

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

785017

ACC

10000/109/1841

GENE
AUG., 8

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

10000/109/1841

GENERAL ORDER NO. 33, NOTICE NO. 4
AUG., SEPT. 1944

~~United States Government~~

628/CA

GENERAL ORDER NO 33. NOTICE NO 4.

1374-1389

GENERAL ORDER NO 33. NOTICE NO 14.

1374-1289

10000 / 109 / 1841

THIS BOOK	
CONTAINS PAPERS	
FROM	Study 44
TO	Sept. 44
CATALOGUE.	

3/11B/CA

Off + Administration

CA Section - Miscellaneous Correspondence

To	Date.
Lim. CA sec.	17 Jan 1945 17 Jan 45

CA Section - Miscellaneous Correspondence

TO	Date.
Sim. CA out.	17 Jul 1945 17 Jan 46

General Order No. 33.

Sep. 15. G.O. 33 signed by Executive Commissioner.

16. Original sent to Admin. Section for a copy and the Italian Version.

19. Copy and Italian Version received from Legal S.C.
Sent to Printer.

28. Estimates submitted by Printing Officer for approval by Executive Commissioner.

EC. Ref timetable above the delay appears to have been with the printer and this will be watched in future.

2. The G.O. cannot even yet be printed for a few days owing to pressure of other work.

3. May the estimate please be approved.

1383

Approved,

H.V. 29/5

CAB

On Sept 15 I signed G.O. No 33.

On Sept 28 I am asked to approve procedure thereof

What is reason for delay of 13 days?

W/25/5

1388

13

HEADQUARTERS
IND CONTROL COMMISSION
A.C. & M.G. SECTION
APO 394

REF : 628/6/CA.

19 September 44.

SUBJECT : General Order No. 33 and
Notice No. 4.

TO : The Printing Officer.

Enclosed herewith for printing General Order
No. 33 and Notice No. 4. Please submit a proof for checking
as soon as possible. 40000 copies will be required.

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

4/10
28/9
BU 3387
W. H. H. 81.

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

628 J 13
ALLIED HEADQUARTERS
CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

ACC/4074/16/L.

SUBJECT : General Order No. 33 and Notice No. 4.

TO : R.C. & M.G. Section. 9-12

18 September 1944.
18 SEP Recd

... Enclosed you will find Italian versions and additional copies
of the English versions of the above.

JL 19/9.

Marc J. Grossman
MARC. J. GROSSMAN.
Lieutenant-Colonel,
Chief Counsel,
for Chief Legal Officer.

1388

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY
GENERAL ORDER No. 33

I, MAURICE STANLEY LUSH, C.B.E., M.C.; Brigadier, Executive Commissioner, hereby order as follows:

ARTICLE I

OFFENCES

Any person who after fourteen days from the effective date of this Order

(1) Has wrongfully in his possession any German military petrol cans or any stores, equipment or military property abandoned by the Germans or of German military origin ;

(2) Has wrongfully in his possession any Italian military petrol cans or army stores, equipment or military property of Italian military origin ;

shall, upon conviction by an Allied Military Court be liable to imprisonment or fine or both as the Court may determine and any property in respect of which such an offence has been committed may be ordered forfeited.

ARTICLE II

EFFECTIVE DATE

This Order shall become operative in each province or part thereof within Military Government Territory on the date of its first publication therein.

FOR THE ACTING CHIEF COMMISSIONER
M. S. LUSH,
Brigadier,
Executive Commissioner,
Allied Control Commission.

1385

Dated: /5/ September 1944.

GOVERNO MILITARE ALLEATO DEL TERRITORIO OCCUPATO
ORDINANZA GENERALE N° 33

Io, MAURICE STANLEY LUSH, C.B.E., M.C., Generale di Brigata, Commissario Esecutivo, con la presente ordino quanto segue :

ARTICOLO I

REATI

Chiunque, dopo quattordici giorni dalla data di entrata in vigore della presente Ordinanza,

(1) E' illegalmente in possesso di qualsiasi recipiente militare tedesco, per benzina o di qualsiasi altro articolo, equipaggiamento o materiale militare abbandonato dai tedeschi o di origine militare tedesca;

(2) E' illegalmente in possesso di qualsiasi recipiente militare italiano per benzina o di qualsiasi altro articolo militare, equipaggiamento o materiale militare di origine italiana;

è passibile, allorchè dichiarato colpevole da un Tribunale Militare Alleato, di detenzione o di pena pecuniaria ovvero di entrambe, a giudizio del Tribunale.

Pub essere inoltre ordinata la confisca di qualsiasi oggetto nei confronti del quale è stato commesso il reato.

ARTICOLO II

DATA DI ENTRATA IN VIGORE

La presente Ordinanza entra in vigore in ogni Provincia o parte di essa compresa nel territorio del Governo Militare alla data della sua prima pubblicazione nella stessa.

PER IL FACENTE FUNZIONE DI
CAPO COMMISSARIO

M. S. LUSH,
Generale di Brigata,
Commissario Esecutivo,
Commissione Alleata di Controllo.

Data, 15 Settembre 1944.

1385

10

NOTICE No. 4.

SURRENDER ALL MILITARY PETROL CANS IN YOUR POSSESSION.

I

All Allied Forces petrol cans and all military petrol cans of German or Italian origin must be surrendered immediately to the office of the QUESTURA or to the CARABINIERI REALI.

II

Any person found after the expiration of fourteen days from the posting of General Order No. 33 (or the posting of this Notice) in the possession of any such cans may be tried, and, if convicted, punished as provided by Proclamation No. 1 or General Order No. 33.

ALLIED MILITARY GOVERNMENT.

1383

AVVISO N° 4

CONSEGNATE TUTTI I RECIPIENTI MILITARI PER BENZINA
IN VOSTRO POSSESSO.

I

Tutti i recipienti per benzina delle Forze Alleate, nonché tutti i recipienti militari per benzina, di origine tedesca od italiana, devono essere immediatamente consegnati all'Ufficio della Questura od ai Carabinieri Reali.

II

Chiunque, trascorso il quattordicesimo giorno successivo all'affissione dell'Ordinanza Generale N° 33 (od all'affissione del presente avviso) sia trovato in possesso di uno qualsiasi di tali recipienti, può essere processato e, se riconosciuto colpevole, punito in conformità di quanto previsto dal Proclama N° 1 o dall'Ordinanza Generale N° 33.

IL GOVERNO MILITARE ALLEATO.

8A

(Suggested form of notice to be given to the
Italian people in Italian Government Territory)

The collection of all military petrol cans or
containers now in the possession of civilians is
deemed necessary to the continued war effort. All
military petrol cans whether of Allied origin or
German or Italian origin must be surrendered within
fourteen days from the date of this notice to the
nearest Questura or Carabinieri Reali. Anyone wrong-
fully withholding any such military petrol cans after
such period will be prosecuted according to law.

Dated : September 1944.

Signature

1382

1746

4074/16
ALLIED HEADQUARTERS
R CONTROL COMMISSION
& M.G. SECTION
APO 394

19
7 SEP 1944

REF : 401/23/CA.

16 September 44.

SUBJECT : General Order No. 33 and Notice.

TO : Admin. Section.

1. With reference to your letter of 13 September 44. General Order No. 33 is returned to you duly signed, by the Executive Commissioner. Please let this Branch have a copy of the Order with an Italian version so that instructions may be given to the Printer.

2. The letter to Regions is approved and will be issued when the Printed Copies of the Order and Notices are ready.

3. The notice in English is approved and it will be appreciated if a copy of this notice in English and Italian is made available to this Branch so that the Printer may be instructed.

4. The notice to be published in Italian Government territory is approved and returned. It is presumed you will take action on this Notice with the Italian Government.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Religion

CL RK

L
Norman E. Fiske
Colonel,
Deputy Executive
Commissioner

1381
1346

To: Lt.Col.Shipp.

14 Sept. 1944.

General Order No.33.

1. Owing to the shortage of petrol tins the Army are anxious to collect all "Gerrycons" in the possession of civilians.

2. The matter has been taken up with Legal who have now prepared a General Order No.33 making it an offense for civilians to have in their possession German military petrol cans.

3. The Legal Sub-Comm certificate is attached.

4. Will you please ask the Executive Commissioner to sign.

5. Was Wainwright & P.O. Sub Commission have also seen this G.O. and discussed it with Admin Sec.
6. In addition a notice will be published drawing the attention of civilians that it is a crime to hold "Gerrycons". This notice will require to be translated into Italian prior to signature by the Ex. Com?

J. S. Reakes, Maj.

J.S. REAKES,
Major.

4. 15 issue to EC 1383

80 1119

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

13 Sept 1944

SUBJECT : Petrol Cans.
TO : R.C. & M.G. Section

14 SEP Recd

1 to 5

The attached papers are forwarded for your action.

Attention is particularly drawn to letter of Legal Sub-Commission. Legal Sub-Commission ref: ACC/4074/16/L dated 7 September 1944. 5.

If you approve and action on these lines taken, appropriate letters are being prepared to the Ministry of Interior and to the C.G.s. CC.HR and CC.FP indicating the action required by them in Italian Governed Territory.

Please return G.O. 33 when signed by Brigadier Lush.

on cover

G.R. Lush
G.R. UPJOHN Brig
V.P. Admin Section

Ext 525
GRU/jwf

see B.

pk

NB

No action will be taken
as far as the Italian Government
is concerned until the Gen Order
is taken and ready for issue.
May Pub Safety be advised

1373

Readers 1373

13th Sept

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4074/16/L.

/pa.
7 Sept 44

SUBJECT : Petrol cans.

TO : Admin Sec.

1. Reference file 401/CA, "War Salvage".

2. I enclose herewith suggested forms of the following :

- a. Letter of Executive Commissioner + H
- b. General Order No. 33; - 12
- c. Notice to be used in Allied Military Government Territory; 10
- d. Notice to be given out by the Italian Government in Italian Government Territory; 9A

3. While it is already a crime for unauthorized persons to have petrol cans and other Allied military property in their possession, I understand that a 14 day lee-way is proposed to be granted in so far as petrol cans are concerned in order that civilians may turn them in without fear of prosecution. The notice will take care of that situation.

4. As to German and Italian military petrol cans, it would seem necessary to make continued possession a crime. The General Order makes that definite. The General Order and notice take care of the period of grace in this case also.

1378

5. While Allied Military Government notices in the past have borne some signature there would seem to be no reason why one posted in Military Government Territory should require anything more than would authenticate it such as the words "Allied Military Government". The notice itself does not establish an act as a crime; it is merely a warning. An act is made a crime in Military Government Territory by a Proclamation, a General Order or existing law.

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

DRAFT

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

Ref/ 401/23

16 September 1944.

SUBJECT : Military Petrol Cans.

TO : Regional Commissioners:
Southern Region, Regions I, IV, V, VI, VIII, IX, X,
XI and XII.
SCAOs 5th and 8th Armies. *9-44/27 of 25 Aug 44*

Liguria, Piemonte

1. *Refer to* The wastage of all types of military petrol cans (or gasoline containers) has become so serious that the following action will be taken to collect all such containers in possession of civilians.

2. In Military Government Territory, General Order No. 33 together with Notice (a supply of which are forwarded under separate cover) will be posted calling on civilians to surrender any military petrol cans in their possession within 14 days. After that date civilians in unlawful possession of petrol cans of the Allied Forces will be prosecuted under Proclamation No. 1, Art. IV, Sec 11 or Art. V, Sec 27 and civilians in possession of German military petrol cans will be prosecuted under the aforesaid provisions of Proclamation No. 1 or under the provisions of General Order No. 33 and civilians in possession of Italian military petrol cans will be prosecuted under the provisions of General Order No. 33. Publicity is also being given in newspapers and on the radio.

3. In Italian Government territory arrangements have *been* made for the Italian Government to publish notices to the same general effect and to provide publicity.

4. It is pointed out that :-

- (a) Allied Forces' petrol cans are the property of the Allied Forces;
- (b) German military petrol cans are made the property of the Allied Forces;
- (c) Italian military petrol cans are, according to AFHQ Circular No. 13 of 1 May 1944, the property of the Italian Armed Forces;
- (d) It is no defence to the prosecution for the accused to plead that he thought the property had been abandoned.

3

5. Local police will report through AOC Public Safety Officer to Regional Commissioners the number of petrol cans deposited at police stations. Regional Commissioners will arrange for the appropriate Military Command to collect the petrol cans.

6. Regional Commissioners will ensure that this matter is given full and immediate attention.

M. S. LUSH,
Brigadier,
Executive Commissioner.

1373

MINUTE 3

2

Administrative Section.

The following action is suggested:

1. Notice to the Italian public to be published:
 - (a) in Military Government territory posters to be signed by the Acting Chief Commissioner.
 - (b) in Italian Government territory posters to be signed by Prefects.
2. Publicity in accordance with the notice to be given in newspapers and on the radio - through P.R.O.
3. Police to be instructed that petrol cans surrendered at Police Stations are to be reported through ACC. Public Safety Officer to Regional Commissioners who will arrange for collection by the military.
4. The attached drafts have been prepared -
 - a. Notice to Civilians
 - b. Letter to Minister of Interior
 - c. Letter to Commanding Generals CC.RR & GG.FF.
 - d. Directive To Regional Commissioners.

1375

30th Aug 1944

Phewler
Lt. Col.
Public Safety s/c

Public Safety
Legal

There is a shortage of patrol cars. Many have been in the hands of Italian civilians for considerable time without action being taken against them. It is now proposed to enforce the proclamation with regard to persons in possession of allied property to possession of these cars. In view of the time over which no action has been taken it is proposed to delay action for a month so as to give the Italian authorities time to warn the public that possession of these cars is to be treated as an offense and that they must be handed in.

Legal for comments please
Safety for comments and to arrange with the Jc. Govt
for the issuing of the notices to the public

Admin
Xiboy

25 AUG 1944

Admin Sec (from Public Safety)

Attached is directive 19 Aug 1944 to RLOs Acc/4034 18/L which covers this subject. I suggest you consider whether PWB might not get out some warning posters as has been done in other instances, this in addition to warnings given by the Italian government.

27/8/44

Ronald H. Barker
Col CAC
H/CLO

for CAC. 1572

0 6 7 3 |