

0057

Declassified E.O. 12356 Section 3.3/NND No. 785016

ACC

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483.0

WAR GRAVES
June 1944 - Feb.

0058

Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/132/200

483.0

WAR GRAVES

June 1944 - Feb. 1945

Inc

Ref: P/443.0

15 February 1945

SUBJECT: German War Graves in Italy

TO : G-5 Section, Allied Forces Headquarters

1. There is attached a copy of a note verbale from the Foreign Interests Division of the Swiss Legation at Rome, regarding the German war cemetery at Torre di Quinto.

2. The Political Section would be glad to learn in due course what reply should be returned to the Swiss Legation.

For the Chief Commissioner:

A. S. HALFORD
Asst Political Advisor
Political Section

481.0

1 Encl: Copy of Note Verbals dtd 10 Feb 45.

Foreign Interests

M O T T E R E A L E

The Swiss Legation, Foreign Interests Division, has the honour to inform the Political Section of the Allied Commission, that it has received a note from the German Government, via the Federal Political Department, Bern, concerning the military cemetery at Torre di Quinto. This cemetery was placed at the disposal of the German Authorities by the Italian Government, and entombed there, are about 4000. German soldiers.

When the German forces evacuated Rome, a certain disorder occurred, and some of their dead were not properly buried, so that the Swiss Legation, as representing the Protecting Power, took over, temporarily, the maintenance of the cemetery. The necessary steps were taken to ensure a decent burial for the dead, and a fence was accordingly erected around the cemetery. For this purpose, the Legation has spent up to date, the sum of from Lire 500,000.- to Lire 600,000.-

715

In its note, the German Government informed the Federal Political Department that on its advice, the above mentioned cemetery should be maintained by the Anglo-American Authorities, and suggested that the charges incurred by the Legation for the upkeep of same, up to date, and for the future, should

Foreign Interests

NOTE VERBALE

The Swiss Legation, Foreign Interests Division, has the honor to inform the Political Section of the Allied Commission, that it has received a note from the German Government, via the Federal Political Department, Bern, concerning the military cemetery at Torre di Quinto. This cemetery was placed at the disposal of the German Authorities by the Italian Government, and entombed there, are about 4000. German soldiers.

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715

In its note, the German Government informed the Federal Political Department that on its advice, the above mentioned cemetery should be maintained by the Anglo-American Authorities, and suggested that the charges incurred by the Legation for the upkeep of same, up to date, and for the future, should be paid by them; citing article 4. of the convention of Geneva, (convention of July 27, 1929), which states that a service for the graves will be officially organized by the belligerents

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0062

belligerents

to make possible the eventual exhumation of the corpses for the purpose of identification.

The Swiss Legation would be very grateful if the Political Section of the Allied Commission could kindly examine the possibility of pursuing the suggestion made by the German Government.

clm

Rome, February 10, 1945.
MC/ns

To the Allied Commission,
Political Section,
R.O.M.E.

4 3 18

Handwritten initials and a checkmark.

103/23/44

2nd January, 1945.

ITALY

Note Verbale No. 11/05973/57 of 27th December from Italian Ministry of Foreign Affairs.

In continuation of their Note Verbale No. 11/05328/35 of 16th Dec. regarding British Cemeteries in Italy, the Ministry of Foreign Affairs have the honour to inform the British Embassy at Rome that the Ministry of War have now indicated their willingness to give their support to the proposed solution of the problem of disposing of the bodies of British soldiers fallen in Italy.

The Ministry are in process of establishing contact with the Imperial War Graves Commission through the Land Forces sub-Commission of the Allied Commission.

Copied for Political Section, Allied Commission.
Lt. Col. Tomagall, Imperial War Graves Commission,
Claims & Burial Directorate, A.F.M.S.

Handwritten number: 483.0

Handwritten note: (original out of file)

0064

Translation of NOTE VERBALE No. 11/05328/35 from Italian

Ministry of Foreign Affairs.

The Ministry of Foreign Affairs have the honour to acknowledge receipt of the Note Verbale No. 13 which the British Embassy transmitted on 5th December 1944, and in connection therewith beg leave to state that they have interested the appropriate Italian authorities in the settlement of the British War Cemetery question in Italy, strongly recommending that the proposal made in the Note Verbale under reply should be given favourable consideration.

The Ministry of Foreign Affairs will address a further communication to the Embassy regarding the progress made in this matter.

Rome, 11th Dic. 1944.

ALL' AMBASCIATA BRITANNICA
ROMA.

483.0

713

HEADQUARTERS ALLIED CONTROL COMMISSION
POLITICAL SECTION
APO 394

10 August 1944.

MEMORANDUM TO: Claims Commission and Hierarchy Directorate (Br).,
Headquarters, Allied Armies in Italy, C.M.F.

SUBJECT: British War Graves.

With reference to your memorandum CH/41/B/42 of the 29th July, this question was referred to the Foreign Office on the 28th June, from whom a reply has not yet been received. A reminder has been sent to them.

M. HOPKINS,
J/cdr
Political Section.

Handwritten notes:
Hierarchy advised that whether reply
yet received. ASH will send
another reminder.
Depo Hierarchy advised

Vertical handwritten notes:
452
255

Vertical handwritten notes:
1/10/44

712

0066

MINUTE SHEET.

Reference 103/11/44

TO: J/Comdr. Hopkins,
Political Section, A.C.C.

FROM: A.S. Halford.

I return herewith the D.D. Hirings memo. on the acquisition of I.W.G.C. sites.

2. We still await the P.O.'s reply to our despatch of the 28th June. I will remind them.

1st. Aug. 1944.

(for) A.S. Halford.
A.S. Halford

711

0067

Subject: British War Graves

Critical Section
A C C

for the attention of
Major J.M. PEARSON

Claims Commission and
Hirings Directorate (Br)
AAI CMF
CM/41/H/42
29 July 1944

HC

1. I refer to your 483 dated 7 June 44 on the above subject, and to AFHQ memo ref. G-5 293.8 dated 23 June 44, addressed to your authority.
2. Para 3 of the latter letter indicates that the United States interests do not think it is necessary for joint representation to be made to the Italian Government for obtaining title in perpetuity for cemeteries sites. This Directorate would appreciate information on the present position on negotiations between your authority and the Italian Government, concerning the issue of a decree in respect of those sites that are the responsibility of the IWGC. As you are aware, this Directorate is responsible for maintaining temporary title to cemetery sites, until title in perpetuity has been ~~invested~~ invested in the permanent authority.

John Johnson
Major
for Colonel
D. Hirings

Copy to:- Inspector, IWGC, CMF

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0068

Major Pearson.

I attach the file about the question of military graves in Italy.

You will note from A.F.H.Q. memorandum of the 23rd June that the Americans will not wish to participate in any negotiations with the Italian Government for the purchase of plots of land. So far the ground is clear for us to go ahead; but before you take any further action we must await the result of the action being taken by the High Commissioner's Office in referring the question to the Foreign Office in London. As soon as the High Commissioner's Office have a reply Mr. Halford will get into touch with you. Until then please keep this file pending without taking the matter further with the Italian Government.

I have shown A.F.H.Q. memorandum to Mr. Dowling (member of the U.S. Delegation to the Advisory Council) and it has also been seen by Mr. Reber.

AA

Political Section
H.Q. A.C.C.
30.6.44.

0069

Pol. Sec
U 2689

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

CMS/CF/as

G-5: 293.8

23 June 1944

SUBJECT: Military Graves in Italy.

TO : Headquarters, Allied Control Commission, APO 394.
(Attention: Political Section)

1. Receipt is acknowledged of your letter of 17 June on the above subject, Ref #483. It appears that Lieut. Col. D.J. McDougall of the Imperial War Graves Commission is prepared to proceed to negotiate with the Italian Government for the establishment of military cemeteries, but that it is desired first to know "whether it is the wish of the Allied Governments to proceed, individually or collectively, with negotiations with the Italian Government for the conclusion at this time of international agreements governing the selection and maintenance of military cemeteries in Italy."

2. This Section is advised by the Quartermaster, NATOUSA, that the policy of the United States Government in the matter is as follows:

a. All cemeteries established by the United States forces in this theater are considered as temporary cemeteries. It can be assumed that all bodies therein will eventually be exhumed and either returned to the nearest of kin in the United States or be concentrated in permanent national cemeteries subsequently established in Allied territory. (Letter OQMG SPQYO 314.6, 13 August, 1943).

b. Pursuant to AR 30-1840, permanent (national) cemeteries are established only under orders of the Secretary of War when empowered by Act of Congress.

c. During the continuance of hostilities, the selection and maintenance of United States military cemeteries in this theater remains a function of United States military authorities.

3. Accordingly it appears that the representative of the Imperial War Graves Commission need not await any joint action in the matter.

Charles M. Spofford 708

CHARLES M. SPOFFORD
Colonel, G.S.C.
Asst. Chief of Staff, G-5

Copy to:
Quartermaster, NATOUSA

MEMORANDUM FOR THE SECRETARY OF STATE
SUBJECT: MILITARY SERVICE IN ITALY

Reference is made

to your memorandum of 17 July 1944

concerning Military Service in Italy

The following information is being furnished for your information:

1. Lieutenant Colonel J. J. [Name], of the [Service], has been assigned to Italy with a view to examining, on behalf of the Commission, the situation and conditions of allied military personnel who are held in camps established by the Italian Government and to report thereon to the Commission. He is authorized to accept under instructions from the Commission for the purpose mentioned.

2. It is requested that officers of the Allied Forces Commission, in liaison with the [Name], be advised that the [Name] has been assigned to Italy in accordance with the [Name]. It has been suggested in this connection that the agreement concluded between the [Name] Government and the Royal Italian Government on 11 July 1944, and the decree referred to in Italian Decree No. 1831 of June 13, 1944, governing detention and administration of allied military personnel in Italy, may be still in effect; so, alternative steps should be considered if necessary.

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3. An officer of [Name] has approached the Royal Italian Ministry of Foreign Affairs in the latter country, and has been informed that while the Ministry does not believe that either the earlier decree or the agreement with regard, it would approve in principle the resumption of an agreement along the lines of that of May, 1928, and the initiation of appropriate legislation by the Italian Government. At the same time, the Ministry has suggested the view that it will be possible to negotiate separate agreements with each of the Allied nations whose soldiers have fought in Italy, rather than negotiate a general agreement.

4. No formal reply has been made to the Royal Ministry by Allied Forces Commission and the officer concerned understands that no further action is to be taken pending receipt of instructions from Allied Forces Commission.

5. Accordingly, I should be glad to receive instructions as to

(a) whether it is the wish of the Allied Governments to proceed, individually or collectively, with negotiations with the Italian Government for any conclusion at this time of international agreements

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governing the selection and maintenance of military establishments in Italy;

(b) If so, the nature of the same with the Allied Governments, or either of them, and to include in such agreements.

6. I may point out in this connection that, so far as A.C.G. has been able to determine, the United States Government has not indicated by the designation of an officer to carry out functions similar to those of Mr. Vincent Minnelli or otherwise, that it contemplates any change in its present policy of administration of military establishments by military authorities.

WALTER BROWN
Vice President
Allied Control Commission

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covering the selection and maintenance of military materiel in Italy;

(b) If so, the nature of the laws which the Allied Governments, or either of them, wish to enact in such agreements.

It may point out in this connection that, as far as the U.S. has been able to determine, the United States Government has not been notified by the resignation of an officer to carry out functions similar to those of Lt. Colonel Johnson as described, that if any change in the present policy of authorization of military materiel by military authorities.

JOHN W. WOOD
Vice President
Allied Control Commission

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 384

SUBJECT: Spanish War Graves.

TO : Mr. E. A. Garcia, Political Section, Hq ACC.

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1. In my memorandum on this subject of 3 June I asked your approval, suggesting the legal advisers of the Italian Foreign Office should hammer out the provisions of a new decree and, if required, a new agreement on the lines of those of 1918 and 1922 respectively (enclosed) with the assistance of the Legal Sub-Commission. I enclosed a copy of my enquiry to Colonel Upjohn and of his reply, and also of a memorandum just received from Spain on the subject.

4

2. I had intended to write the attached unsigned letter to Messrs. Holford and even to Mr. Holford on behalf of the Foreign Office whether it is necessary to go ahead with new documents or not.

3. You will note that Colonel Upjohn advises that "if the old decrees and agreement have worked well in the past, it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines". Messrs. Holford and I are of opinion that neither the Royal Decree nor the Agreement have lapsed. I suggest therefore that Mr. Holford should ask Colonel Upjohn if he is satisfied with the present legal position or want amendments, if any, he suggests; for this seems to be a concern more of the British Foreign Office than of the Allied Control Commission.

483

4. My I know please in fairly good time what has been decided, since, as you are aware, I am being pressed by Imperial War Graves Commission and the Airings and Claims Branch to put this matter in a satisfactory state as soon as possible.

J. E. PEARSON
Major
Political Section

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
AFC 394

Reference #483

10 June 1944

British War Graves

Dear Prunas,

I have to acknowledge with many thanks receipt of your memorandum 3743 of 3rd June regarding the continuance in effect of Decree 896 of June 1918 and of the Graham-Lojacevic Agreement of May 1922.

In view of the doubt which seems to exist as to whether these (or either of them) have lapsed, and also in consideration of the altered circumstances of the present campaign to which you refer, I know you will agree that the most certain method of giving legal expression to our common desires in this respect would be (1) to enact new legislation to revive the provisions of Decree 896 of June 1918 to cover the requirements of the Allied Armies and (2) to frame a new agreement with the British Government continuing the provisions of that of 11 May 1922 (to be followed by similar agreements, if necessary, with other Allied Governments).

I am sure the Legal Sub-Commission of the A.C.C. would be glad to assist in reviewing the drafts, before submitting them for the approval of Sir Noel Charles and of the Imperial War Graves Commission, to ensure the inclusion of all the provisions which we both have in mind to perpetuate the memory of British Soldiers, sailors and airmen fallen in the War of Liberation in Italy.

With many thanks for your consistent cooperation,

Yours very sincerely,

J. H. Pearson

J. H. PEARSON
Major
Political Section

His Excellency Don Renato Prunas
Secretary General, Royal Italian
Ministry of Foreign Affairs

702

COPY

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MEMORANDUM FOR THE ALLIED CONTROL COMMISSION
POLITICAL SECTION

The Allied Control Commission has enquired whether the Royal Decree n.895, dated 23rd June 1918 and the Gramsc-Lojacevo agreement of May 11th, 1922, concerning Allied Military Comasteries in Italy are to be considered still in force, and whether the Royal Italian Government are ready to negotiate a new agreement, similar to the previous one, with the United Nations.

2.- The Royal Ministry of Foreign Affairs has no reason to believe that either the Royal Decree or the agreement has lapsed. A definite reply can only be given after an examination of the files in Rome, unless the British Government are in a position to remove any doubt on the subject on the strength of the records at their disposal.

3.- It is to be borne in mind, at the same time, that both the Royal Decree of 1918 and the Gramsc-Lojacevo agreement of 1922 were intended to deal with the particular situation which arose from the 1918-19 war and refer implicitly thereto, also to the technical problems which arise from the present campaign are of a much more complex character, in view of the far greater geographical dilatation of the successive battlefields, the greater number of ALLIED soldiers fallen in the field, their varied nationality.

4.- It is therefore considered that, for practical purposes, while retaining for the present the principles embodied in the two abovementioned documents it will probably be convenient to take, in due course, the whole problem into new consideration. The Italian Government wish to emphasize that they are bound to none in their desire that the memory of the gallant Allied soldiers who have fallen for the liberation of Italy from the German oppressor should be worthily honoured, and, in this connection, wish to confirm that they are ready to negotiate a new agreement, on the lines of the previous one, with any of the United Nations.

/s/ R.P.

Rome, June 3rd, 1944.

Royal Italian Ministry of Foreign Affairs

C. B. FLY

WAR REPARATIONS
ALLIED CONTROL COMMISSION
LEGAL Subcommittee
AGC 394

CBU/gaf

AGC/AGC/1

8 June 1944.

SUBJECT: British War Claims.

TO : Political Section (with Major Pearson).

1. Answering your queries in para B of your AGC dated 8 June 44.

(a) Yes, wherever any decree can be made applicable to Military Government Territory (less Army areas) forthwith on publication of the decree in the official Gazette in accordance with the machinery I have set up.

(b) All decrees have to be submitted to the Assembly (when elected) for confirmation. Apart from this surely no one can make so bold an to propose how far a new Italian Government will honour the obligations of its predecessors? I hardly think however that Italy will be in a position for some time to repudiate its obligations entered into with a powerful belligerent but of course I may be quite wrong.

B. The Decrees and agreement of 1922 suffer from the same defect as all Italian documents namely a looseness of drafting and lack of clear expression of intention which drives the British lawyer almost insane but the practical solution is this: if the old decrees and agreement have worked well in the past it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines. The I. G. C. will no doubt have very views on the subject and I suggest that at a very early stage of negotiations you should ask their opinion for they have to carry out any arrangements made.

/s/ G. S. W. John

G. S. W. JOHN, Colonel
Chief Legal Officer.

R. MINISTERO
DEGLI
AFFARI ESTERI

N. 3743

MEMORANDUM FOR THE ALLIED CONTROL COMMISSION
POLITICAL SECTION

The Allied Control Commission has enquired whether the Royal Decree n. 696, dated 23rd June 1918 and the Graham-Lojacono Agreement of May 11th, 1922, concerning Allied Military Cemeteries in Italy are to be considered still in force, and whether the Royal Italian Government are ready to negotiate a new agreement, similar to the previous one, with the United Nations.

2. - The Royal Ministry of Foreign Affairs has no reason to believe that either the Royal Decree or the agreement has lapsed. A definite reply can only be given after an examination of the files in Rome, unless the British Government are in a position to remove any doubt on the subject on the strength of the records at their disposal.

3. - It is to be borne in mind, at the same time, that both the Royal Decree of 1918 and the Graham-Lojacono agreement of 1922 were intended to deal with the particular situation arisen from the 1915-18 war and refer implicitly thereto. Also that the technical problems which arise from the present campaign are of a much more complex character, in view of the far greater geographical dislocation of the successive battlefields, the greater number of Allied soldiers fallen in the field, ⁴²³ 869

The Allied Control Commission has enquired whether the Royal Decree n.896, dated 23rd June 1918 and the Graham-Lojacono agreement of May 11th, 1922, concerning Allied Military Cemeteries in Italy are to be considered still in force, and whether the Royal Italian Government are ready to negotiate a new agreement, similar to the previous one, with the United Nations.

2. - The Royal Ministry of Foreign Affairs has no reason to believe that either the Royal Decree or the agreement has lapsed. A definite reply can only be given after an examination of the files in Rome, unless the British Government are in a position to remove any doubt on the subject on the strength of the records at their disposal.

3. - It is to be borne in mind, at the same time, that both the Royal Decree of 1918 and the Graham-Lojacono agreement of 1922 were intended to deal with the particular situation arisen from the 1915-18 war and refer implicitly thereto. Also that the technical problems which arise from the present campaign are of a much more complex character, in view of the far greater geographical distribution of the successive battlefields, the greater number of Allied soldiers fallen in the field, ~~899~~ varied nationality.

4. - It is therefore considered that, for practical

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R. MINISTERO
DEGLI
AFFARI ESTERI

-2-

purposes, while retaining for the present the principles embodied in the two abovementioned documents, it will probably be convenient to take, in due course, the whole problem into new consideration. The Italian Government wish to emphasize that they are second to none in their desire that the memory of the gallant Allied soldiers who have fallen for the liberation of Italy from the German oppressor should be worthily honoured, and, in this connection, wish to confirm that they are ready to negotiate a new agreement, on the lines of the previous one, with any of the United Nations.

SALERNO, June 3rd, 1944.



NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AFG 394

Handwritten initials and markings

ACC/ALSA/L

8 June 1944.

SUBJECT: British War Graves.

TO : Political Section (Attn Major Pearson).

1. Answering your queries in para 2 of your 463 dated 5 June 44.

(a) Yes, moreover any decrees can be made applicable to military Government Territory (less Army areas) forthwith on publication of the decree in the Official Gazette in accordance with the machinery I have *set up*.

(b) All decrees have to be submitted to the Assembly (when elected) for confirmation. Apart from this surely no one can make so bold as to prophesy how far a new Italian Government will honour the obligations of its predecessors? I hardly think however that Italy will be in a position for some time to repudiate its obligations entered into with a powerful rebellious but of course I may be quite wrong.

2. The decrees and agreement of 1922 suffer from the same defect on all Italian documents namely a looseness of drafting and lack of clear expression of intention which drives the British lawyer almost insane but the practical solution is this: if the old decrees and agreement have worked well in the past it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines. The I.W.C.C. will no doubt have many views on the subject and I suggest that at a very early stage of negotiations you should ask their opinion for they have to carry out any arrangements made.

G. R. Wright
G. R. WRIGHT, Colonel
Chief Legal Officer.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 824

7 June 1944

Reference 4433

SUBJECT: British War Graves

TO: Major J. I. Littlewood, Claims Commission & Burials Directorate (BR), No 111, Main Station, G.I.F.

1. In reply to your memo (07/41/4433) of 27 June, I have to refer to my letter (4433) of the same day to the British Vice President of the Political Section, of which I sent you a copy.

2. The British Foreign Office has now expressed its willingness to initiate legislation to give new life to Decree 896 of 11 July 1919 and to sign a new agreement to continue the privileges of that of 11 May 1928 (of which copies were enclosed in my cover to you). But delay is likely since they wish to cover their obligations in this regard by legislation to legalize compulsory acquisition of sites required as cemeteries by all the Allied nations (I enclose a copy of their letter of yesterday to the Hon. Alexander Kirk).

3. I should emphasize further that negotiations for the acquisition of cemetery sites will be no part of the functions of the Allied Control Commission, when such these documents are signed; for the Imperial War Graves Commission will then be in direct relationship with the Italian government, and I submit it should be Colonel MacDonnell who should inform you when negotiations for specific cemetery sites have been completed and he is prepared to take them over and for your recognition to be terminated.

4. In the meantime, however, the Political Section will urge the completion of the necessary Decree and of the Agreement with the British government with the least possible delay.

*Copy sent to W. Laccia
with ref. of memo under reference*

J. M. FRANCO
Major
Political Section

Draft seen & approved by J. M. White

0083

SUBJECT: Acquisition of land for
Military Cemeteries.

Headquarters,
Allied Control Commission,
APO. 394,
Admin. Section.

Col. Cripps - Admin

Claims Commission and
Hirings Directorate (Br.),
H.Q., A.A.I. (Adm. Ech.),
CH/A3/H/13.
5 Jun 44.

FOR THE ATTENTION OF CHIEF OF STAFF, ADMIN. SECTION
AND MAJOR PRABSON, FOREIGN OFFICE SECTION.

1. I refer to the discussion on the above subject at your Headquarters on Friday, 2 Jun 44.
2. The attached memorandum is a resumé of that discussion and paragraph 7 indicates the procedure which would be agreeable to I.W.C.C., G.R. & E., and this Headquarters for the procuring of expropriation of cemetery sites.
3. It would be appreciated if you could give us an indication as quickly as possible as to whether the procedure is acceptable to the Italian Government and yourselves.

J. Littlewood
Major.
For P.D. Hirings.

Copy to:- I.W.C.C. (For the attention of Lieut. Colonel MacDougall).
G.R. & E. (Telephone conversation Lieut. Colonel Lawson - *maj Littlewood* refer).
War Diary.

655

Ref: GH/41/N/43.

ACQUISITION OF LAND FOR MILITARY CEMETERIES.

Report of Discussion held at Allied Control Commission (Rear) on
2nd June 1944.

*no discussion
were separate - 1/41*

- 1. Present: Col. Griggs, Chief of Staff, Administrative Section, Allied Control Commission.
Lieut. Col. White, Staff Officer I, Administrative Section, Allied Control Commission.
Lieut. Col. MacDonnell, Imperial War Graves Commission.
Major Pearson, Liaison Officer, Foreign Office Section, Allied Control Commission.
Major Littlewood, R.A.D. Hirsings, A.A.I.

- 2. The purpose of the discussion was to try and arrange some method whereby the sites of permanent and completed cemeteries could be expropriated and title to the land in perpetuity vested in the Imperial War Graves Commission.

- 3. It was pointed out that all sites are being requisitioned as they are selected and our title secured thereto as an interim measure. Only a number of sites become permanent, and the balance will be derequisitioned when they cease to function.

- 4. It was established that the I.W.G.C. cannot take over a cemetery unless their title to the land has been promulgated.

*Not suggested
re JWC*

- 5. The suggestion that all completed cemetery sites in Italy should be recorded, and expropriated at the end of the War under one decree was not acceptable as this would prohibit any action by I.W.G.C. until after that date.

*Legislative
not*

- 6. The Foreign Office Section, A.C.C. agreed to ask the appropriate Ministry of the Italian Government to undertake the expropriation.

- 7. Subject to concurrence of Italian Government and A.C.C. it is suggested that the following procedure would operate in procuring appropriation of sites:-

by ACC work

- (a) C.E. & E., A.A.I., to inform the appropriate section of A.C.C. (copy to Hirsings Directorate, A.A.I.) when a specific site is completed, forwarding all plans necessary to enable A.A.I. to negotiate expropriation with Italian Government.

- ditto -

- (b) A.C.C. to inform I.W.G.C. when title in perpetuity is obtained, copies to C.E. & E. and Hirsings Directorate. The letter would then terminate requisition.

Should already be terminated

COPY

/dnd

SUBJECT: Acquisition of land for
Military Cemeteries.

Claims Commission and
Hiring Directorate (Br.),
H.Q., A.S.I. (Adm. Sch.),
OH/41/H/42.
5 Jun 44.

Dear Headquarters,
Allied Control Commission,
APO. 304,
Admin. Section.

FOR THE ATTENTION OF CHIEF OF STAFF, ADMIN. SECTION
AND MAJOR PEARSON, FOREIGN OFFICE SECTION.

1. I refer to the discussion on the above subject at your Headquarters on Friday, 2 Jun 44.
2. The attached memorandum is a review of that discussion and paragraph 7 indicates the procedure which would be agreeable to I.S.G.O., G.N. & E., and this Headquarters for the acquisition of expropriation of cemetery sites.
3. It would be appreciated if you could give us an indication as quickly as possible as to whether the procedure is acceptable to the Italian Government and ourselves.

/s/ J. Y. Littlewood
Major.
For H.Q. Hiring.

Copy to: - I.S.G.O. (For the attention of Lieut. Colonel MacDougall).
G.N. & E. (Telephone conversation Lieut. Colonel Lawson -
Major Littlewood refers).
War Diary.

COPY

CR/AL/B/42.

ACQUISITION OF LAND FOR MILITARY INSTALLATIONS.Report of Discussion held at Allied Control Commission (Beir)
on 2nd June 1944.

1. Present: Col. Cripps, Chief of Staff, Administrative Section, Allied Control Commission.
Lieut. Col. White, Staff Officer I, Administrative Section, Allied Control Commission.
Lieut. Col. Woodcock, Imperial War Graves Commission.
Major Pearson, Liaison Officer, Foreign Office Section, Allied Control Commission.
Major Middleton, D.A.D. Herts, A.A.I.
2. The purpose of the discussion was to try and arrange some method whereby the sites of permanent and completed cemeteries could be expropriated and title to the land in perpetuity vested in the Imperial War Graves Commission.
3. It was pointed out that all sites are being requisitioned as they are selected and our title secured thereby as an interim measure. Only a number of sites become permanent, and the balance will be derequisitioned when they cease to function.
4. It was established that the I.C.C. cannot take over a cemetery unless their title to the land has been ascertained.
5. The suggestion that all completed cemetery sites in Italy should be recorded, and expropriated at the end of the war under one decree was not acceptable as this would prohibit any action by I.C.C. until after that date.
6. The Foreign Office Section, I.C.C. agreed to ask the appropriate Ministry of the Italian Government to undertake the expropriation.
7. Subject to concurrence of Italian Government and I.C.C. it is suggested that the following procedure would operate in securing expropriation of sites:-
 - (a) S.A. & E., A.A.I., to inform the appropriate section of I.C.C. (copy to Herts Directorate, A.A.I.) when a specific site is completed, forwarding all plans necessary to enable I.C.C. to negotiate expropriation with Italian Government.
 - (b) I.C.C. to inform I.C.C. when title in perpetuity is obtained, copies to S.A. & E. and Herts Directorate. The latter would then terminate requisition.

5 Jun 44.

692

13.1

COPY

/dnd

SUBJECT: Acquisition of Land for
Military Cemeteries.

Clifton Cunningham and
Virinea Hirsotoreto (Br.),
H.Q., A.A.I. (Adm. Sec.),
38/41/W/42.
5 JUN 44.

Dear Headquarters,
Allied Control Commission,
c/o G.I.,
Admin. Section.

FOR THE ACQUISITION OF LAND BY THE U.S. ARMY
AND MARINE CORPS, FOREIGN SERVICE SECTION.

- 1. I refer to the discussion on the above subject at your head-
quarters on Friday, 2 Jun 44.
- 2. The attached memorandum is a result of that discussion and
paragraph 7 indicates the procedure which would be accessible to I.C.C.,
U.S. & M., and this Headquarters for the procurement of expropriation
of cemetery sites.
- 3. It would be appreciated if you could give us an indication as
quickly as possible as to whether the procedure is acceptable to the
Italian Government and ourselves.

/s/ J. V. Littlewood
Major.
for R.D. Hirsler.

Copy to: - I.C.C. (for the attention of Lieut. Colonel MacDougal).
G.I. & M. (Telephone conversation Lieut. Colonel Larson -
Major Littlewood refers).
War Diary.

C O P Y

R. OH/41/IV/42.

ACQUISITION OF LAND FOR MILITARY CEMETERIES.Report of Discussion held at Allied Control Commission (hear)
on 2nd June 1944.

1. Present: Col. Gripps, Chief of Staff, Administrative Section, Allied Control Commission,
 Lieut. Col. Hite, Chief Officer I, Administrative Section, Allied Control Commission.
 Lieut. Col. MacDougall, Imperial War Graves Commission.
 Major Pearson, Liaison Officer, Liaison Office Section, Allied Control Commission.
 Major Littlewood, C.A.S. Hixings, A.A.I.

2. The purpose of the discussion was to try and ascertain what action whereby the sites of proposed and completed cemeteries would be expropriated and title to the land in perpetuity vested in the Imperial War Graves Commission.

3. It was pointed out that all sites are being requisitioned as they are required and our title secured through an interim decree. Only a number of sites become permanent, and the balance will be requisitioned when they cease to function.

4. It was established that the I. W. G. cannot take over a cemetery unless their title to the land has been expropriated.

5. The suggestion that all expropriated cemetery sites in Italy should be recorded, and expropriated at the end of the war under one decree was not acceptable as this would prohibit any action by I. W. G. until after that date.

6. The Foreign Office Section, A.C.C. agreed to ask the appropriate Ministry of the Italian Government to initiate the expropriation.

7. Subject to concurrence of Italian Government and A.C.C. it is suggested that the following procedure would operate in regarding expropriation of sites:-

- (a) C.A.S. & H. A.A.I. to inform the appropriate section of A.C.C. (copy to Hixings Directorate, A.A.I.) when a specific site is completed, forwarding all plans necessary to enable A.C.C. to negotiate expropriation with Italian Government.
- (b) A.A.I. to inform I. W. G. when title in perpetuity is obtained, copies to C.A.S. & H. and Hixings Directorate. The latter would then terminate requisition.

8 Jun 44.

COPY

/end

SUBJECT: Acquisition of land for
Military Cemetery.

Claims Commission and
Military Directorate (Dr.),
H.S. 334 X. (Adm. Sec.).
W/41/H/48.
5 Jun 48.

near Headquarters,
Allied Control Commission,
A.C. 334,
Admin. Section.

FOR THE ATTENTION OF CHIEF OF STAFF, MILITARY SECTION
AND CHIEF SECTION, SERVICE CIVIL DIVISION.

- 1. I refer to the discussion on the above subject at your Headquarters on Friday, 2 Jun 48.
- 2. The attached memorandum is a summary of that discussion and paragraph 7 indicates the procedure which would be acceptable to I.C.C., U.S. & C., and this Headquarters for the procedure of expropriation of cemetery sites.
- 3. It would be appreciated if you could give us an indication as quickly as possible as to whether the procedure is acceptable to the Russian Government and ourselves.

/s/ J. T. Littlewood
Major.
for M.D. Kirins.

Copy for - I. 3342. (For the attention of Lieut. Colonel MacDougall),
G.S. & C. (Telephone conversation Lieut. Colonel Leason -
Major Littlewood refers).
M.D. Kirins.

SECRET

08/21/48.

ACQUISITION OF LAND FOR MILITARY PURPOSES.

Report of Discussion held at Allied Control Commission (ACC)
on 2nd June 1948.

- 1. Present: Col. Griggs, Chief of Staff, Administrative Section, Allied Control Commission.
 Lieut. Col. Bito, Staff Officer 1, Administrative Section, Allied Control Commission.
 Lieut. Col. Macdonald, Imperial War Graves Commission.
 Major Pearson, Liaison Officer, Foreign Office Section, Allied Control Commission.
 Major Pittwood, A.A.S. Stroud, A.A.I.

2. The purpose of the discussion was to try and arrange some method whereby the title of permanent and completed character could be expropriated and title to the land is perpetually vested in the Imperial War Graves Commission.

3. It was pointed out that all sites are being requisitioned as they are selected and our title becomes theirs as an interim measure. Only a number of sites become permanent, and the rest will be requisitioned when they come to function.

4. It was established that the I.W.G.C. cannot take over a cemetery unless their title to the land has been relinquished.

5. The suggestion that all completed cemetery sites in Italy should be recorded, and expropriated at the end of the war under one decree was not acceptable as this would involve any action by I. W.G.C. until after hostilities.

6. The Foreign Office Section, A.C.C. agreed to ask the appropriate Ministry of the Italian Government to authorize the expropriation.

7. Subject to concurrence of Italian Government and A.C.C. it is suggested that the following procedure should operate in recording expropriation of sites:-

- (a) I.W.G.C. to inform the appropriate section of A.C.C. (copy to Kings Directorate, A.A.I.) when a specific site is completed, forwarding all plans necessary to enable A.C.C. to negotiate expropriation with Italian Government.
- (b) A.C.C. to inform I.W.G.C. when title is perpetually obtained, copies to S.A. & S. and British Directorate. The latter would then terminate requisition.

11 Jun 48.

688

Hof

0091

JNE:
SR:

Major Pearson called to say that the following should be brought to Mr. Reber's attention for information:

In connection with the many-sided correspondence regarding War Graves in Italy, Sig. Prunas has sent a letter to Mr. Kirk asking what intentions the U.S. Government has in this respect.

Major Pearson wants it understood that our file on War Graves does not contain correspondence between Mr. Kirk and Sig. Prunas which may exist.

D.M.D.
19 June 1944

WJG
GSA

Handwritten notes:
~~File in sub~~
~~from ATHQ~~

0092

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 894

Reference #435

7 June 1944

TO: Mr. H. A. Jaccin, Political Section, HQ ACC, Naples.

SUBJECT: British War Graves

1. With reference to my memorandum No. 435 of 5 June I notice that Minister Prives in a memorandum (3875) of 4 June concurs on the subject to Mr. Kirk.

2. I am enclosing a copy of this memorandum for your information.

[Handwritten Signature]
J. H. PEARSON
Major
Political Section

685
686

COPY

R. MINISTERO
DELLI
AFFARI ESTERI
- 0 -

Salerno, 5 Giugno 1944

No. 3878

Dear Sir,

The Political Section of the A.C.C. has approached this Ministry in order to ascertain whether the Italian Government are willing to negotiate an agreement, similar to the Anglo-Italian one of May 11th, 1943, concerning British Military Detachments (copy of which I enclose).

Of course the answer to the Commission is basically and wholly in the affirmative. It has occurred to us, however, that in view of the particular questions that may arise in the future between the Italian Government and each Nation concerned, it would perhaps be more convenient if instead of entering into a general agreement with the United Nations as a whole, different ones were to be negotiated with each Nation whose soldiers have fallen on Italian soil during the present war.

Special agreements would also afford the possibility of dealing with the matter in a more detailed and personal manner. In particular, it would give great satisfaction to the Italian Government if they could enter into a special agreement with the United States of America with whom the traditional ties of friendship and mutual sympathy cannot but be strengthened and enhanced by the fact that American soldiers, many of them of Italian origin, are giving their lives in order that Italy be liberated.

I shall be very glad to hear your opinion on the matter.

Very cordially yours,

/s/ R. Prunas

Mr. Alexander Kirk,
United States Ambassador,
Advisory Council for Italy,
NAPLES.

encl.

685
684

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 334

5 June 1944

Reference #483

SUBJECT: British War Graves

TO : Mr. E. A. Caccia, Political Section, Hq ACC, Naples

1. Lieutenant Colonel G. J. McDougall has called upon me asking for assistance to enable the Imperial War Graves Commission of which he is the local member to start work.

It was explained by Major T. I. Littlewood (Hirings and Claims) who accompanied him that it was the practice of the Hirings and Claims Branch to requisition suitable sites from land owners near the battle fields and to secure their possession until the Imperial War Graves Commission should approve the site or ask for an alternative plot to be requisitioned. He was of opinion that his Branch would be prepared to take care of burial grounds and to hand them over to the Commission as completed cemeteries.

2. Colonel McDougall has instructions to take over the sites for maintenance, together with the registers of the buried, only when cemeteries are completed; and he wishes to assume responsibility only after certain formalities have been fulfilled. These include titles in perpetuity to the ground (and possibly its extraterritorialization) by the promulgation of the law continuing that (1926) of 11 July 1913 and by ~~law~~ continuance of the privileges granted under the Agreement of 11 May 1922 (copies enclosed and marked A and B).

3. The Italian Foreign Office has expressed its willingness to initiate legislation to give new life to this decree and to renew the agreement. I have asked Colonel Spjorn of the Legal Subcommittee if he recommends the insertion of other provisions (e.g. extraterritorialization) and for an assurance that (a) the new legislation will become applicable to all or any other parts of Italy when and as soon as they come under the administration of the present Italian Government, and (b) that the new Agreement (if necessary in his opinion) may safely be considered binding on the present Italian Government's successor. When I have your approval I would suggest asking the legal advisor to the Italian Foreign Office to hammer out with the Legal Subcommittee the provisions of the new decree and, if required, of a new Agreement.

483

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4. I understand the general commanding Polish troops in Italy has already made a request for possession of a plot of ground on Cassino Hill for a Polish cemetery, but this request did not include ownership. It would be relevant to ask if any procedure is contemplated in this regard by the U. S. Government, for I am informed by Colonel McDougall that the relatives of every American soldier have a constitutional right within a given period to remove his body for burial at home and therefore corpses are left for a reasonable time in temporary storage before interment. Possibly, through any similar agreement between the U. S. and Italian Governments should be established on a parallel basis, the State Department may prefer not to take action at the present time, but perhaps would prefer us in this particular to go ahead alone.

5. The present address of Lt. Colonel B. J. McDougall is Advanced U.S. G.R.M., Med. Pool, U.S.A. though he has an office in the Provincia Building, Naples, and a telephone number (999). That of Major J. I. Littlewood is Claims and Awards Branch, 13, AAF, Admin Section, C.M.F.

Copies of this letter have been sent to them for information.

[Signature]
J. H. PEARSON
Major
Political Section

There are cemeteries at Syracuse, Catania and Agira (Cassino) etc.

683

HEAD HEADQUARTERS
 ALLIED CONTROL COMMISSION
 APC 394

Reference #483

5 June 1944

SUBJECT: British War Graves

TO : Colonel G. H. Spohn, Legal Subcommittee, Room H4 ACB, Salerno.
 (Through VP, Administrative Section).

1. The Italian Foreign Office has expressed its willingness to initiate legislation to give new life to the provisions of Decree 886 of 11 July 1918 and to renew the agreement of 11 May 1922 between the British and Italian Governments. Copies of these are attached, *A and B.*

2. The drafts will of course be sent to you for revision before submission to Sir Noel Charles for approval. In the meantime the Political Section would like to know if you recommend the insertion of other provisions (e.g. extraterritorialization), and would be grateful for your assurance that:-

- (a) the new legislation will become applicable to all or any other parts of Italy when (and as soon as) they come under the administration of the present Italian Government, and
- (b) that the new agreement, if necessary in your opinion, may safely be considered binding on the present Italian Government's successor.


 J. H. PEARSON
 Major
 Political Section

682

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A

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1946. No. 148. Thursday July 11th. No. 148

No. 866. of the official record of laws and decrees of the Kingdom contains the following decrees.

FRANCESCO SERRAVALLO, MARSHAL OF ITALY
Lieutenant General to His Majesty
VITTORIO MANZONI III

by the Senate of the Nation and the will of the Nation.

THE KING

In virtue of the authority conferred to us;
In view of the wording of the authorizing law of August 1st, 1907 No. 888. the
police regulations affecting periods of July 28th 1902 to July 4th.
In view of the law of June 28th, 1905, No. 585, article 71, etc. with the con-
sent of the Council of Ministers;
On the proposition of the Minister Secretary of State for war, acting Minister
of Army and Armaments and in accordance with those of the Interior, Finance and
the Treasury;
Have decreed and decree:

Art. 1.

The State acquires at its expense the goods which are eventually be required for
the burial of the troops of the allied armies, who are killed from wounds or disease
during the war.

Art. 2.

Are also a charge to the State, the expenses for the construction, delimitation
and maintenance in perpetuity of ground used for military cemeteries, with
more, 1.

The maintenance of such cemeteries may nevertheless be confined to the territories
on whose territories they are situated, or any other regularly constituted asso-
ciation, if so requested.

The conditions relative thereto will be arranged between the Commune or associa-
tion and military authorities.

Art. 3.

The site for each cemetery in the locality selected by the Military Authority
interested shall be approved by a Decree of the President, with the consent of the
Municipal Council and after a favorable report of the Provincial Medical Officer
and the Medical Officer of the Council. No further formality will be required.

Art. 4.

Before carrying out expropriation the procedure will follow on the model of
Art. 71. and afterwards that of the law of June 28th, 1905 No. 585. - and the
declarations of urgency of the work will have the value of a declaration of public
utility.

Art. 5.

All the goods comprised in applications of the present decrees will be exempt from
stamp duty and will not be subject to the registration taxes or any duties con-
templated by the laws at present in force.

Art. 6.

With regard to any matters not disposed of in the present decrees there will be
observed the regulation relative to cemeteries in the military laws and in the
Police regulations affecting burial places July 28th, 1902 No. 443.

Art. 7.

0098

by the grace of God and the will of the action

In virtue of the authority delegated to us;
In view of the wording of the Charter, law of August 1st, 1897 No. 586, the
Police regulations on the burial of July 25th 1888, No. 448,
in view of the law of June 24th, 1905, No. 585, article 13, and the con-
sent of the Council of Ministers;
On the proposal of the Minister Secretary of State for War, acting Minister
of War and Militia and in accordance with those of the Interior, Finance and
the Economy;
Have decreed and signed:

Art. 1.
The same article of the law which provides for the requisition for
the burial of the troops of the Allied Powers, shall also apply to the troops
during the war.
Art. 2.
As a charge to the State, the expenses for the transportation, installation
and maintenance in captivity of troops used for military operations, shall
be borne by the Government of the respective countries to which they are sent,
in whose territories they are situated, or any other responsibility must be as-
signed, if so requested.
The conditions relative thereto will be arranged between the Committee of Associa-
tion and Military Authorities.

Art. 3.
The sites for such cemeteries in the territory selected by the Military Authority
interdicted will be approved by a decree of the Emperor, with the consent of the
Military Council and after a favourable report of the Principal Medical Officer
and the Medical Officer of the Council. No further formality will be required,
before carrying out operations the procedure will follow on the model of
Art. 71, and afterwards that of the law of June 24th, 1905 No. 585, - and the
declarations of urgency of the war will have the value of a declaration of public
utility.

Art. 4.
All the costs incurred in applications of the present decree will be exempt from
stamp duty and will not be subject to the registration taxes or any other con-
templated by the laws in present in force.

Art. 5.
With regard to any matters not determined in the present decree there will be
observed the regulation relative to cemeteries in the military law and in the
Police regulations affecting burial passed July 25th, 1888 No. 448.

Art. 6.
All cost of acquisition and of work carried out for the arrangements of the ceme-
teries will be paid for out of funds provided by the Chapter 104 fixed by the
Minister of War, and conditions for the period 1917-1918.

Art. 7.
With regard to the cost of maintenance this shall be defrayed from funds allot-
ted in para 7th, of the budget of the Minister of War, and conditions for the
period 1917-1918 and in corresponding articles for subsequent periods.

Art. 8.
The present decree which will be presented by Parliament to be converted into
law, will take effect the day following the publication of the Official Gazette
of the Kingdom.
The Minister, Secretary of State for War, and conditions will take the
necessary measures for its execution.

661

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The copies that the present device furnished with the seal of the State be furnished in the official record of laws and records of the Mission of Italy, failing on all concerned to carry it out and have it carried out.

Given in Rome the 14th day of June 1918.

MICHAEL J. LAYBY

Giuliano - Sisti - Napoli.

Seen

The Keeper of the Seal: Smechi.

103111

COPY

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1918. Date: Thursday, July 11th. No. 153

No. 855. of the official record of laws and decrees of the Kingdom contains the following decrees.

THE KING, LUIGI VIGNOLO
Lieutenant General to His Majesty
VITTORIO EMANUELE III

by the grace of God and the will of the Italian People

In virtue of the authority delegated to us:

In view of the wording of the military law of August 1st, 1907 No. 331. and police regulations affecting burials of July 25th 1902 No. 463. In view of the law of June 24th, 1905, No. 305B, article VI, etc. and the consent of the Council of Ministers;

On the proposition of the Minister, Secretary of State for the Interior, Minister of Army and Maritime and in accordance with those of the Interior, Finance and the Treasury;

Have decreed and decreed:

ART. 1.

The State requires of its citizens the services which may eventually be required for the burial of the troops of the allied armies, who may die from wounds or disease during the war.

ART. 2.

are also a charge to the State, the expenses for the occupations, delimitation and maintenance in suitability of ground used for military cemeteries, with their maintenance of such cemeteries may nevertheless be subjected to the Government in those territories they are situated, or any other regularly constituted authorities, if so requested.

The conditions relative thereto will be arranged between the Commune or Association and Military Authorities.

ART. 3.

The site for each cemetery in the locality indicated by the Military Authority interested will be approved by a decision of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Director of the Municipality. No further formality will be required.

ART. 4.

Before carrying out excavation the procedure will follow on the model of Art. VI. and afterwards that of the law of June 25th, 1905 No. 295B. and the declaration of urgency of the work will have the value of a declaration of public utility.

ART. 5.

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes in any action contemplated by the laws at present in force.

ART. 6.

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes in any action contemplated by the laws at present in force.

ART. 7.

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes in any action contemplated by the laws at present in force.

0101

In view of the authority delegated to us ;
 In view of the provisions of the Statute, Law of August 1st, 1939 No. 436. The
 police provisions affecting members of July 1939 No. 447.
 In view of the Law of June 24th, 1939, No. 352, article 17, etc. etc. the com-
 mand of the Council of Ministers
 On the suggestion of the Minister Secretary of State for the Interior, Finance and
 of the Ministry of the Interior, with those of the Minister of Finance and
 the Treasury
 have drafted and decreed:

Art. 1.
 The State will, at its expense, take the necessary measures to ensure that any equipment required for
 the service of the troops of the allied armies, who do not have means or resources
 during the war.

Art. 2.
 Are also subject to the State, the expenses for the operations, maintenance
 and maintenance in equipment of arms and for military exercises, etc.
 etc.

The interests of such operations are mentioned in articles 1 to 4 of the Decree of
 on the territories they are situated, or any other measures mentioned in the
 relation, if so requested.
 The conditions relating thereto will be arranged between the Council of Ministers
 and Military Authorities.

Art. 3.
 The site for such operations in the Territory selected by the Military Authority
 interested will be approved by a decree of the Council, with the consent of the
 Municipal Council and after a favorable report of the provincial Council Officer
 and the Medical Officer of the Council. In further conformity will be required.

Art. 4.
 Before carrying out appropriation the procedure will follow on the model of
 Art. 11, and afterwards that of the Law of June 24th, 1939 No. 352. and the
 declaration of urgency of the text will have the value of a declaration of public
 utility.

Art. 5.
 All the acts compiled in applications of the present decree will be exempt from
 stamp duty and will not be subject to the registration taxes or any other con-
 tributions by the time at present in force.

Art. 6.
 With regard to any matters not covered of in the present decree it will
 observed the regulation relative to exemptions in the military law and in the
 Police regulations affecting special places July 25th, 1939 No. 418.

Art. 7.
 All cost of acquisition and of work carried out for the arranging of the con-
 tributes will be paid for out of funds provided by the Chapter 100 fixed by the
 Minister of War, Arms and Munitions for the period 1937-1938.

Art. 8.
 With regard to the cost of maintenance this shall be delivered from funds allo-
 ted in para 72, of the Budget of the Minister of War, Arms and Munitions for the
 period 1937-1938 and in corresponding articles for subsequent periods.

Art. 9.
 The present decree which will be presented by Parliament to be converted into
 Law, will have effect the day following the publication of the official Gazette
 of the Kingdom.
 The Minister, Secretary of State for War, Arms and Munitions will have the
 necessary measures for issuing orders for its application.

It appears that the present scores furnished with the seal of the State be inserted in the official record of laws and decrees of the Kingdom of Italy, calling on all concerned to carry it out and have it carried out, given in Rome the third of June 1913.

MINISTRE DI GIUSTIZIA
MILANO - SIVEL - RIBELLI.

Seen
The Keeper of the seal: Scobbi.

020
010

C O P Y

OFFICIAL REPORTS OF THE HOUSE OF COMMONS

Year 1914. No. 153

No. 556. of the Official Reports of the House of Commons of the Kingdom containing the following Report.

THE HOUSE OF COMMONS,
MINISTERS GENERAL TO HIS MAJESTY
BY THE HOUSE OF COMMONS AND THE BILL OF THE HOUSE

In virtue of the authority do send to us ;
In view of the wording of the military law of August 1st. 1907 No. 586. the
police regulations affecting military law of July 26th 1908 No. 443.
In view of the law of June 28th, 1909, No. 255, article 71, etc. with the con-
sent of the Council of Ministers;
On the proposition of the Minister Secretary of State for War, being Minister
of Army and Ordnance and in accordance with clause of the Interim, Finance and
the Treasury;
Have discussed and approve:

The State requires in its interests the ^{Article} ~~State~~ which may eventually be required for
the benefit of the troops of the Allied armies, who may die from wounds or disease
during the war.

Are given a thumb to the State, the ^{Article} ~~State~~ for the occupations, collection
and maintenance in security of ^{Article} ~~State~~ for military necessities, vice

2020, 1.
The maintenance of such conditions may eventually be essential to the Government
on whose authorization they are situated, on any other particularly about total habi-
tation, if so requested.
The conditions relative thereto will be arranged between the Council of Adminis-
tration and Military Authorities.

The title for each company in the ^{Article} ~~State~~ enjoyed by the military authority
intended will be approved by a decree of the Council, with the consent of the
Military Council and after a favourable report of the principal medical officer
and the Medical Officer of the Council. No further formalities will be required.

Before carrying out authorization the procedure will follow on the model of
Art. 71. and otherwise that of the law of June 28th. 1909 No. 255. - and the
authorization of approval of the work will have the value of a declaration of public
utility.

All the rules supplied in application of the present decree will be exempt from
stamp duty and will not be subject to the registration taxes or any other con-
templated by the laws at present in force.

With respect to any matters not disposed of in the present decree there will be
observed the regulation relative to conscription in the military laws and in the
Police regulations affecting military law of July 26th. 1908 No. 443.
679

1000

It is noted that the present covers furnished with the seal of the State be inserted in the official record of laws and decrees of the Kingdom of Italy, calling on all concerned to verify it and have it certified out.

Done in Rome the 24th day of June 1916.

FRANCESCO CRISPIAN
Vice-President of the Council of Ministers

Done:
The Emperor of the Austro-Hungarian Empire

213
213

by the Senate of the United States of America

in the exercise of the authority vested in me by the President of the United States, I hereby certify that the following is a true and correct copy of the original of the same as the same appears in the files of the Department of the Interior, Bureau of Land Management, Washington, D.C.

The title of the bill is: Public Law 85-625
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The bill is: Public Law 85-625
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The title of the bill is: Public Law 85-626
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The title of the bill is: Public Law 85-627
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The title of the bill is: Public Law 85-628
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

678

The title of the bill is: Public Law 85-629
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The title of the bill is: Public Law 85-630
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The title of the bill is: Public Law 85-631
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

The title of the bill is: Public Law 85-632
An Act to amend the National Park System, to provide for the acquisition of certain lands, and for other purposes.

1/11

to check that the present device furnished with the seal of the State be inserted
in the official record of laws and decrees of the Kingdom of Italy, calling on
all concerned to carry it out and have it carried out.

Giuseppe ...
Giuseppe ...

The Emperor of the Seal: ...

87878

B.

Agreement between the British Government and the Italian Government,
on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honour the memory of British soldiers who have fallen in the field of battle in Italian territory, have agreed as follows:

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is recognised by the Italian Government as the sole official organisation charged with the care of British military graves in Italy.

ARTICLE 2. Included among the British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the provincial and municipal authorities to ensure the rest of the necessary authorisations for the exhumation and transport of bodies to the military cemeteries.

It, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being reinterred shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognised the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Viso-regal Decree of 20th of the 2nd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to subject the persons in charge of them.

The Commission is further authorised to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the erection of a monument representative of a feet of arms of the British Army or of any of its units shall only be granted

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only official organization charged with the care of British military graves in Italy.

ARTICLE 2. Isolated parts of British soldiers as well as those situated in cemeteries which it is desired not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Prefectural and Municipal authorities to ensure the care of the necessary authorities for the execution and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The execution of the wishes of British soldiers for the purposes of being reburied shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognized the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 896 of the third June 1918 and to provide at its own charge for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorized to direct British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make alterations in them, to enact regulations governing visits to the cemeteries and to assist the persons to take charge of them.

The Commission is further authorized to provide for the laying out of British military graves in cemeteries belonging to the Italian Army which contain the graves of the British Army as well as graves of the Allies of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the erection of a monument commemorative of the part of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a Committee charged with the duty of maintaining official relations with the Italian authorities, and authorized to exercise in the Commission's name the rights accorded to the latter by the present agreement.

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The Commission may, in the name of the Commission and within the limits of the powers delegated to it, take all measures which it considers necessary for the achievement of its objects.

Article 7. The Committee shall be composed of 15 members (4 honorary members and 11 official members) half Italian and half British. The Italian members shall be proposed by the Italian Government and, in like manner as their British colleagues, be elected by the Imperial Commission.

The proposal of the Italian Government shall take place through the diplomatic channel.

The Italian honorary members shall be chosen from persons who have won distinction in the army, the navy, in letters, science and the arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a General Officer of the General Staff, a Senior Officer of the Military Engineers (Genio Militare), a Senior Officer of the Army Medical Service (Sanita Militare), an official of the Public Health Service, an official of the Ministry of the Interior, the sixth shall be a Magistrate.

The honorary members and the Magistrate shall be appointed for three years and their appointments shall be capable of renewal.

The official members shall be appointed in the manner they see fit and shall cease to form part of the Committee the day they lose the qualification to which they are their appointment.

The Imperial Commission shall select the Secretary-General of the Mixed Committee.

Article 8. In exercising the rights conferred by the present Agreement the Imperial War Graves Commission shall conform strictly to Italian laws and regulations.

In witness whereof, the undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals.

Rome, in duplicate, the 11th May 1928.

(S.S.) EMILIO GREGORI

(S.S.) GIULIO GASTALDI

Agreement between the Italian Government and the Italian Government,
on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honour the memory of British soldiers who have fallen in the field of battle in Italian territory, have agreed as follows:

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is recognised by the Italian Government as the sole official organization charged with the care of British military graves in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to relocate in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Provincial and Municipal authorities to ensure the part of the necessary authorisations for the excavation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The execution of the bodies of British soldiers for the purpose of being reburied shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Decree of the Fascist Council No. 885 of the 11th June 1925 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorised to allow British military cemeteries, to lay them out on a scale approved by itself, to erect in them memorial monuments, to make alterations in them, to amend regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorized to provide for the care of isolated military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a certain system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the creation of a cemetery representative of the British Army or of one of its units shall only be accorded with the agreement of the Imperial War Graves Commission.

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Charter of the 10th May 1947, is recognized by the Italian Government as the sole official commission charged with the care of British military graves in Italy.

ARTICLE 2. The Imperial War Graves Commission shall have the same powers in Italy as those granted in the Charter which it is entitled to exercise in conformity with its powers and functions in other military cemeteries.

The Imperial War Graves Commission shall exercise such powers and functions as to be determined.

The Italian Government shall give the necessary instructions to the Prefectural and Municipal authorities to ensure the fulfilment of the necessary administrative functions for the execution and transport of bodies to the military cemeteries.

If, with a view to maintaining isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The execution of the bodies of British soldiers for the purpose of being reinterred shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognizes the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 896 of the 24th June 1943 and to provide at its own charge for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorized to employ British military employees, to lay them out on a system approved by itself, to erect in their respective cemeteries, to make alterations in them, to erect regulations governing visits to the cemeteries and to subject the persons to take charge of them.

The Commission is further authorized to provide for the supply and of British military graves in cemeteries belonging to the Italian State which contain the graves of the British army as well as graves of the members of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a certain system of laying out should be adopted for a given cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the creation of a permanent representative of the Imperial War Graves Commission in Italy shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a Committee charged with the duty of maintaining friendly relations with the Italian authorities, and authorized to exercise in the Commission's name the rights accorded to the latter by the present Agreement.

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The Committee may, in the case of the nomination and within the limits of the powers delegated to it, take all measures which it deems necessary for the achievement of its objects.

Article 7. The Committee shall be composed of its members in honorary membership and its official members (one Italian and four British). The Italian member shall be proposed by the Italian Government and, in like manner as their British colleagues, appointed by the Imperial Commission.

The proposal of the Italian member shall take place through the Italian ambassador.

The Italian honorary members shall be chosen from persons who have acquired distinction in the Army, the Navy, in Letters, Science and the Arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a General Officer of the General Staff, a Senior Officer of the Military Engineers (Genio Militare), a Senior Officer of the Army Medical Service (Sanita Militare), an official of the Public Health Service, an official of the Ministry of the Interior, the first shall be a layman.

The honorary members and the layman shall be appointed for three years and their appointments shall be capable of renewal.

The official members shall be appointed at the moment they assume office and shall serve to the end of the Committee the day they lose the qualification to which they are their appointments.

The Imperial Commission shall select the secretary-general of the said Committee.

Article 8. In exercising the rights conferred by the present Agreement the Imperial War Graves Commission shall conform strictly to Italian laws and regulations.

In witness whereof, the undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals.

Done at Rome, in duplicate, the 11th day 1925.

(I.I.) OFFICIAL MEMBER
(I.S.) SECRETARY GENERAL

agreement between the British Government and the Italian Government,

on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honor the memory of the British soldiers who were killed by the Axis powers in Italian territory, have agreed as follows:

Article 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is authorized by the Italian Government as the sole official organization charged with the care of British military graves in Italy.

Article 2. Isolated groups of British soldiers as well as those situated in quarters which it is desired not to disturb in respect of health and convenience shall be transferred into other military quarters.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Provincial and Municipal authorities to ensure the most of the necessary authorities for the excavation and transport of bodies to the military cemeteries.

If, with a view to maintaining facilities, graves, the Imperial War Graves Commission should consider it necessary to force new cemeteries, the Commission shall formulate its request to the Italian Government.

Article 3. The execution of the wishes of British soldiers for the purpose of being reburied shall only take place after preliminary agreement between the two Governments concerned.

Article 4. At the request of the Italian Government, the Italian Government recognizes the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the 15th-16th Articles No. 856 of the 1938 Law which provide of its own charges for the laying out of the cemeteries and cemeteries.

The Imperial War Graves Commission is accordingly authorized to direct British military cemeteries, to lay them out on a system approved by itself, to erect in them memorial monuments, to make plantations in them, to erect regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorized to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. The Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a given cemetery, it shall submit its proposals to the competent Italian authority.

Article 5. Authority for the erection of a monument commemorating the fallen of any of the British Army or of one of its units shall only be accorded by the

Chapter of the 16th day 1937, is recognized by the Italian Government as the sole official organization charged with the care of British military graves in Italy.

Article 4. The Italian Government shall provide all facilities available as those stipulated in the present agreement, and shall ensure that the same shall be reserved for the use of the British military authorities.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Imperial War Graves Commission to ensure the care of the necessary authorities for the excavation and transport of bodies to the military cemeteries.

It is understood that the Imperial War Graves Commission, the Imperial War Graves Commission shall be responsible for the maintenance of the cemeteries, the Imperial War Graves Commission shall be responsible for the maintenance of the cemeteries, the Imperial War Graves Commission shall be responsible for the maintenance of the cemeteries.

Article 5. The Imperial War Graves Commission shall only have the right to excavate and transport the remains of British soldiers for the purpose of their identification only after preliminary agreement between the two Governments concerned.

Article 6. At the request of the Italian Government, the Imperial War Graves Commission shall ensure the maintenance of the British graves in Italy, in accordance with the provisions of the 1937 Agreement. The Imperial War Graves Commission shall be responsible for the maintenance of the graves, the Imperial War Graves Commission shall be responsible for the maintenance of the graves, the Imperial War Graves Commission shall be responsible for the maintenance of the graves.

The Imperial War Graves Commission is hereby authorized to employ British military technicians, to be taken out on a system approved by itself, to assist in the archaeological excavations, to take plantations in Italy, to ensure regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorized to provide for the taking out of British military graves in connection with the Italian graves which contain the remains of the British Army as well as graves of the British Army of the Middle East. When the Imperial War Graves Commission considers it desirable to submit its proposals to the Imperial War Graves Commission, it shall submit its proposals to the Imperial War Graves Commission.

Article 7. Authority for the erection of a monument commemorating a war or the British Army or of one of its units shall only be given with the concurrence of the Imperial War Graves Commission.

Article 8. The Imperial Commission shall be represented in Italy by a Commission charged with the duty of maintaining official relations with the Italian authorities, and authorized to exercise in the Commission's name the rights accorded to the latter by the present agreement.

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The Committee may, in the name of the Commission and within the limits of the power delegated to it, take all measures which it considers necessary for the achievement of its objects.

Article 7. The Committee shall be composed of 16 members (4 honorary members and 12 official members) half Italian and half British. The Italian member shall be proposed by the Italian Government and, in like manner as their British colleagues, appointed by the Special Commission.

The proposal of the Italian member shall pass through the diplomatic Channel.

The Italian honorary members shall be chosen from persons who have won distinction in the Army, the Navy, the Air, Science and the Arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a General Officer of the Royal Army, a Senior Officer of the Military Engineering (Arma Militare), a Senior Officer of the Army Medical Service (Arma Militare), an official of the Public Health Service, an official of the Ministry of the Interior, the sixth shall be a Magistrate.

The honorary members and the Magistrate shall be appointed for three years and their appointments shall be renewable.

The official members shall be appointed at the moment they assume office and shall cease to form part of the Committee the day they cease to fulfil the function to which they are appointed.

The Special Commission shall advise the Secretary-General of the Mixed Committee.

Article 8. In exercise of the rights conferred by the present Agreement the Special Commission shall confer directly to Italian laws and regulations.

In witness whereof, the undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals.

Done at Rome, in duplicate, the 11th day 1952.

(Left) ROBERT M. STANLEY

(Left) ROBERTO LORENZINI

Agreement between the British Government and the Italian Government,
on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honor the brave British soldiers who have fallen in the fields of Italy in Italian territory, have agreed as follows:

Article 1. The Imperial War Graves Commission, incorporated by Royal Charter on the 10th May 1917, is recognized by the Italian Government as the sole official organization charged with the care of British military graves in Italy.

Article 2. The Imperial War Graves Commission shall on those situations in circumstances which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Civil and Municipal authorities to secure the most of the necessary authorizations for the excavation and transport of bodies to the military cemeteries.

It, with a view to maintaining in Italy, under the Imperial War Graves Commission should consider it necessary to take any measures, the maintenance shall facilitate its request to the Italian Government.

Article 3. The acquisition of the bodies of British soldiers for the purpose of being repatriated shall only take place after preliminary agreement between the two Governments concerned.

Article 4. At the request of the British Government, the Italian Government recognized the right of the Imperial War Graves Commission to excavate the uninterred of the British graves and exhumation, in accordance with the provisions of the Visiting Service No. 896 of the 20th June 1919 and to provide at its own charges for the laying out of the said graves and exhumation.

The Imperial War Graves Commission is accordingly authorized to direct British military cemeteries, to lay them out on a system approved by itself, to erect in their respective countries, in such plantations in trees, to erect regulations governing visits to the cemeteries and to select the persons in charge of them.

The Commission is further authorized to provide for the laying out of British military graves in countries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a certain system of laying out should be adopted for a given cemetery, it shall submit the proposals to the nearest Italian authority.

Article 5. Authority for the erection of a monument commemorative of the British Army or of one of its units shall only be granted

included above or which would be included in any other document which is being furnished to the Italian Government in connection with the present agreement.

The details of the proposed military operations shall be decided by the Italian Government.

The Italian Government shall give the necessary instructions to the Italian military authorities in relation to the operations mentioned in the present agreement and to the necessary military operations.

It is agreed that the necessary instructions shall be given to the Italian military authorities in connection with the operations mentioned in the present agreement.

The execution of the present agreement shall be subject to the necessary instructions given by the Italian Government.

As the subject of the present agreement, the Italian Government recognizes the right of the Italian Government to exercise the jurisdiction of the Italian Government in connection with the operations mentioned in the present agreement and to the necessary military operations.

The Italian Government recognizes the right of the Italian Government to exercise the jurisdiction of the Italian Government in connection with the operations mentioned in the present agreement and to the necessary military operations.

The Italian Government recognizes the right of the Italian Government to exercise the jurisdiction of the Italian Government in connection with the operations mentioned in the present agreement and to the necessary military operations.

The Italian Government recognizes the right of the Italian Government to exercise the jurisdiction of the Italian Government in connection with the operations mentioned in the present agreement and to the necessary military operations.

The Italian Government recognizes the right of the Italian Government to exercise the jurisdiction of the Italian Government in connection with the operations mentioned in the present agreement and to the necessary military operations.

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The Committee may, in the case of the Committee and within the limits of the powers delegated to it, take all measures which it considers necessary for the achievement of its objects.

Article 7. The Committee shall be composed of 10 members (4 honorary members and 6 official members) both Italian and half Italian. The Italian members shall be proposed by the Italian Government and, in the event of their official colleagues, be elected by the majority of the Italian electorate.

The proposals of the Italian members shall take precedence over the diplomatic channel.

The Italian honorary members shall be chosen from persons who have no distinction in the city, the army, in letters, science and the arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a honorary officer of the general staff, a senior officer of the military academy (Accademia Militare), a senior officer of the Army Social Service (Servizio Sociale), an official of the Public Health Service, an official of the Ministry of the Interior, the chief of a magistrature.

The honorary members and the magistrature shall be appointed for three years and their appointments shall be renewable.

The official members shall be appointed in the event they assume office and shall remain in force until the Committee has taken the qualification in which they are their appointment.

The Italian Commission shall have the honorary members of the Mixed Committee.

Article 8. In exercising the rights conferred by the present agreement the Committee for Franco-Italian relations shall conduct strictly to Italian laws and regulations.

In witness whereof, the undersigned, duly authorized to that effect, have drawn up the present agreement, and have affixed thereto their seals.

Done at Rome, in duplicate, the 11th day 1958.

(S.S.) [Signature]

(S.S.) [Signature]

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C O P Y

R E S T R I C T E D

HEADQUARTERS SERVICES OF SUPPLY
NORTH AFRICAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 750

13 December 1943

CIRCULAR)
:
NUMBER 71)

ACQUISITION OF RIGHTS TO USE OF LAND
FOR U.S. MILITARY CEMETERIES

1. Pursuant to AR 30-1840, permanent (National) cemeteries are established only under orders of the Secretary of War when empowered by act of Congress. Deceased presently interred in temporary cemeteries may be removed to the United States or be interred in National Cemeteries to be established after cessation of hostilities. Accordingly, land occupied by the cemeteries which now exist within the Theater is not to be purchased. It is necessary, however, that the right to use of the land for cemeterial purposes be secured.

2. The acquisition of rights to the use of land is an Engineer function. Graves Registration Service and Quartermaster representatives shall not enter into direct negotiation with landowners, their representatives, or members of the civil government. The Graves Registration Service and Quartermaster fulfill their obligation by making proper request upon the area Engineer to secure the desired rights to use of land--in the same manner as rights are obtained to property for any other purpose.

3. It is desired that rights for the use of land for cemeterial purposes, including access roads, be secured for all cemeteries established by U.S. Forces within the Base Sections; these rights to be secured by written request upon the Base Section Engineer. The request in each instance should contain:

- a. Statement that property is desired for cemeterial purposes for an indefinite period.
- b. Location of the property by street numbers or coordinates.
- c. Name and address of owner (if known).

The Graves Registration Service should be prepared to furnish a guide to enable the Engineer to determine the metes and bounds of property desired. A copy of each accomplished requisition will be furnished SOS NATOUSA for files of the Graves Registration Service.

4. Before abandonment, the Graves Registration Service shall notify the Base Section Engineer in writing that use of land for cemeterial purposes is to be discontinued. Wherever practicable, at least thirty (30) days notice shall be given. The Graves Registration Service shall solicit the instructions of the Base Section Engineer with respect to restoration of land, removal of structures, etc. A copy of each notice of abandonment will be furnished SOS NATOUSA for files of the Graves Registration Service.

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W/S

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By command of Major General LARKIN:

MORRIS W. GILLAND
Colonel, G.S.C.,
Chief of Staff

RESTRICTED

HEADQUARTERS SERVICES OF SUPPLY
NORTH AMERICAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 750

18 December 1943

MEMORANDUM)
FOR THE RECORD)

ACQUISITION OF RIGHTS TO USE OF LAND
FOR U.S. MILITARY PURPOSES

1. Pursuant to AR 30-1942, permanent (national) cemeteries are established only under orders of the Secretary of War when approved by act of Congress. Deceased personnel presently interred in temporary cemeteries may be removed to the United States or be interred in National Cemeteries to be established after cessation of hostilities. Accordingly, land occupied by the cemetery which was seized within the Theater is not to be purchased. It is necessary, however, that the right to use of the land for cemetery purposes be secured.

2. The acquisition of rights to the use of land is an Engineer function. Graves Registration Service and Quartermaster representatives shall not enter into direct negotiation with landowners, their representatives, or members of the civil government. The Graves Registration Service and Quartermaster fulfill their obligation by making proper request upon the Area Engineer to secure the desired rights to use of land--in the same manner as rights are obtained to property for any other purpose.

3. It is desired that rights for the use of land for cemetery purposes, including access roads, be secured for all cemeteries established by U.S. Forces within the Base Section; these rights are to be secured by written request upon the Base Section Engineer. The request in each instance should contain:

- a. Statement that property is desired for cemetery purposes for an indefinite period.
- b. Location of the property by street numbers or coordinates.
- c. Name and address of owner (if known).

The Graves Registration Service should be prepared to furnish a guide to enable the engineer to determine the sites and bounds of property desired. A copy of each Engineer's requisition will be furnished WOS MATRONS for files of the Graves Registration Service.

4. Before abandonment, the Graves Registration Service shall notify the Base Section Engineer in writing that use of land for cemetery purposes is to be discontinued. Wherever practicable, at least thirty (30) days notice shall be given. The Graves Registration Service shall solicit the instructions of the Base Section Engineer with respect to restoration of land, removal of structures, etc. A copy of each notice of abandonment will be furnished WOS MATRONS for files of the Graves Registration Service.

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By command of Major General LAUTIN:

MORRIS W. GILLAND
Colonel, G.S.C.,
Chief of Staff

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Military Graves

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File*

HEADQUARTERS ALLIED CONTROL COMMISSION

APO 394

June 7, 1944.

MEMORANDUM TO: Graves Registration, G.M.S., P.D.S.

FROM: Political Section, A.C.C.

SUBJECT: Military Graves in Italy.

1. It would be appreciated if you would provide information as to the procedure now followed by the United States Military authorities in Italy for obtaining and maintaining grave sites, with a reference to the basic instructions upon which that procedure is based.

2. The question has arisen in connection with the position of the United States Government in regard to earlier international agreements covering American military graves in Italy.

(M. H. ...)
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*cc: G.S. Representative ...
British H.C.*

Col Mc Dougall here on
inst. of I W G C.

wants take over sites from
mil authorities soon as

- (a) the sites are, ^{well} under way
- (b) the title to land in perpetuity
is assured.

re (b) had not realized ACC
part. I assured him would expedite
request for inst. a.

Ref No. T/I.

Imperial War Graves Commission.
 c/o Adv H.Q G.R. & F.
 Med Pool. C.M.F.
 12 June 1 4.

Political Section.
 Rear Headquarters.
 Allied Control Commission.
 A.P.C 394.

Ref your letter No 483 of 5 June 44, addressed to Mr H.A. Caccia,
 Political Section, H.Q A.C.C Naples, copy to me.

I feel that the policy with regard to the burial of
 American soldiers as described by you in para 4, is not quite in ~~acc~~
 accordance with conversation.

our
 ^ It was not my intention to convey the impression
 that the corpses were left ~~for~~ for a reasonable time in temporary
 storage before interment, because I am of the opinion that burials
 are made direct as far as possible into selected Cemetery Sites.

I would also like to make it clear that it is only my
 belief that the relatives of a soldier can claim the body for
 burial at home.

It is I presume because of this last possibility that
 the need for acquiring Cemetery Sites in perpetuity by the U.S. ~~##~~
 Government is less essential at this stage, than in the case of
 British Cemeteries, which will be permanent.

May I please amend para 5, in that my Office is in the ~~Vitt~~
 Volturno Building Naples, and the telephone number is Vapor 99.

J. H. C. B. Gall

Lieut Colonel.
 Inspector I.W.G.C.
 Italy Sicily and Sardinia.

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HEADQUARTERS
~~XX~~
AFO 7B2 U. S. ARMY
PENINSULAR BASE SECTION
INTER-OFFICE MEMO

Pol Sec
V-1116

AG _____

CLASSIFICATION Restricted

SUBJECT Acquisition of Land for Cemeteries

INSTRUCTIONS FOR USE

- a. This sheet will remain attached to all papers bearing on this subject.
- b. Reverse side may be used if necessary.
- c. Notes will be numbered consecutively, in space provided, to completion of action.
- d. Full width of sheet may be employed with separating line drawn below each memo.
- e. HAS THIS MATTER BEEN COORDINATED WITH ALL SECTIONS CONCERNED? _____

No.	Date	From	To
1	14 June 1944	GRO-PBS <i>Value 205</i>	Political Section ACC

HEADQUARTERS
15 JUN 1944
A. C. C.

1. Acquisition of land for burial sites is a function of the Base Section Engineer, upon request of the Graves Registration Service, as provided by MATOUSA circular Number 71, 13 Dec. 1943
2. Maintenance of grave sites and cemeteries is a QM function under the technical direction of the Graves Registration Service.

JPM
JPM/GRO

1 Incl

HEADQUARTERS ALLIED CONTROL COMMISSION

APO 394

June 7, 1944.

MEMORANDUM TO: Graves Registration, Q.M.S., P.B.S.

FROM: Political Section, A.C.C.

SUBJECT: Military Graves in Italy.

1. It would be appreciated if you would provide information as to the procedure now followed by the United States Military authorities in Italy for obtaining and maintaining grave sites, with a reference to the basic instructions upon which that procedure is based.

2. The question has arisen in connection with the position of the United States Government in regard to earlier international agreements covering American military graves in Italy.

R. G. M. S.
Col. A. U. S.

Col. Pearson

MEMORANDUM

RE: Military Graves in Italy

Comment on Major Pearson's letter 483 of 5 June 1944.

- 1. Who has instructed Colonel McDougall to proceed as in paragraph 2?*
- 2. To whom has Italian Foreign Office "expressed willingness to initiate legislation..and to renew the Agreement" of 11 May 1922 with H. B. M. Government? (paragraph 3)**
- 3. I doubt that the Legal Sub-Commission should do other than "recommend" as contemplated in paragraph 3.
- 4. The Italian Foreign Office and Legal Sub-Commission should not try to "hammer out" anything in the way of an agreement between the Italian Government and H.B.M. Government before London and Washington have issued their instructions.
- 5. Meanwhile I shall try to ascertain ~~the views of the local military authorities, and any other views~~ ⁽²⁾ the views of the United States Government.

J. H. G.
Joseph H. Greene, Jr.

* Maj. Pearson says he has a letter from the Foreign Office
** all first sentence of Pearson's letter to A. Kirtle of 6 June

copy of file have been checked. Pearson's letter to Kirtle

*6/16 the hospital finally contacted
& my instructions are from
I.M.G.C. 1/14 contacted A.C.C.
through him to London
Pearson.*

0129

cc made for
Kirk, Charles-K.

Mr. Greene

HEADQUARTERS
ARMIES CONTROL COMMISSION
AFC 394

See page 2. Have you
any comments please?

I propose to show this to
Mr. Halliday
5 June 1944
WJH
6/6

Reference 483

SUBJECT: British War Graves

TO : Mr. H. A. Caccia, Political Section, Hq ACC, Naples

1. Lieutenant Colonel A. J. McDougall was called upon to ask for assistance to enable the Imperial War Graves Commission, of which he is the local member, to start work.

It was explained by Mr. J. I. Littlewood (Hirings and Claims) who accompanied him that it was the practice of the Hirings and Claims Branch to requisition suitable sites from land-owners near the battle fields and to secure their possession until the Imperial War Graves Commission should approve the site or ask for an alternative plot to be requisitioned. He was of opinion that his Branch would be prepared to take care of burial grounds and to hand them over to the Commission as completed cemeteries.

2. Colonel McDougall has instructions to take over the sites for maintenance, together with the registers of the buried, only when cemeteries are completed: and he wishes to assume responsibility only after certain formalities have been fulfilled. These include titles in perpetuity to the ground (and possibly its extraterritoriality) by the promulgation of the law continuing that (1916) of 11 July 1918 and by ~~issuing~~ continuance of the privileges granted under the Agreement of 13 May 1922 (copies inclosed and marked A and B).

3. The Italian Foreign Office has expressed its willingness to initiate legislation to give new life to this decree and to renew the Agreement. I have asked Colonel Upjohn of the Legal Subcommission if he recommends the insertion of other provisions (e.g. extraterritoriality) and for an assurance that (a) the new legislation will become applicable to all or any other parts of Italy when and as soon as they come under the administration of the present Italian Government, and (b) that the new Agreement (if necessary in his opinion) may safely be considered binding on the present Italian Government's successor. When I have your approval, I would suggest asking the legal advisor to the Italian Foreign Office to hammer out with the Legal Subcommission the provisions of the new decree and, if required, of a new Agreement.

662

4. I understand the general commanding Polish troops in Italy has already made a request for possession of a plot of ground on Cassino Hill for a Polish cemetery, but this request did not include ownership. It would be relevant to ask if any procedure is contemplated in this regard by the U. S. Government, for I am informed by Colonel McDougall that the relatives of every American Soldier have a constitutional right within a given period to remove his body for burial at home and therefore corpses are left for a reasonable time in temporary storage before interment. Possibly, though any similar agreement between the U. S. and Italian Governments should be established on a paralled basis, the State Department may prefer not to take action at the present time, but perhaps would prefer us in this particular to go ahead alone.

5. The present address of Lt. Colonel W. J. McDougall is Advance H.Q., S.R.M., Med. Pool, C.M.F. though he has an office in the Provincia Building, Naples, and a telephone number (292). That of Major J. I. Littlewood is Claims and Hirings Branch, HQ AAI, Admin Echelon, C.M.F.

Copies of this letter have been sent to them for information.

J. N. PEARSON
Major
Political Section

I am asking Mr. [unclear] here for their comments & then will suggest instructions. Will you please see Mr. [unclear], please, and bring to his attention my comments attached - which I should be glad to discuss with him.

*done 6/24/53
J.P.*

661

0131

A.

COPY

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1918. Rome - Thursday July 11th. No. 163

No. 296. of the official record of laws and decrees of the Kingdom contains the following decree.

THOMAS OF SAVOY, DUKE OF GENOVA
Lieutenant General to His Majesty
VITTORIO EMANUELE III
by the grace of God and the will of the Nation
KING OF ITALY

In virtue of the authority delegated to us ;
In view of the wording of the sanitary law of August 1st. 1907 No. 636. the police regulations affecting burials of July 25th 1892 No. 448. in view of the law of June 25th, 1865, No. 2359, article 71, etc. with the consent of the Council of Ministers;

On the proposition of the Minister Secretary of State for War, acting Minister of Army and Munitions and in accordance with those of the Interior, Finance and the Treasury;

Have decreed and decree:

Art.1.
The State acquire at its expense the ground which may eventually be required for the burial of the troops of the Allied Armies, who may die from wounds or disease during the war.

Art.2.
Are also a charge to the State, the expenses for the occupations, delimitation and maintenance in perpetuity of ground used for military cemeteries, vide pare. 1.
The maintenance of such cemeteries may nevertheless be confined to the Communes on whose territories they are situated, or any other regularly constituted Association, if so requested.
The conditions relative thereto will be arranged between the Commune or Association and Military Authorities.

Art.3.
The site for each cemetery in the locality selected by the Military Authority interested will be approved by a Decree of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Officer of the Council. No further formality will be required.

Art.4.
Before carrying out expropriation the procedure will follow on the model of Art. 71. and afterwards that of the Law of June 25th. 1865 No. 2359. - and the declaration of urgency of the work will have the value of a declaration of public utility.

Art.5.
All the acts compiled in applications of the present decrees will be exempt from stamp duty and will not be subject to the registration taxes or any duties contemplated by the laws at present in force.

Art.6.
With regard to any matters not disposed of in the present decrees there will be observed the regulation relative to cemeteries in the sanitary laws and Police regulations affecting burial places July 25th. 1892 No. 448.

Art.7.

1660

by the grace of God and the will of the Nation

KING OF ITALY

In virtue of the authority delegated to us ;

In view of the wording of the sanitary law of August 1st. 1907 No. 636. the police regulations affecting burials of July 25th 1892 No. 443.

In view of the law of June 25th. 1865, No. 3559, article 71, etc. with the consent of the Council of Ministers;

On the proposition of the Minister Secretary of State for War, voting Minister of Army and Munitions and in accordance with those of the Interior, Finance and the Treasury;

Have decreed and decree:

Art. 1.

The State acquire at its expense the ground which may eventually be required for the burial of the troops of the Allied Armies, who may die from wounds or disease during the war.

Art. 2.

Are also a charge to the State, the expenses for the occupations, delimitation and maintenance in perpetuity of ground used for military cemeteries, vide para. 1.

The maintenance of such cemeteries may nevertheless be confided to the Communes in whose territories they are situated, or any other regularly constituted Association, if so requested.

The conditions relative thereto will be arranged between the Commune or Association and Military Authorities.

Art. 3.

The site for each cemetery in the locality selected by the Military Authority interested will be approved by a Decree of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Officer of the Council. No further formality will be required.

Art. 4.

Before carrying out expropriation the procedure will follow on the model of Art. 71. and afterwards that of the law of June 25th. 1865 No. 2359. - and the declaration of urgency of the work will have the value of a declaration of public utility.

Art. 5.

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes or any duties contemplated by the laws at present in force.

Art. 6.

With regard to any matters not disposed of in the present decree there will be observed the regulation relative to cemeteries in the sanitary laws and Police regulations affecting burial places July 25th. 1892 No. 443. **660**

Art. 7.

All cost of acquisition and of work carried out for the arranging of the cemeteries will be paid for out of funds provided by the chapter 100 fixed by the Minister of War, Arms and Munitions for the period 1917-1918.

Art. 8.

With regard to the cost of maintenance this shall be defrayed from funds allocated in para 75. of the Budget of the Minister of War, Arms and Munitions for the period 1917-1918 and in corresponding articles for subsequent period.

Art. 9.

The present decree which will be presented by Parliament to be converted into law, will take effect the day following the publications of the Official Gazette of the Kingdom.

The Ministers, Secretaries of State for War, Arms and Munitions will take the necessary measures for issuing orders for its applications.

WE OBTAIN that the present decree furnished with the Seal of the State be inserted in the Official Record of Laws and Decrees of the Kingdom of Italy, calling on all concerned to carry it out and have it carried out.
GIVEN in ROME the 23rd. June 1919.

THOMAS OF SAVOY
Orlando - Nitti - Lupelli.

Seen
The Keeper of the Seal: Sacchi.

A

COPY

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1919.

Year - Thursday July 11th.

No. 163

No. 296. of the official record of laws and decrees of the Kingdom contains the following decrees.

THOMAS DE SAVOIE, KING OF ITALY
Lieutenant General to His Majesty
VITTORIO EMANUELE III

by the grace of God and the will of the Nation
KING OF ITALY

In virtue of the authority delegated to us:

In view of the wording of the sanitary law of August 1st, 1907 No. 636, the Police regulations affecting burials of July 25th 1898 No. 449.

In view of the law of June 15th, 1898, No. 2389, article 71, etc. with the consent of the Council of Ministers;

On the proposition of the Minister Secretary of State for War, acting Minister of Arms and Ammunition and in accordance with those of the Interior, Finance and the Treasury;

Have decreed and decree:

Art. 1.

The State require of its citizens the ground which may eventually be required for the burial of the troops of the Allied Armies, who may die from wounds or disease during the war.

Art. 2.

Are also a charge to the State, the expenses for the excavations, delimitation and maintenance in perpetuity of ground reserved for military cemeteries, vide para. 1.

The maintenance of such cemeteries may nevertheless be confided to the Communes in whose territories they are situated, or any other regularly constituted Association, if so requested.

The conditions relative to the same will be arranged between the Commune or Association and Military Authorities.

Art. 3.

The site for each cemetery in the locality selected by the Military Authority interested will be approved by a Decree of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Officer of the Council. No further formality will be required.

Art. 4.

Before carrying out excavation the procedure will follow on the model of Art. 71. and afterwards that of the law of June 25th, 1898 No. 2389. - and the declaration of urgency of the work will have the value of a declaration of public utility.

Art. 5.

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes or any duties contemplated by the laws at present in force.

Art. 6.

With regard to any matters not disposed of in the present decree there will be observed the regulation relative to cemeteries in the sanitary laws and in the Police regulations affecting burial places July 25th, 1898 No. 449.

Art. 7.

All cost of acquisition and of work carried out for the arranging of the cemeteries will be paid for out of funds provided by the chapter 100 fixed by the

659

In virtue of the authority delegated to us ;
In view of the wording of the sanitary law of August 1st, 1907 No. 655. the
Police regulations affecting burials of July 25th 1888 No. 443.
In view of the law of June 8th, 1888, No. 3558, article 71, etc. with the con-
sent of the Council of Ministers;

On the proposition of the Minister Secretary of State for War, acting Minister
of War and Munitions and in accordance with those of the Interior, Finance and
the Treasury;
Have decreed out decrees:

Art. 1.
The State acquire at its expense the ground which may eventually be required for
the burial of the troops of the Allied armies, who may die from wounds or disease
during the war.

Art. 2.
Are also a charge to the State, the expenses for the occupations, delimitation
and maintenance in an equity of ground used for military cemeteries, vide
para. 1.
The maintenance of such cemeteries may nevertheless be confided to the Communes
on whose territories they are situated, or any other regularly constituted asso-
ciation, if so requested.
The conditions relative thereto will be arranged between the Commune or associa-
tion and Military Authority.

Art. 3.
The site for each cemetery in the locality selected by the Military Authority
interested will be approved by a decree of the Prefect, with the consent of the
Municipal Council and after a favorable report of the provincial Medical Officer
and the Medical Officer of the Council. No further formality will be required.

Art. 4.
Before carrying out any procedure the procedure will follow on the model of
Art. 71, and afterwards that of the law of June 25th, 1885 No. 2359. - and the
declaration of urgency of the work will have the value of a declaration of public
utility.

Art. 5.
All the acts compiled in applications of the present decrees will be exempt from
stamp duty and will not be subject to the registration taxes or any duties au-
thorized by the laws at present in force.

Art. 6.
With regard to any matters not disposed of in the present decrees there will be
observed the regulation relative to cemeteries in the sanitary laws and in the
Police regulations affecting burial places July 25th, 1888, No. 443.

Art. 7.
All cost of acquisition and of work carried out for the arranging of the ceme-
teries will be paid for out of funds provided by the chapter 100 fixed by the
Minister of War, Arms and Munitions for the period 1917-1918, ~~and in subsequent~~
~~periods for subsequent periods.~~

Art. 8.
With regard to the cost of maintenance this shall be defrayed from funds allot-
ted in para 75, of the Budget of the Minister of War, Arms and Munitions for the
period 1917-1918 and in corresponding articles for subsequent periods.

Art. 9.
The present decrees which will be presented by Parliament to be converted into
law, will take effect the day following the publication of the Official Gazette
of the Kingdom.
The Ministers, Secretaries of State for War, Arms and Munitions will take the
necessary measures for issuing orders for its application.

/RS

659

It is noted that the above information with the seal of the State is inserted in the Official Record of Laws and Records of the Kingdom of Italy, relating on all concerned to carry it out and have it carried out.

Given in Rome the 22nd. June 1933.

FRANCIS OF SAVOY
Orlando - Ritti - Jayolli.

Leon
The Emperor of Austria

C O P Y

B.

Agreement between the British Government and the Italian Government,

on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honour the memory of British soldiers who have fallen in the field of battle in Italian territory, have agreed as follows:

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is recognised by the Italian Government as the sole official organisation charged with the care of British military graves in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Prefectoral and Municipal authorities to ensure the grant of the necessary authorisations for the exhumation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being reinterred shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 296 of the 23rd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorized to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the erection of a monument commemorative of a feat of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

658

in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Prefectural and Municipal authorities to ensure the grant of the necessary authorizations for the exhumation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being repatriated shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 595 of the 23rd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorized to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorized to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority. **658**

ARTICLE 5. Authority for the erection of a monument commemorative of a feat of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a Committee charged with the duty of maintaining official relations with the Italian authorities, and authorized to exercise in the Commission's name the rights accorded to the latter by the present agreement.

/The

0139

The Committee may, in the name of the Commission and within the limits of the powers delegated to it, take all measures which it considers necessary for the achievement of its objects.

ARTICLE 7. The Committee shall be composed of 16 members (4 honorary members and 12 official members) half Italian and half British. The Italian members shall be proposed by the Italian Government and, in like manner as their British colleagues, appointed by the Imperial Commission.

The proposal of the Italian members shall take place through the diplomatic channel.

The Italian honorary members shall be chosen from persons who have won distinction in the Army, the Navy, in Letters, Science and the Arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a General Officer of the General Staff, a Senior Officer of the Military Engineers (Genie Militaire), a Senior Officer of the Army Medical Service (Sante Militaire), an official of the Public Health Service, an official of the Ministry of the Interior, the sixth shall be a Magistrate.

The honorary members and the Magistrate shall be appointed for three years and their appointments shall be capable of renewal.

The official members shall be appointed at the moment they assume office and shall cease to form part of the Committee the day they lose the qualification to which they owe their appointment.

The Imperial Commission shall select the Secretary-General of the Mixed Committee.

ARTICLE 8. In exercising the rights conferred by the present Agreement the Imperial War Graves Commission shall conform strictly to Italian laws and regulations.

In witness whereof, the Undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals.

Done at Rome, in duplicate, the 11th May 1922.

(I.S.) EDWARD CHAMBERLAIN

(I.S.) VINCENZO LICCIANO

COPY

Agreement between the British Government and the Italian Government,

on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honour the memory of British soldiers who have fallen in the field of battle in Italian territory, have agreed as follows:

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter on the 10th May 1917, is recognised by the Italian Government as the sole official organization charged with the care of British military graves in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Prefectural and Municipal authorities to ensure the grant of the necessary authorizations for the exhumation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being reinterred shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Versailles Decree No. 596 of the 23rd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorized to close British military cemeteries, to lay them out on a system approved by itself, to erect in their appropriate situations, to use plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorized to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. Thus the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the erection of a monument commemorative of a feat of arms of the British Army or of one of its units shall only be accorded

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is recognized by the Italian Government as the sole official organization charged with the care of British military graves in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Provincial and Municipal authorities to ensure the fulfilment of the necessary authorizations for the exhumation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being reburied shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognizes the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 898 of the 23rd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorized to employ British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to take measurements in them, to erect regulations governing visits to the cemeteries and to direct the persons in charge of them.

The Commission is further authorized to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

656

ARTICLE 5. Authority for the erection of a monument commemorative of a part of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a Committee charged with the duty of maintaining official relations with the Italian authorities, and authorized to exercise in the Commission's name the rights accorded to the latter by the present Agreement.

/The

The Committee may, in the name of the Commission and within the limits of the powers delegated to it, take all measures which it considers necessary for the achievement of its objects.

ARTICLE 7. The Committee shall be composed of 15 members (4 honorary members and 12 official members) half Italian and half British. The Italian members shall be proposed by the Italian Government and, in like manner as their British colleagues, appointed by the Imperial Commission.

The proposal of the Italian members shall take place through the diplomatic channel.

The Italian honorary members shall be chosen from persons who have won distinction in the Army, the Navy, in letters, science and the Arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a General Officer of the General Staff, a Senior Officer of the Military Engineers (Genie Militaire), a Senior Officer of the Army Medical Service (Mente Militaire), an official of the Public Health Service, an official of the Ministry of the Interior, the sixth shall be a Magistrate.

The honorary members and the Magistrate shall be appointed for three years and their appointments shall be eligible of renewal.

The official members shall be appointed at the moment they assume office and shall cease to form part of the Committee the day they lose the qualification to which they owe their appointment.

The Imperial Commission shall select the Secretary-General of the Mixed Committee.

ARTICLE 8. In exercising the rights conferred by the present Agreement the Imperial War Graves Commission shall conform strictly to Italian laws and regulations.

In witness whereof, the Undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals.

Done at Rome, in duplicate, the 11th day 1952.

(U.S.) RONALD GREEN

(I.I.) VINCENZO TORASCO

0143

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Reference #483

Mr. Green

7 June 1944

TO: Mr. H. A. ~~Caccia~~, Political Section, HQ ACC, Naples.

SUBJECT: British War Graves

1. With reference to my memorandum No. 483 of 5 June I notice that Minister Prunas in a memorandum (3978) of 6 June comments on the subject to Mr. Kirk.

2. I am enclosing a copy of this memorandum for your information.

J. H. Pearson

J. H. PEARSON
Major
Political Section

COPY

R. MINISTERO
DELLI
AFFARI ESTERI
- C -

Salerno, 6 Giugno 1944

No. 3376

Dear Kirk,

The Political Section of the A.O.C. has approached this Ministry in order to ascertain whether the Italian Government are willing to negotiate an agreement, similar to the Anglo-Italian one of May 11th, 1922, concerning British Military Cemeteries (copy of which I enclose).

Of course the answer to the Commission is heartily and wholly in the affirmative. It has occurred to me, however, that in view of the particular questions that may arise in the future between the Italian Government and each Nation concerned, it would perhaps be more convenient if instead of entering into a general agreement with the United Nations as a whole, different one were to be negotiated with each Nation whose soldiers have fallen on Italian soil during the present war.

Special agreements would also afford the possibility of dealing with the matter in a more detailed and personal manner. In particular, it would give great satisfaction to the Italian Government if they could enter into a special agreement with the United States of America with whom the traditional ties of friendship and mutual sympathy cannot but be strengthened and enhanced by the fact that American soldiers, many of them of Italian origin, are giving their lives in order that Italy be liberated.

I shall be very glad to hear your opinion on the matter.

Very cordially yours,

/s/ R. Prunas

Mr. Alexander Kirk,
United States Ambassador,
Advisory Council for Italy,
W A F L E S.

Encl.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Reference #483

7 June 1944

SUBJECT: British War Graves

TO : Major J. I. Littlewood, Claims Commission & Hearings Directorate (BR), HQ SAC, Admin Echelon, C.M.F.

1. In reply to your Memo (GH/41/1/43) of 5th June, I have to refer to my letter (493) of the same day to the British Vice President of the Political Section, of which I sent you a copy.

2. The Italian Foreign Office has now expressed its willingness to initiate legislation to give new life to Decree 896 of 11 July 1919 and to sign a new agreement to continue the privileges of that of 11 May 1923 (of which copies were enclosed in my cover to you). But delay is likely since they wish to cover their obligations in this regard by legislation to legalize compulsory acquisition of sites required as cemeteries by all the Allied nations (I enclose a copy of their letter of yesterday to the Hon. Alexander Kirk).

3. I should point out perhaps that negotiations for the acquisition of cemetery sites will be no part of the functions of the Allied Control Commission, when once those documents are signed; for the Imperial War Graves Commission will then be in direct relationship with the Italian government, and I submit it should be Colonel McLaughlin who should inform you when negotiations for specific cemetery sites have been completed and be in prepared to take them over and for your requisition to be terminated.

4. In the meantime, however, the Political Section will urge the completion of the necessary Decree and of the Agreement with the British government with the least possible delay.

J. H. Pearson
J. H. PEARSON
Major
Political Section

*Copy to Mr Caccia for information
with copy of Memo under reference
(See letter later)*

0146

C O P Y

/and

SUBJECT: Acquisition of Land for
Military Cemeteries.

Claims Commission and
Hirings Directorate (Pr.),
M.G., A.A.I. (Adm. Sch.).
CH/41/H/42.
5 Jun 44.

Rear Headquarters,
Allied Control Commission,
APO. 394,
Admin. Section.

FOR THE ATTENTION OF CHIEF OF STAFF, ADMIN. SECTION
AND MAJOR PEARSON, FOREIGN OFFICE SECTION.

1. I refer to the discussion on the above subject at your Headquarters on Friday, 3 Jun 44.
2. The attached memorandum is a resume' of that discussion and paragraph 7 indicates the procedure which would be agreeable to I.M.G.C., G.R. & E., and this Headquarters for the procuring of expropriation of cemetery sites.
3. It would be appreciated if you could give us an indication as quickly as possible as to whether the procedure is acceptable to the Italian Government and yourselves.

/s/ J. I. Littlewood
Major.
For D.D. Hirings.

Copy to: - I.M.G.C. (For the attention of Lieut. Colonel MacDougall).
G.R. & E. (Telephone conversation Lieut. Colonel Lawson -
Major Littlewood refers).
War Diary.

CCFY

Re CH/41/R/42.

ACQUISITION OF LAND FOR MILITARY CEMETERIES.

Report of Discussion held at Allied Control Commission (Rear)
on 2nd June 1944.

*Two discussions
were separate -*

- 1. Present: Col. Cripps, Chief of Staff, Administrative Section, Allied Control Commission.
Lieut. Col. White, Staff Officer I, Administrative Section, Allied Control Commission.
Lieut. Col. MacDougall, Imperial War Graves Commission.
Major Pearson, Liaison Officer, Foreign Office Section, Allied Control Commission.
Major Littlewood, D.A.D. Birings, A.A.I.

- 2. The purpose of the discussion was to try and arrange some method whereby the sites of permanent and completed cemeteries could be expropriated and title to the land in perpetuity vested in the Imperial War Graves Commission.

- 3. It was pointed out that all sites are being requisitioned as they are selected and our title secured thereto as an interim measure. Only a number of sites become permanent, and the balance will be derequisitioned when they cease to function.

- 4. It was established that the I.W.G.C. cannot take over a cemetery unless their title to the land has been proclaimed.

*Not suggested
to me -*

- 5. The suggestion that all completed cemetery sites in Italy should be recorded, and expropriated at the end of the War under one decree was not acceptable as this would prohibit any action by I.W.G.C. until after that date.

Legislative

- 6. The Foreign Office Section, A.C.C. agreed to ask the appropriate Ministry of the Italian Government to undertake the expropriation.

- 7. Subject to concurrence of Italian Government and A.C.C. it is suggested that the following procedure would operate in securing expropriation of sites:-

have read

- (a) G.R. & E., A.A.I., to inform the appropriate section of A.C.C. (copy to Birings Directorate, A.A.I.) when a specific site is completed, forwarding all plans necessary to enable A.C.C. to negotiate expropriation with Italian Government.

- ditto -

- (b) A.C.C. to inform I.W.G.C. when title in perpetuity is obtained, copies to G.R. & E. and Birings Directorate. The latter would then terminate requisition.

5 Jun 44.

REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 APC 394

SUBJECT: British War Graves.

TO : Mr. R. A. Saccio, Political Section, Rq ACC.

1. In my memorandum on this subject of 3 June I asked your approval, suggesting the legal adviser of the Italian Foreign Office should hammer out the provisions of a new decree and, if required, a new agreement on the lines of those of 1918 and 1922 respectively (enclosed) with the assistance of the Legal Sub-Commission. I enclose a copy of my enquiry to Colonel Upjohn and of his reply, and also of a memorandum just received from Bruner on the subject.

2. I had intended to write the attached unsigned letter to Bruner, but before doing so, I think we should have the approval of Mr. Gifford or even of Sir Noel Charles on behalf of the Foreign Office whether it is necessary to go ahead with new documents or not.

3. You will note that Colonel Upjohn advises that "if the old decrees and agreement have worked well in the past, it is better to adapt them with such amendments as practice has shown desirable rather than to have something on entirely new lines". Bruner also is of opinion that neither the Royal Decree nor the Agreement have lapsed. I suggest therefore that Mr. Gifford should ask Colonel MacDougall if he is satisfied with the present legal position or what amendments, if any, he suggests for this seems to be a concern more of the British Foreign Office than of the Allied Control Commission.

4. May I know please in fairly good time what has been decided, since, as you are aware, I am being pressed by Imperial War Graves Commission and the Migrants and Claims Branch to put this matter in a satisfactory state as soon as possible.

J. E. Pearson
 J. E. PEARSON
 Major
 Political Section

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 304

Reference #433

19 June 1944

British War Graves

Dear Prince,

I have to acknowledge with many thanks receipt of your memorandum 3743 of 3rd June regarding the continuance in effect of Decree 896 of June 1918 and of the Graham-Lojacevic Agreement of May 1922.

In view of the doubt which seems to exist as to whether these (or either of them) have lapsed, and also in consideration of the altered circumstances of the present campaign to which you refer, I hope you will agree that the most certain method of giving legal expression to our common desires in this respect would be (1) to enact new legislation to revive the provisions of Decree 896 of June 1918 to cover the requirements of the Allied Armies and (2) to reach a new agreement with the British Government continuing the provisions of that of 11 May 1922 (to be followed by similar agreements, if necessary, with other Allied Governments).

I am sure the Legal Sub-Commission of the A.C.C. would be glad to assist in reviewing the drafts, before submitting them for the approval of Sir Noel Charles and of the Imperial War Graves Commission, to ensure the inclusion of all the provisions which we both have in mind to perpetuate the memory of British Soldiers, sailors and airmen fallen in the War of Liberation in Italy.

With very thanks for your consistent cooperation,

Yours very sincerely,

J. M. FRASER
Major
Political Section

His Excellency don Renato Prinas
Secretary General, Royal Italian
Ministry of Foreign Affairs

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MEMORANDUM FOR THE ALLIED CONTROL COMMISSION
POLITICAL SECTION

The Allied Control Commission has enquired whether the Royal Decree n.296, dated 23rd June 1918 and the Graham-Lojacono agreement of May 11th, 1922, concerning Allied Military Cemeteries in Italy are to be considered still in force, and whether the Royal Italian Government are ready to negotiate a new agreement, similar to the previous one, with the United Nations.

2.- The Royal Ministry of Foreign Affairs has no reason to believe that either the Royal Decree or the agreement has lapsed. A definite reply can only be given after an examination of the files in Rome, unless the British Government are in a position to remove any doubt on the subject on the strength of the records at their disposal.

3.- It is to be borne in mind, at the same time, that both the Royal Decree of 1918 and the Graham-Lojacono agreement of 1922 were intended to deal with the particular situation arisen from the 1915-18 war and refer implicitly thereto. Also that the technical problems which arise from the present campaign are of a much more complex character, in view of the far greater geographical dispersion of the successive battlefields, the greater number of Allied soldiers fallen in the field, their varied nationality.

4.- It is therefore considered that, for practical purposes, while retaining for the present the principles embodied in the two abovementioned documents, it will probably be convenient to take, in due course, the whole problem into new consideration. The Italian Government wish to emphasize that they are second to none in their desire that the memory of the gallant Allied soldiers who have fallen for the liberation of Italy from the German oppressor should be worthily honoured, and, in this connection, wish to confirm that they are ready to negotiate a new agreement, on the lines of the previous one, with any of the United Nations.

/s/ R.P.

Rome, June 3rd, 1944.

Royal Italian Ministry of Foreign Affairs

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GRU/rmf

C. C. FOX

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ACC/4151/L

2 June 1944.

SUBJECT: British War Graves.

TO : Political Section (Attn Major Pearson).

1. Answering your queries in para 2 of your 493 dated 5 June 44.

(a) Yes, moreover any decree can be made applicable to Military Government Territory (less Army areas) forthwith on publication of the decree in the Official Gazette in accordance with the machinery I have set up.

(b) All decrees have to be submitted to the Assembly (when elected) for confirmation. Apart from this surely no one can dare be bold as to prophesy how far a new Italian Government will honour the obligations of its predecessors? I hardly think however that Italy will be in a position for some time to repudiate its obligations entered into with a powerful co-belligerent but of course I may be quite wrong.

2. The decrees and agreement of 1922 suffer from the same defect as all Italian documents namely a looseness of drafting and lack of clear expression of intention which drives the British lawyer almost insane but the practical solution is this: if the old decrees and agreement have worked well in the past it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines. The I.C.C. will no doubt have any views on the subject and I suggest that at a very early stage of negotiations you should ask their opinion for they have to carry out any arrangements made.

/s/ G.R. Upjohn

G.R. UNCOMB, Colonel
Chief Legal Officer.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 794

Reference #133

8 June 1944

SUBJECT: British Tax Treaty

TO: Colonel G. B. DeJohn, Legal Subcommittee, Rear Sq APO, Salerno.
(Through AF, Administrative Section).

1. The Italian Foreign Office has expressed its willingness to initiate legislation to give new life to the provisions of Decree 898 of 11 July 1943 and to renew the agreement of 11 May 1943 between the British and Italian Governments. Copies of these are attached.

2. The draft will of course be sent to you for review before submission to Sir Noel Charles for approval. In the meantime the Political Section would like to know if you recommend the inclusion of other provisions (e.g., extraterritoriality), and would be grateful for your assurance that:-

- (a) the new legislation will become applicable to all or any other parts of Italy that (and as soon as) they come under the administration of the present Italian Government, and
- (b) that the new agreement, if necessary in your opinion, may safely be considered binding on the present Italian Government's successor.

J. H. PEARSON
Major
Political Section

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APC 334

SUBJECT: British War Graves.

TO : Mr. H. A. Gaccia, Political Section, HQ ACC.

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1. In my memorandum on this subject of 5 June I asked your approval, suggesting the legal adviser of the Italian Foreign Office should hammer out the provisions of a new decree and, if required, a new agreement on the lines of those of 1918 and 1932 respectively (enclosed) with the assistance of the Legal Sub-Commission. I enclose a copy of my enquiry to Colonel Ujahn and of his reply, and also of a memorandum just received from Rome on the subject.

4.

2. I had intended to write the attached unsigned letter to Rome, but before doing so, I think we should have the approval of Mr. Halford or even of Sir Noel Charles on behalf of the Foreign Office whether it is necessary to go ahead with our documents or not.

3. You will note that Colonel Ujahn advises that "if the old decrees and agreement have worked well in the past, it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines". Prunas also is of opinion that neither the Royal Decree nor the Agreement have failed. I suggest therefore that Mr. Halford should ask Colonel Halford if he is satisfied with the present legal position or what amendments, in fact, he suggests; for this seems to be a concern more of the British Foreign Office than of the Allied Control Commission.

4. As I know please in fairly good time what has been decided, since, as you are aware, I am being pressed by Imperial War Graves Commission and the Diving and Claims Branch to put this matter in a satisfactory state as soon as possible.

H. Gaccia
J. M. PARSONS
Major
Political Section

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8-2-38

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 594

Reference 2483

10 June 1944

British War Graves

Dear Prince,

I have to acknowledge with many thanks receipt of your memorandum 3743 of 3rd June regarding the continuance in effect of Decree 896 of June 1943 and of the Gramus-Lojane Agreement of May 1943.

In view of the doubts which seem to exist as to whether these (or either of them) have lapsed, and also in consideration of the altered circumstances of the present campaign to which you refer, I know you will agree that the most certain method of giving legal expression to our common desires in this respect would be (1) to enact new legislation to revive the provisions of Decree 896 of June 1943 to cover the requirements of the Allied armies and (2) to trans a new agreement with the British Government continuing the provisions of that of 11 May 1943 (to be followed by similar agreements, if necessary, with other Allied Governments).

I am sure the Legal Sub-Committee of the A.C.C. would be glad to assist in reviewing the drafts, before submitting them for the approval of Sir Noel Cheshire and of the Imperial War Graves Commission, to ensure the inclusion of all the provisions which we both have in mind to perpetuate the memory of British Soldiers, Sailors and Airmen fallen in the War of Liberation in Italy.

With many thanks for your consistent cooperation,

Yours very sincerely,

Not sent

J. M. PRARSON
Major
Political Section

His Excellency don Renato Prinas
Secretary General, Royal Italian
Ministry of Foreign Affairs

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MEMORANDUM FOR THE ALLIED CONTROL COMMISSION
POLITICAL SECTION

The Allied Control Commission has enquired whether the Royal Decree n. 236, dated 23rd June 1918 and the Gramsc-Bojacene agreement of May 11th, 1928, concerning Allied Military Cemeteries in Italy, are to be considered still in force, and whether the Royal Italian Government are ready to negotiate a new agreement, similar to the previous one, with the United Nations.

2.- The Royal Ministry of Foreign Affairs has no reason to believe that either the Royal Decree or the agreement has lapsed. A definite reply can only be given after an examination of the files in Rome, unless the British Government are in a position to receive any Court on the subject on the strength of the records at their disposal.

3.- It is to be borne in mind, at the same time, that both the Royal Decree of 1918 and the Gramsc-Bojacene agreement of 1928 were intended to deal with the particular situation arising from the 1918-19 war and refer implicitly thereto. Also that the technical problems which arise since the recent campaign are of a much more complex character, in view of the far greater geographical distribution of the successive battlefields, the greater number of Allied soldiers fallen in the field, their varied nationality.

4.- It is therefore considered that, for practical purposes, while retaining for the present the principles embodied in the two aforementioned documents, it will probably be convenient so far as, in due course, the whole problem is now reconsidered. The Italian Government wish to emphasize that they are anxious to show to their desire that the memory of the gallant Allied soldiers who have fallen for the liberation of Italy from the German oppressor should be worthily honoured, and, in this connection, wish to confirm that they are ready to negotiate a new agreement, on the lines of the previous one, with any of the United Nations.

/s/ R.S.

Rome, June 23rd, 1944.

Royal Italian Ministry of Foreign Affairs

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E. D. WY

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 594

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ORU/500

ADG/4334/3

3 June 1944.

SUBJECT: British War Graves.

TO : Political Section (with Major Pearson).

1. Answering your queries in para 8 of your 435 dated 5 June 44.

(a) Yes, moreover any decree can be made applicable to Military Government Territory (less Army areas) forthwith on publication of the Decree in the Official Gazette in accordance with the machinery I have set up.

(b) All decrees have to be submitted to the Assembly (when elected) for confirmation. Apart from this surely no one can make as bold as to propose now for a new Italian Government will honour the obligations of its predecessors? I hardly think however that Italy will be in a position for some time to repudiate its obligations entered into with a powerful co-belligerent but of course I may be quite wrong.

2. The decrees and agreement of 1922 suffer from the same defect as all Italian documents namely a looseness of drafting and lack of clear expression of intention which drives the British lawyer almost insane but the practical solution is this: if the old decrees and agreement have worked well in the past it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines. The I.C.S. will no doubt have many views on the subject and I suggest that at a very early stage of negotiations you should ask their opinion for they have to carry out any arrangements made.

/s/ G.R. Hatch

G.R. HATCH, Colonel
Chief Legal Officer.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Reference 843

5 June 1944

SUBJECT: British War Graves

TO : Colonel G. R. E Johns, Legal Subcommission, Rear HQ ACC, Salerno.
(Through VP, Administrative Section).

1. The Italian Foreign Office has expressed its willingness to initiate legislation to give new life to the provisions of Decree 896 of 11 July 1938 and to renew the agreement of 11 May 1932 between the British and Italian Governments. Copies of these are attached.

2. The drafted bill of course be sent to you for revision before submission to Sir Noel Charles for approval. In the meantime the Political Section would like to know if you recommend the insertion of other provisions (e.g. extraterritoriality), and would be grateful for your assurance that:-

- (a) the new legislation will become applicable to all or any other parts of Italy when (and as soon as) they come under the administration of the present Italian Government, and
- (b) that the new agreement, if necessary in your opinion, may safely be considered binding on the present Italian Government's successor.

J. W. PEARSON
Major
Political Section

Mr. Casca

MEMORANDUM FOR THE SECRETARY OF DEFENSE
DATE: 17 June 1944

MEMORANDUM FOR

17 June 1944

SUBJECT: Military Graves in Italy

TO: Allied Force Headquarters (AFHQ), Algiers

1. Lieutenant Colonel J. J. Macdonell, of the Imperial War Graves Commission, has recently arrived in Italy with a view to assessing, on behalf of the Commission, the situation and requirements of British military cemeteries which may hereafter be established by the Italian Commission and British Headquarters, A.F.H.Q. Lt. Colonel Macdonell is acting under instructions from the Imperial War Graves Commission.

2. In discussions with officers of the Allied Control Commission, Lt. Colonel Macdonell has indicated that he cannot take over his present office until Italy is completely liberated by the A.F.H.Q. It has been suggested in this connection that the agreement concluded between the U.S.A. Government and the Royal Italian Government of 10 May 1943, and the Italian Decree of 10 June 1943 (No. 100) of 10 June 1943, governing collection and maintenance of military graves in Italy, may be still in effect; or, alternatively might be reactivated or renegotiated.

3. An officer of A.F.H.Q. has approached the Royal Italian Ministry of Foreign Affairs in the latter regard, and has been informed that while the Ministry does not believe that either the earlier Decree or the agreement have lapsed, it would approve in principle the renegotiation of an agreement along the lines of that of May, 1943, and the initiation of appropriate legislation by the Italian Government. At the same time, the Ministry has expressed the hope that it may be possible to negotiate separate agreements with each of the United Nations whose soldiers have fought in Italy, rather than negotiate a general agreement.

4. No formal reply has been made to the Royal Ministry by Allied Control Commission and the officer mentioned understood that no further action is to be taken pending receipt of instructions from Allied Force Headquarters.

5. Accordingly, I should be glad to receive instructions as to (a) whether it is in the wish of the Allied Governments to proceed, individually or collectively, with negotiations with the Italian Government for the conclusion at this time of international agreements,

governing the selection and maintenance of military cemeteries in Italy;

(b) if so, the nature of the terms which the Allied Governments, or either of them, wish to include in such agreements.

5. I may point out in this connection that, so far as A.C.C. has been able to determine, the United States Government has not indicated by the designation of an officer to carry out functions similar to those of Lt. Colonel Woodruff or otherwise, that it contemplates any change in its present policy of administration of military cemeteries by military authorities.

WALTER H. HARRIS
Vice President
Allied Control Commission

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