. 7 Chap. XIII, para. 1 (a)(1) which says that all kinds of war material may be taken into possession of the Government if of probable availability, such material is to be restored at the termination of peace when such compensation is may be arranged, but this para. goes on to state that normally all such material will be obtained on a loan basis and be accounted for.

have left it U.S.I. purports to represent the private property which must be regulated and sold from its inclusion in this category needs change in food and fuel supplies, liquor and money, clothes for uniforms, for their fair loot, and the like. These articles can surely be classified as "not material", yes.

[illegible]

The underlying idea of part III appears to be that the funding agency has the right to use the material covered by this part., It being understood that the material will be funded over to the owner when the copyrighting agency agrees to use it together with my cooperation in such it may be decided to grant to the owner the articles encountered in them. It's as being of the conclusion of localization.

The articles encountered in them should be seen in clearly of a conspicuous nature from those which immediate present should not, at the conclusion of localizing be handed back to their owners. I would like that I take is accepted in the current distinction between the two parts, many of our divisions still is solved. Some questions may arise as to whether articles meet in notes, tables, answers, replies, answers and the like which are known for use in building connections for the long should or should not be improved in considerable manner, and a ruling could be given to resolve this problem. Under the interpretation negative, partly satisfactory, incorrect stated, and building in details would not tell some good for immediately and the solution for office ruling would be greatly needed.

The question of payment to clients, individuals and firms who are not now carrying on business in organized territories should not be confused with the distinction between firms, individuals and the establishments of many property in the various territories dependent upon owners and companies who have no authorized attorney to act in the organized territory. Where immediate payment is due for property taken by the army the establishment would expect to collect the amount due, and consider the matter would be given to the effect that immediate payment, where much is involved will not be made to the satisfaction in the case of individual owners who are not carrying on business in the territory and firms and companies which are not continuing to do so.

The subject is further complicated by the provisions of light service regulations and 1000 ft. per, 1750 ft. which says that all kinds of air material may be taken possession of by a person of authority. If of private ownership, such material is to be returned to the owner of the material. If of public ownership, such material is to be returned to the government. If of public ownership, such material is to be returned to the government. If of public ownership, such material is to be returned to the government.

There is also a provision to consider the private property which may be registered and sold. It includes in this category some things as food and fuel supplies, liquor and tobacco, cloth, fur, medicine, leather, fur, tools, and the like. These articles are to be returned to the owner of the material, and the government is to be responsible for the return of the material.

There is also a provision to consider the private property which may be registered and sold. It includes in this category some things as food and fuel supplies, liquor and tobacco, cloth, fur, medicine, leather, fur, tools, and the like. These articles are to be returned to the owner of the material, and the government is to be responsible for the return of the material.

The provisions of the act of 1917, which says that all kinds of air material may be taken possession of by a person of authority. If of private ownership, such material is to be returned to the owner of the material. If of public ownership, such material is to be returned to the government. If of public ownership, such material is to be returned to the government. If of public ownership, such material is to be returned to the government.

The provisions of the act of 1917, which says that all kinds of air material may be taken possession of by a person of authority. If of private ownership, such material is to be returned to the owner of the material. If of public ownership, such material is to be returned to the government. If of public ownership, such material is to be returned to the government. If of public ownership, such material is to be returned to the government.

Signed: H. Ralph Howe,
Brigadier.

Chief Political Officer, Middle East.

2nd October, 1942.

0714

