

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

785017

ACC

10000/109/1401

(SEIZURE O
FEB. - AUG

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

785017

10000/109/1401

(SEIZURE OF) ITALIAN CIVILIAN PROPERTY
FEB. - AUG. 1944

0140

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785017

105/CH

SECURE OF ITALIAN

CIVILIAN PROPERTY

PS. JUNE 1944

3494-3518

10000/100 / 1401

0141

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785017

3494-3518

10000-109 / 1401

THIS FOLDER
CONTAINS PIPERS

10 FEB 1944

10 AUG 1944

CATALOGUE.

0142

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

785017

Folios 28 to 32.

9-37.

now on #556/105.

0143

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785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. AND H.Q. SECTION
APO 394

Ref/105/25/CA.

15 August 1944.

Dear Major Cozhead,

As you suggested in our telephone conversation to-day I am sending you a note to remind you about the Villa of the Duchess Sforza Cesarini.

The Villa of the Duchess is called Castel Sforza Cesarini and is located on the Lake of Iseo.

In the latter part of July the Duchess offered this Villa to Region IV as a rest centre for Allied Officers. Two days ago Colonel Paletti informed me that he was grateful for the offer but that he was unable to accept the Villa.

Yesterday the Duchess telephoned me to say that the local population had taken possession of her Villa. Could you take steps to have these people leave.

Yours Sincerely,

3518

W. S. DOLLARD

WILLIAM A. S. DOLLARD,
Major.

Public Safety Division,
Region IV.
(attention Major Cozhead.)

PA

785017

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

ROME REGION *Major*
 ALLIED CONTROL COMMISSION *Gallard*
 APO 394, U.S. Army *Dec HQ*
 ROUTING *Office of Public Affairs*
ca. 1945

TO REGIONAL COMMISSIONER *Newfield* X
 EXECUTIVE OFFICER
 ADJUTANT
 ADMINISTRATIVE OFFICER
 HEADQUARTERS COMMANDANT
 C.O. AMERICAN DETACHMENT
 C.O. BRITISH DETACHMENT
 SUPPLY OFFICER
 AGRICULTURE
 BLACK MARKET CONTROL
 CIVIL AFFAIRS OFFICERS
 DISPLACED PERSONS
 ECONOMICS & SUPPLY
 EDUCATION
 FINANCE
 FINE ARTS
 LABOR
 LEGAL
 PROPERTY CONTROL
 PUBLIC RELATIONS
 PUBLIC SAFETY
 PUBLIC HEALTH
 PUBLIC WELFARE
 POSTAL
 REFUGEES
 SECURITY & INTELLIGENCE
 T. C. U.
 VATICAN RELATIONS

MESSAGE CENTER

ACTION

FOR YOUR

INFORMATION

NOTATION & RETURN

TRANSMISSION

REMARKS & RECOMMENDATION

NECESSARY ACTION

CORRECTION & RETURN

3511

0 1 4 5

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LEGAL
PROPERTY CONTROL
PUBLIC RELATIONS
PUBLIC SAFETY
PUBLIC HEALTH
PUBLIC WELFARE
POSTAL
REFUGEES
SECURITY & INTELLIGENCE
T. C. U.
VATICAN RELATIONS
MESSAGE CENTER

ACTION

FOR YOUR
INFORMATION
NOTATION & RETURN
TRANSMISSION
REMARKS & RECOMMENDATION
NECESSARY ACTION
CORRECTION & RETURN
PUBLICATION
ISSUANCE OF ORDERS
SIGNATURE
DISPATCH
APPROVAL OR DISAPPROVAL

REMARKS

CP says we have no
war for this, but
making thanks

INITIAL

0146

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

785017

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
APO 324

file 23

1 AUG
ROME REGION 1937

22 July 1944.

Colonel Poletti,
Regional Commissioner,
Rome Region A.G.C.

see 25

Dear Colonel Poletti,

Count d'Inzillo brought to my office the Duchess Sforza Cesarini who wished to speak personally with me about her Villa, Castel Sforza Cesarini.

She would like to offer this Villa to the Allied Government for use as a vacation centre for Allied Officers.

She explained that the Villa has about thirty rooms, is on Lake Brera and would be an ideal spot for this purpose.

Some slight repairs would have to be made to a part of the roof but otherwise with the exception of there being little or no furniture the Castle would be worth our having.

The Duchess asked me to present her offer to you. Of course she is not merely anxious that we should use it for our own purposes but she also has in mind that our occupying it would protect it from various unauthorized civilians who have been going there and to other properties in the same region, ignoring the orders of the local Carabinieri.

When you see Count d'Inzillo again could you please let him know about your decision regarding this Castello so that he could inform the Duchess Sforza Cesarini.

William A.S. Dollard
WILLIAM A.S. DOLLARD.
Major, A.U.S.
Vatican City Relations.

3516

0147

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22

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control and Military Government Section.

Ref: 105/22/CA.

31. July. 1944.

SUBJECT: Improper Seizure of Italian Property.

TO : Headquarters,
Allied Armies in Italy,
G. M. P.

1. The attached papers are submitted to you for such action as may appear appropriate.
2. I am sure you will agree that, while the goods taken may be of little value, this action is an obvious irregularity, which must cause adverse criticism of the Allies and so bring them into disrepute.
3. I should be grateful if necessary action could be taken to avoid repetition and orders given for the return of the property seized.

(Sgd) M. S. Lush
Brigadier,
Executive Commissioner,
for Acting Chief Commissioner.

MSL/30.

Copy to: HQ. Rome Area Command.
Adm Sec (ref your 20131/MSAA of 29. Jul).

3515
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Declassified E.O. 12356 Section 3.3/NND No.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

105 L

21

20151/STAA.

29
30 Jul 44.

SUBJECT : Seizure of Property.

31 JUL Recd

TO : RI & RD Section.

If you approve, will you please sign the enclosed and send it with its
enclosures to AAI with copy to Rome Area Command.

G. R. Upjohn
G. R. UPJOHN Col,
A/Ad. Admin Sec.

SHS/cpl.

See under
DL 7/1

See 27

3514

6149

785017

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

HEAD QUARTERS
ARMED CONTROL COMMISSION
H.Q. & H.C. Section
APO 394

20

Ref/105/20/Ca.

10 April 1944.

SUBJECT: Disposal of Property in Possession of
Arrested Persons.

TO : H.Q. Regions I, II, III, V, VI.

Attached hereto is copy of instructions
issued by HQ. A.A.I. (Adm Sch) on Disposal of
Property of Arrested Civilians for your information.

FRANK E. FINE
Colonel,
Deputy Executive
Commissioner.

3513

0150

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

1
THE JANTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/105/19/GA.

10 April 1944

SUBJECT: Disposal of Property in Possession of
Arrested Persons.

TO : R.C. Region IV.

1. As requested in your RM/250.5 (P) of 8 Apr 44,
copy of Instructions issued by HQ. A.A.I. (Adm Ech) on
Disposal of Property of Arrested Civilians is attached
hereto.

16
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

3512

0151

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

HEADQUARTERS REGION 4
ALLIED MILITARY GOVERNMENT
A. P. O. 394

105 A
18 APR Recd CA B.
U3516 18

AJS/mp

TO : HQ. AOC (R3 and MG Section)
FROM : HQ. Region 4, AMG
SUBJECT: Disposal of Property in Possession of Arrested Persons.
REF : R4/250.5 (P)
DATE : 8 April 1944

1. Reference is made to R4/250.5 (P) of 6 March 1944 and your reply REF/105/9/CA of 14 March 1944 on above noted subject.

2. At a conference between the Chief Legal Officer AOC and the Regional Legal Officer, in Salerno on 16 March 1944, it was indicated that the letter of 6 March 1944 (REF/105/9/CA) from AOC to Region 4 was being reconsidered and that a request had been made of Brigadier LUSH to obtain an Army Order forbidding the disposal of property otherwise than thru the AMG Court.

3. May this HQ. be advised of the present position.

in
Phm
Major
Regional Commissioner
Region 4; AMG

cc.
Line R4 H 4/15/44
letter of 15.
been making copies made
submitted for approval to
Reg. I, II, III, IV, V

See 19
3511
720

0152

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

HEADQUARTERS
ALLIED COUNCIL COMMISSION
R.C. & E.C. Section
APO 394

17

Ref/105/17/CA.

27 March 1944.

SUBJECT: Property of Arrested Persons.

TO : V.P. Admin Sec. - For Legal Sub-Com.

12

1. Reference your letter AOC/4034/L of 16 Mar 44.
2. In compliance with the request contained in para. 5 of the above reference, HQ. A.A.I. (Admin Ech) has issued a directive, a copy of which is enclosed herewith.

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

3510

785017

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

105 27 MAR Recd

C.A. Rv.

1st Ind.

ALH/jra

HEADQUARTERS ALLIED ARMIES IN ITALY, (ADM. ECHIBON), APO 400, U. S. ARMY, 25 March 1944.

TO: ACS, A.P.O. 394, U.S. Army.

105/13/CA ref

Herewith copy of order issued in conformity with the above request.



A. L. HADLER
Brigadier General, U.S.A.
DCAO

1 Incl:

Letter - Disposal of Property of
Arrested Civilians.

Pa 344

3509

RESTRICTED

HEADQUARTERS
ALLIED ARMIES IN ITALY
(Adm. Echelon)
APO 400

ALH/rjs
24 March 1944

SUBJECT: Disposal of Property of Arrested Civilians.

TO : All Addressees.

1. Report has been received from the Allied Control Commission that in numerous cases, military arresting authorities have improperly disposed of firearms and other personal property taken from arrested civilians. This irregularity may prevent the production of the necessary evidence in court and thus impede administration of the law.

2. It is desired that commanders of arresting authorities issue the necessary instructions to assure that all property taken from arrested civilians is properly secured and held available and subject to the disposition and decisions of the Allied Military Courts. Property which belongs to any of the Allied Military Forces should be held by the arresting authorities sufficiently long to be produced as evidence before the court and then returned directly to the owning force by the arresting authority.

W. H. Bagley
for
Major General
Chief Administrative Officer

DISTRIBUTION:

Fifth Army
Eighth Army
10 Corps
No 1 District
No 2 District
No 3 District
P B S
I B S
CG Sardinia
MAAF
AFSC/MTO
FCWIT
FOEIT
ACC

RESTRICTED

0155

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.G. & M.G. Section
APO 394

18 March 1944.

Ref/105/14/GA

SUBJECT : Property of Arrested Persons.

TO : Administrative Section
(for Legal Sub Commission)

1. Ref your reference AGC/4034/L of 16 March.
2. The request contained in para 5 is being complied with.
3. It is suggested that, in the future, you might find it more satisfactory to draft the type of letter which you might desire, in such cases. If so, we will be glad if you will submit such a draft with your request.

NMF
NORMAN E. FISKE,
Colonel, Cavalry,
Deputy Executive
Commissioner.

3367

PA

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & M.O. Section
APO 394

18 March 1944.

Ref/105/13/CA

SUBJECT : Property of Arrested Persons.
TO : H.Q. A.A.I.

1. There have arisen a number of complaints in several regions of the Military Police, officers and enlisted men, of disposing of firearms and other property seized at the time of arrest of civilians who are charged with offences to be tried by Allied Government Courts. At the time of trial such property has often disappeared and cannot be produced at the trial of the accused. This failure to produce such evidence often prevents the Court from arriving at a proper adjudication of the case.

2. It is requested that you issue an order to the Military Police, and all other military personnel concerned, requiring all property of arrested civilians be held for disposition of the Allied Military Courts and subject to disposition in accordance with decision of these courts.

NORMAN E. FISKE,
Colonel, Cavalry,
Deputy Executive
Commissioner.

3566

Copy to : Admin Section
(for Legal Sub Commission)

785017

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

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

16th March, 1944.

REFERENCE : ACC/4034/L.
SUBJECT : Property of Arrested Persons.
TO : Deputy Executive Commissioner.

1. Reference your Ref/105/11/CA dated 15 March, 1944.
2. Upon receipt of your letter of 8 March 1944 reference ACC/4002/L enclosing letter of 8 March 1944 from Regional Commissioner, Region 4 dated 6 March 1944, I made inquiry of the Chief Judicial Officer who felt from records he reviewed that the issuance of the requested directive to Military Police was ^{not} necessary. Hence my letter of 10 March 1944.
3. However on Sunday 12 March, 1944, the R.L.O. Region 3 called at this Headquarters to discuss various matters including the question of improper disposition of property by the Military Police citing various instances, which made it appear necessary that orders should be issued ~~by~~ arresting authorities. Hence my request of 12 March, 1944.
4. The change of view in this respect has been communicated to the R.L.O. Region 4.
5. Consequently it is requested that Headquarters, A.A.L. should issue an order which will require the arresting personnel to hold the property involved for the disposition of the Allied Military Court and dispose of it in accordance with the decision of that Court.

Richard H. Wilmer
RICHARD H. WILMER.
Lieut. Colonel CAC.
Deputy Chief Legal Officer.

3303

FHW/wow.

See 17

0158

785017

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & I.G. SECTION
APO 394

Ref/105/11/CA

FLP/ARC
15 March 1944

SUBJECT: Property of Arrested Persons

TO : Administrative Section (For Legal Subcommittee)

1. Reference yours ACC/4043/L of 12 March and ACC/4008/L of 10 March and ours of 283/47/L of 8 March, there is an apparent direct conflict between paragraph 3 of yours 10 March and yours 12 March.

2. You are requested to clarify your position and state concisely what is desired.

NORMAN E. FLEET
Colonel, Cavalry
Deputy Executive Commissioner

cc 12

3504

15 H

20/3

L [Signature]

0159

785017

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

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

12 March, 1944.

REFERENCE : ACC/4034/L.
SUBJECT : Property.
TO : Executive Commissioner.

1. Region III reports considerable difficulty with the Military Police over the disposition of property taken from arrested Italian civilians. For instance pistols taken from civilians are kept by the arresting military personnel. The same is true of trucks as well as other articles. Property is reported as being disposed of by the Military Police, officers and enlisted men, as if they had the right of complete disposition even to the extent of doing so for their own personal benefit. This ousts the Military Courts of their jurisdiction to dispose of the property and makes it unavailable as evidence in cases.

2. There must be some clear line of demarcation between the functions of the Allied Military Government and the P.B.S. + 57th Area with respect to the civilians. Region III R.L.O. believes that orders should be issued to all military personnel and especially to C.I.D., F.S.S. and Military Police that property which is seized on the arrest of a civilian and involved in the offense must be held for the disposition of the Military Court and must not be disposed of by any other authority.

Richard H. Wilmer
RICHARD H. WILMER.
Lieut-Colonel, CAC.

Deputy Chief Legal Officer. 3503

RHW/wcw.

0160

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

106/9
Ref/283/60/CA.

14 March 1944.

SUBJECT: Disposal of Property in possession of
arrested persons.

TO : Regional Commissioner, Region IV.

Reference our 283/48/CA of 8 March and your RA/250.5(P)
of 6 March 44.

1. The Chief Legal Officer advises that a new legal handbook will cover the subject of confiscation and disposal of property found in possession of accused persons or the proceeds thereof.
2. The Chief Legal Officer further advises that the subjects raised in para.2 of your letter arise so infrequently as it is thought unnecessary to bring the subject to the attention of H.Q. ACOMF.

NORMAN E. FISKE
Colonel, Cavalry,
Deputy Executive
Commissioner.

3562

0161

785017

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

LEGAL MEMORANDUM
 AS THE OFFICE OF THE
 Legal Sub-Commission
 APO 304

10 March 1966

REF: APO/ACC/1

SUBJECT: Disposal of property in possession of arrested persons.

TO: Deputy ^{Executive} Commissioner.

1. reference your 283/47/CA, dated 2 March 1966.
2. The new legal handbook will sufficiently cover the confiscation and disposal of property found in possession of the accused persons or proceeds thereof.
3. In view of the infrequency with which the points referred to in para. 2 of the latter HQ Decision 4 arise and are not dealt with properly, it is not thought necessary to approach HQ APO on the subject.

Richard H. Wilcox 1

11 MAR Recd

RICHARD H. WILCOX
 Lt. Col., U.S.A.
 Deputy Chief Legal Officer.

0162

785017

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/283/4V/CA

8 March 1944.

SUBJECT: Disposal of Property in possession of arrested persons.

TO : R.C. Region IV.

Reference your RA/250.5(P) of 6 March a copy has been forwarded for the attention of the Legal Sub-Commission.

57444
NORMAN E. FIEKE
Colonel, Cavalry,
Deputy Executive
Commissioner.

3500

0163

785017

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R. C. & M. C. SECTION
AIO 394

Res/283/1-7/CA

8 March 1944.

SUBJECT: Disposal of Property in possession of arrested persons.

TO : Administrative Section. (For Legal Sub-Commission).

1. Reference our 283/19/CA of 23 Feb and your AGO/4002/1/L of 25 Feb a further communication on this subject has now been received from R.C. Region IV a copy of which is forwarded for any action which may seem to you to be necessary.

159111
NORMAN E. FISKE
Colonel, Cavalry,
Deputy Executive
Commissioner.

3499

6 MAR 1944

A. C. C.

HEADQUARTERS REGION 4
Allied Military Government
APO 394283
7 MAR RecdC. H. Br.
AJS/jg

V-1232

See 60

TO : HQ, ACC (R.C. and M.G. Sec.) (2 copies)

FROM : HQ, Region 4 AMG

SUBJECT: Disposal of property in possession of arrested persons.

REF : R4/250.5(P)

DATE : 6 March, 1944

1. With reference to the memorandum (283/30/CA) of 28th February, it appears that on some occasions when arrests have been made by Military Police, property, which is subject of the charge or other property in the possession of an accused person, has not been handed in to the Court.

2. The position would be regularised if orders were issued by the Commander-in-Chief providing that:-

(i) When Military Police make an arrest of any Italian person, all property the subject of the charge and all property in possession of the arrested person shall be handed into the custody of the Allied Military Court hearing the case.

(ii) That in any case in which goods in the possession of an arrested person are sold, the proceeds shall also be handed into the Court and

(iii) That any Order made by the Court as to the disposal of such property shall be final unless reviewed in accordance with the provisions of Proclamation No. 4 (as amended).

3. It appears desirable that the matter should be dealt with in connection with the proposed new directive and it is requested that the matter may be taken up with the appropriate authorities.

M. (in Brigadier)
Regional Commissioner
Region 4, AMG

0165

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/283/30/CA

28 February 1944.

SUBJECT: Disposal of Property in Custody of Allied
Military Courts

TO : Regional Commissioner, Region IV

1. With reference to your RA/250.5 (P) of 19 February 1944, this matter has already been considered at a Conference attended by C.L.O., D.C.L.O., R.L.O., Regions III, IV, and S.L.O., 5th Army, and a directive is being prepared, and will be included in a book of consolidated directives now being assembled and which will be forwarded to you shortly.

NORMAN E. FISKE,
Colonel, Cavalry,
Deputy Executive
Commissioner.

3497

0166

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

283 27 FEB Recd

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

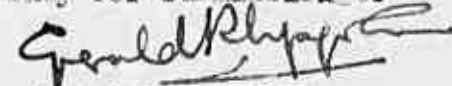
16553

25th February, 1944.

REFERENCE : ACC/4002/1/1.
SUBJECT : Disposal of Property in Custody of Allied Military Courts.
TO : V.P., R.C. & M.G. Section.

1. Reference your 283/19/CA dated 23 Feb 44.
2. This matter has already been considered at a conference attended by C.L.O., P.C.L.O., R.L.O. Regions III & IV and S.L.O. 5 Army and a Directive is being prepared. It is not proposed to issue it specially in view of your pleas on behalf of the digestions of Regional Commissioners but in a book of consolidated directives which will be ready for submission to you shortly.

3456



GERALD R. UYJOHN.
Colonel,
Chief Legal Officer.

GRU/wcw.

0167

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

23 February 1944.

Ref/263/19/CA

SUBJECT: Disposal of Property in Custody of Allied Military Courts

TO : Administrative Section

1. Attached copy of W/250.5(P) of 19 February 1944 is forwarded to you for favor of comment by the Legal Sub-Commission.

T. FARLEY SMITH,
Lt Colonel,
G-1, R.C. & M.G. Section.

Incl
As above.

3495

785017

HEADQUARTERS REGION 4
Allied Military Government
AFC 394

283
FEB Recd
AJS/LK

TO : A. C. C. (Regional Control & Military Government
Section)
FROM : HQ, Region 4 AMG
SUBJECT: Disposal of Property in Custody of Allied Military
Courts.
REF : R4/250.5(P)
DATE : 19 February 1944

1. It is understood that cases have occurred in other Regions which indicate the need for precise directions to be issued as to the disposal of property which is taken into custody by A.M.C. courts as evidence at a trial.
2. It is considered that disposal should always be exercised under a written order of the Court at which the case is tried, except in the exceptional case where perishable goods are involved and a direction from the court cannot be obtained without delay, in which case, it is thought that any Provincial Commissioner, Provincial Public Safety Officer or Provincial Officer should be empowered to order disposal subject to a copy of his order being lodged with the Court before which the case is tried.
3. It is requested that consideration should be given to the issue of a general directive in the matter.
4. If the proposal is agreed to, it is intended to issue instructions in Region 4 as to the detailed procedure to be followed to ensure inter alia that:
 - i) Military stores are returned to depots which can take them on charge.
 - ii) Civilian supplies do not find their way into the black market and
 - iii) The proceeds of sale are properly accounted for.

785017

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

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 - i) Military stores are returned to depots which can take them on charge.
 - ii) Civilian supplies do not find their way into the black market and
 - iii) The proceeds of sale are properly accounted for.

Copy to:

R.L.C., Region 4
 R.P.S.O., Region 4
 R.F.O., Region 4

M. Carr
 M. Carr, Brigadier
 Regional Commissioner

Oct 19

0170