

ACC

10000/141/34

APPEAL OF S.I.R.I. OF
PREFECT'S DECREE
DEC. 1940 - OCT. 1944

10000/141/34

APPEAL OF S.I.R.I. OF TERNI FOR ANNULMENT OF
PREFECT'S DECREE
DEC. 1940 - OCT. 1944

MINUTE SHEET NO. 10

DATE	PAGE
May 14. Corded. p. 30 fl.	30-

1502

PAGE

Oct. 6.

1D

Letter is revised ~~for~~ for

signature.

As Above

hl.

14.

(24)

Nov. 1

CAS

Please bring to attention of V.P. letter p. 20 in answer to p. 14.

(Note letter by V.P. - p. 21) in answer to No. 23.

RRT Temple
C. A. D. S.

20

(23)

22 Jan. '45

Staff

Send another reminder, please.

RRT

23

Done - Jan.

(25)

(26)

1301

27 Jan.

Staff

B. F. in one month, please

BF on 28/2 to East. Thanks. H.W.

Cult. C.

30 Jan.

Call to Minister p. 26

RRT
Noted (H.W.)

24

0252

Signature.	<u>Asst. Dir.</u>	14.
	68.	
	(23)	
Nov. 1	CAS	20
	Please bring to attention of V.P. letter p. 20 in answer to p. 14.	
	Minister Kinsford Stc (Note letter by V.P. - p. 21) in answer to NO 23.	RRT Temple Capt. Stc. a/ Director
	(24)	
22 Jan. '45	Staff -	23
	Send another reminder, please.	RRT
	Done & fwd.	23
	(25)	1301
27 Jan.	Staff	24
	B.F. in one month, please	
	BF on 28/2 to Capt. Thanks. H.M. (27)	RRT Noted. H.M.
30 Jan.	Cult. C.	27.
	Reply to Ministry. p. 26	RRT
	Done. P. 27.	

PAGE

DATE

Oct. 3

Director:

(23)

1. Herewith are Reports No. 120, 121, 122 on my Perugia survey.
2. Letter to RC Logio based on above reports for your signature, please.
3. Letter to Public Safety S/C and Labor S/C bring relevant matters to their attention, for your signature, please.
4. Draft of letter from V.P. to RC Logio re Advisory Council to P.C. for your approval.

T.R.T.

✓

Oct. 4

V.P.

(24)

Draft. Herewith.

As A/Secy Lt.

13.

Oct. 4

C.P.

(25)

I had meant draft was approved by me was to be re-typed put up to V.P. for signature - instead of that the rough draft was sent in to V.P.

Please have this retyped, with his revisions, put up to me again.

hation S/C bring relevant matters to their attention, for your signature, please.
4. Draft of letter from V.P. to RC has to be Advisory Council to P.C. for your approval.

Oct. 4

V.P.

(24)

R.R.T. ✓

Draft. Kewitt.

As A/Min Ad.

13.

Oct. 4

6.7 I had meant draft was approved by me was to be re-typed and up to V.P. for signature - in fact 00 of that the rough draft was sent in to V.P.D.

Please have this retyped, with his revisions. Put up to me again in L-20 form to be submitted to him. ~~Ad.~~

MINUTE SHEET N°71 Oct. Int.

(21)

I have carefully considered the question. To the best of my recollection I may in casual conversation have mentioned to S.C.A.O. 8 Aug that P.C. Siena had paid a Sindaco by taking ^{him} ~~the~~ his staff. I do not have any recollection of advising the creation of an advisory council of the type described. I see no object in asking for a Report from Region Toscana as Perugia is in Region Lazio. Please prepare for my signature a letter to R.C. Lazio a letter in the lines of paras (1) & (2) of your recommendations.

(3) Can remain over for the time being.

G.R.M.

V.

(22)

Oct 2. R+ Toscano/Lazio warning error.

Please prepare a letter in double for me to approve on lines of 1 & 2 of (20) to R.C. Lazio for V.A.E. 299
 1998 when I have put it up to him

0236

SHEET No. 1

PAGE

DATE

Oct 13. ~~Adit~~ ¹ Forwarded copy of 1. to Min of Int. L
refers 1 (4).

3 ² Director Letter for your signature please at ² 

1514

0.2 3.7

HEADQUARTERS
ALLIED CONTROL COMMISSION
LOCAL GOVERNMENT SUB COMMISSION
APO 394

(2)

ACC/1/4/8/LG.

3 October, 1944.

SUBJECT : S.I.R.I. Terni.

TO : His Excellency The Minister of Interior.

Your Excellency:

1. With reference to the Ministry's letter of 14th September - No. 15181 - 1, and the enclosure therein referred to, which is attached hereto.

2. We forward a copy of a letter from Industry Sub Commission dated 2nd October which is self-explanatory.

R.G.B. SPICER,
Colonel
Director
Local Government Sub Com.

2 encls.

1313

2910

3602

HEADQUARTERS
ALLIED CONTROL COMMISSION

INDUSTRY SUB-COMMISSION

APC 394

JSET/VB.

Tel. 489081 Ex. 348

2nd October, 1944.

Ref. ACC/5526/IND

2 OCT 1944

SUBJECT: S.I.R.I. Terni.

TO : ✓ Interior Sub-Commission.

1. We refer to the letter addressed to you by the Ministry of the Interior with regard to the above subject, and the enclosures to this letter, which are returned herewith.

2. After careful consideration we can state that we concur with the views expressed by the Ministry of the Interior, and as far as this Sub-Commission is concerned there is no objection to the Italian Government declaring the decree in question to be no longer effective.

John S. Todd

J.S.E. TODD,
Colonel,
Acting Director,
Industry Sub-Commission.

Copy to:

Economic Section.

Enos.

1312



312

Off. 186

18

Roma, 16 Settembre 1944

Ministero dell'Interno

DIR. GEN. AMM. NE CIV. DE

Divisione 2^a Sez. 1^a
Prot. N. 15181 - 1 Allegati 1

7 SEP 1944

ALLA COMMISSIONE ALLEATA
DI CONTROLLO
SOTTOCOMMISSIONE PER L'INTERNO
ROMAOGGETTO Ricorso della S.I.R.I. di Terni per annullamento del
decreto prefettizio di nomina del Commissario.

Per i provvedimenti di competenza, trattandosi di questione che riguarda una Provincia non ancora restituita all'Amministrazione italiana, si trasmette il ricorso del Dr. Luigi Celisano, Amministratore delegato della Società Italiana Ricerche industriali di Terni, avverso il decreto prefettizio in data 11.12.1940, col quale veniva disposta la nomina di un Commissario per la gestione della predetta Società durante il periodo bellico.

Poiché in realtà sono venuti meno, per mutate circostanze, i presupposti che determinarono il provvedimento, questo Ministero riterrrebbe preferibile, delle due soluzioni proposte dal ricorrente, quella intesa ad ottenere che sia dichiarata la caducazione del decreto, avendo questo ormai esaurito il suo compito.

Si gradirà notizia - ove nulla costi - dei provvedimenti adottati al riguardo.

PEL MINISTRO

1511

La prima bustina per ogni lettera va solo consegnata, insieme alla risposta, al 1^o di viale della Vittoria in Divisione a cui si risponde.

ISTITUTO PER L'AMMINISTRAZIONE DELLO STATO

E-1

TRANSLATION NO. 312

MINISTRY OF THE INTERIOR

ROME, 14 September, 1944

File No. 15181 - I

SUBJECT: Appeal of the S.I.R.I. of Terni for the annulment of the

Prefect's decree for the nomination of the Commissioner.

TO : A.C.C.
INTERIOR SUB-COMMISSION
R O M E

We are forwarding for your action, being within your jurisdiction, as it regards a Province not yet restored to the Italian Administration, the appeal of Dr. Luigi Calissano, deputy administrator of the Italian Company "Terni Industrial Research" (Ricerche Industriali di Terni) against the prefect's decree of 11 December 1940 nominating a Commissioner for the war-time administration of said Company.

As the reasons for this measure no longer exist in reality, due to changed circumstances, this Ministry is of the opinion that, of the two solutions advanced by the appellant, the one proposing that the decree be declared no longer effective is the preferable, since the latter has out-lived its purpose.

We should like to know, if there is no objection, the measures adopted in regard.

Acting for the Minister

1310

TO: THE MINISTRY OF THE INTERIOR
A.C.C.
R O M E

On behalf of the S.I.R.I. Co. (Societa' Italiana Ricerche Industriali) with its office and plant in Terni, the undersigned appeals to your Ministry for the following reasons:

1 - In July 1925 Dr. Comm. Luigi Casale, world famous Italian chemist and inventor of the well known "Casale Process" for the manufacture of synthetic ammonia, and the Terni Co. (granted a monopoly for the Casale Process in Italy) represented by its Assistant Manager Dr. Ing. Arturo Bocciardi, founded the S.I.R.I. Coy. "Italian Company of Industrial Research" for the purpose of establishing a research laboratory and organizing a number of research workers capable of studying chemical, physical and mechanical problems benefitting industry.

Two years later Dr. Casale died prematurely and his shares in the S.I.R.I., due to previous arrangements, were passed over to the Soc. An. Ammonia Casale founded at Lugano (Switzerland) by the same Dr. Casale for universal exploitation of his Process for the manufacture of synthetic ammonia.

In 1933 the "Terni" Co. transferred its shares in the S.I.R.I. to the Ammonia Casale S.A. Switzerland which thus became owner of the entire capital in shares of the S.I.R.I.

2 - In 1940, the Under-Secretary of State at that time for War Industry, maintaining that the S.I.R.I. was controlled by a foreign company and carried on at its Terni establishment industrial research directly regarding war industry, requested to the Ministry of Corporations that a sequestrator be placed over the S.I.R.I. in place of the normal admini-

0 2 0 2

1 - In July 1925 Dr. Comm. Luigi Casale, world famous Italian chemist and inventor of the well known "Casale Process" for the manufacture of synthetic ammonia, and the Terni Co. (granted a monopoly for the Casale Process in Italy) represented by its Assistant Manager Dr. Ing. Arturo Bocciardi, founded the S.I.R.I. Coy. "Italian Company of Industrial Research" for the purpose of establishing a research laboratory and organizing a number of research workers capable of studying chemical, physical and mechanical problems benefitting industry.

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2 - In 1940, the Under-Secretary of State at that time for War Industry, maintaining that the S.I.R.I. was controlled by a foreign company and carried on at its Terni establishment industrial research directly regarding war industry, requested to the Ministry of Corporations that a sequesterator be placed over the S.I.R.I. in place of the normal administration. 1203

This request gave rise to an exchange of ideas between the Under-Secretary for War Industry, the Ministry of Corporations and the Prefect of Terni on the reasons which would be required to justify replacing the regular administration of the Company with a sequesterator and on the designation of the same.

- 2 -

This dispute finally ended in the decision of the Prefect of Terni to nominate a Commissioner with a decree of 11 December 1940, Dr. Eng. Arturo Bocciardo (who had formerly been Founder of the S.I.R.I. Co. with the late Dr. Casale). With a subsequent decree of 29 December 1940, the Prefect also nominated a Deputy Commissioner, selecting Grand'Uff. Avv. Giorgio Avallone. Included are copies of these decrees.

As may be seen, the Commissioner and Deputy Commissioner were appointed:

- a) With the presumption that part of the Capital of the S.I.R.I. Co. belonged to enemy-subjects as far as Italy was concerned;
- b) In the consideration that the S.I.R.I. had two debts with French subjects (precisely, one of 1,000,000 lire and the other of 500,000 lire) duly authorized at the time by the Minister for Exchange and Currency and regularly reported on 5 July 1940.
- c) In the consideration that the S.I.R.I. Company carried on industrial research directly regarding war industry and that in the higher interests of the Country it was necessary to ensure that the activities of the Co. corresponded to the Country's war defence requirements.
- d) On the strength of art. 19 of the Consolidated Text of the Communal and Provincial Law approved by R.D. No. 383 of 3 March 1934.

These measures were in no way justified, nor did they even have a firm legal foundation, as revealed by the following:

- a) All the 4,000 shares of 500 lire each which form the Company's capital were (and still are) registered and made to the name of the Ammonia Casale S.A., Switzerland, head-office in Lugano, as recorded in a registered letter, dated 29 October 1926, No. 393 C. from the Banca d'Italia, Terni office;

- b) the State already had a guarantee on the two debts of the S.I.R.I.

1203

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- c) In the consideration that the S.I.R.I. Company carried on industrial research directly regarding war industry and that in the higher interests of the Country it was necessary to ensure that the activities of the Co. corresponded to the Country's war defence requirements.
- d) On the strength of art. 19 of the Consolidated Text of the Communal and Provincial Law approved by R.D. No. 283 of 3 March 1934.

These measures were in no way justified, nor did they even have a firm legal foundation, as revealed by the following:

- a) All the 4,000 shares of 500 lire each which form the Company's capital were (and still are) registered and made to the name of the Ammonia Casale S.A., Switzerland, head-office in Lugano, as recorded in a registered letter, dated 29 October 1926, No. 393 C. from the Banca d'Italia, Terni office; 1208
- b) the State already had a guarantee on the two debts of the S.I.R.I. with French subjects, in the fact that the corresponding sum was withheld by law in the National Institute of Foreign Exchange;
- c) The S.I.R.I. held the results of the research which it carried out on behalf and at the expense of its principle office, the Ammonia Casale S.A. Switzerland, freely available for exclusive exploitation in Italy, and had, moreover, placed them some time before at the disposal of the Under-Secretary for War Industry who however did not deem them of

- 3 -

importance in the war defence of the Nation, and rejected their application and did not even encourage private industrial capitalists to take it up;

d) the reference to art. 19 of the Consolidated Text of the Communal and Provincial Law poorly concealed the abuse of power consisting in the application of this law in a different case and for a different purpose from that for which it was passed. It is clear in fact, that if the case presented the grounds required, the only measure which could be adopted would be that requested by the Under-Secretary of War Industry, which is clearly revealed anyway by the reasons given for the prefect's decree, obviously arranged to justify a measure of a very different nature. Hence, besides the abuse of power, the abuse of jurisdiction.

Nevertheless, the S.I.R.I. could then do nothing but submit ^{to} the measure in question, although it made the observations given in a)b) and c) to His Excellency the Prefect with a letter of 18 January 1941, a copy of which is included.

3.- But the lack of opposition to the Prefect's decree does not reduce the obvious and serious illegality, while the present situation removes all doubts as to the necessity of repealing the decree, for the reasons which motivated it no longer exist. There is no reason for not allowing the normal administration to take over again, for:

- the excuse that part of the Company's capital belongs to citizens of countries enemy to Italy can no longer possibly exist.

- the debts of the S.I.R.I. to French subjects are still withheld by law in the Foreign Exchange;

- the ascertainment that the results of the research work of the S.I.R.I.

could be used for national-defence purposes rather than for the Country's

1507

from that for which it was passed. It is clear in fact, that if the case presented the grounds required, the only measure which could be adopted would be that requested by the Under-Secretary of War Industry, which is clearly revealed anyway by the reasons given for the prefect's decree, obviously arranged to justify a measure of a very different nature. Hence, besides the abuse of power, the abuse of jurisdiction.

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- the excuse that part of the Company's capital belongs to citizens of countries enemy to Italy can no longer possibly exist.

- the debts of the S.I.R.I. to French subjects are still withheld by law in the Foreign Exchange;

- the ascertainment that the results of the research work of the S.I.R.I. could be used for national-defence purposes rather than for the Country's social benefit is also unfounded, for the competent Italian authorities have declared them of no interest ~~in~~ either to national-defence or national industry in general.

4. In the present circumstances, therefore, there are two alternative solutions: either the Prefect's decree is declared no longer effective, in

- 4 -

admitting that owing to the changed circumstances, it has outlived its purpose, or else if this solution which seems the most simple and direct, is not desirable, the Prefect's decree could be annulled legally according to art. 6 of the Consolidated Text of the Communal and Provincial Law, for the case has all grounds required, in consideration of:

a) the undeniable illegality and undesirability of the measure, as pointed out above;

b) the obvious necessity in the interest of the public, to remove this abnormal, illegal and harmful situation of a concern which has been declared a benefit to society, and is deprived of its normal administration.

For these reasons the undersigned appeals to this Ministry for the Prefect's decree of 11 December 1940, Terni, to be declared no longer effective or its purpose annulled, and for the legal administration of the Company to be allowed to return.

ROME, August 1944

S.I.R.I.

Soc. It. Ricerche Industriali
/s/

1506

ENCLOSURE 1

SUBJECT: Appointment of Commissioner

PREFECT OF THE PROVINCE OF TERNI

Whereas part of the capital of the "Societa' Italiana Ricerche Industriali", plant in Terni, belongs to alien subjects and as it has been ascertained that the same Company has been financed in part by French subjects; and

Whereas his own decree dated 10 July 1940, by which the credits of the Alais, Froges and Camargue Chemical and Electrometallurgic Products Company of Paris and of Mr. Hypolyte Bouchayer of Paris toward the S.I.R.I., were subjected to sequestration;

Considering that the said Company carries on, in its local plant, industrial research directly regarding war industry and that in the superior interests of the Country it is necessary to insure that the Company's activities harmonize with the defence necessities of the present state of war;

Deeming it necessary and urgent, therefore, to appoint a Commissioner to take the place of the Company's administration;

Whereas art. 19 of the Consolidated Text of the Communal and Provincial Law, approved by R.D. of 3 March 1934, No. 383;

HEREBY DECREES

Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardi shall be appointed Commissioner for the administration of the "Societa' Italiana Ricerche Industriali" (S.I.R.I.), with its plant in Terni, to take the place of the Company's normal administration.

The present decree will be published in the Legal Announcements.

Industriali", plant in Terni, belongs to alien subjects and as it has been ascertained that the same Company has been financed in part by French subjects; and

Whereas his own decree dated 10 July 1940, by which the credits of the Alais, Froges and Camargue Chemical and Electrometallurgic Products Company of Paris and of Mr. Hypolyte Bouchayer of Paris toward the S.I.R.I., were subjected to sequestration;

Considering that the said Company carries on, in its local plant, industrial research directly regarding war industry and that in the superior interests of the Country it is necessary to insure that the Company's activities harmonize with the defence necessities of the present state of war;

Deeming it necessary and urgent, therefore, to appoint a Commissioner to take the place of the Company's administration;

Whereas art. 19 of the Consolidated Text of the Communal and Provincial Law, approved by R.D. of 3 March 1934, No. 383;

HEREBY DECREES

Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardi shall be appointed Commissioner for the administration of the "Societa' Italiana Ricerche Industriali" (S.I.R.I.), with its plant in Terni, to take the place of the Company's normal administration.

The present decree will be published in the Legal Announcements of the Province.

TERNI, 11 December 1940

PREFECT

/s/ Antonucci

ENCLOSURE 2.

SUBJECT: Appointment of Sub-commissioner.

THE PREFECT OF THE PROVINCE OF TERNI

Referring to his own decree of 11 December 1940, No. 18763/001 by which Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardo was appointed Commissioner for the administration of the Societa' Italiana Ricerche Industriali (S.I.R.I.), plant at Terni, in place of the Company's normal administration; and

Whereas the letter of 27 December 1940 from Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardo, asking for the assistance of a Sub-Commission in carrying out his duties; and

Deeming it necessary to appoint an assistant to the above-mentioned Commissioner, who could also take his place whenever absent or prevented from attending to his duties; and

Whereas art. 19 of the Consolidated Text of the Communal and Provincial Law, approved by R.D., No. 383 of 3 March;

HEREBY DECREES

Comm. avv. Giorgio Avallone shall be appointed Deputy Commissioner for the administration of the Societa' Italiana Ricerche Industriali (S.I.R.I.), with its plants in Terni, and shall be able to exercise the functions assigned to the Commissioner Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardo whenever the latter is absent or prevented from attending to his duties.

1504

Commissioner for the administration of the Societa' Italiana Ricerche Industriali (S.I.R.I.), plant at Terni, in place of the Company's normal administration; and

Whereas the letter of 27 December 1940 from Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardo, asking for the assistance of a Sub-Commission in carrying out his duties; and

Deeming it necessary to appoint an assistant to the above-mentioned Commissioner, who could also take his place whenever absent or prevented from attending to his duties; and

Whereas art. 19 of the Consolidated Text of the Communal and Provincial Law, approved by R.D., No. 353 of 3 March;

HEREBY DECREES

Comm. Avv. Giorgio Avallone shall be appointed Deputy Commissioner for the administration of the Societa' Italiana Ricerche Industriali (S.I.R.I.), with its plants in Terni, and shall be able to exercise the functions assigned to the Commissioner Sen. Cav. di Gr. Cr. Eng. Arturo Bocciardo whenever the latter is absent or prevented from attending to his duties.

1504

TERNI, 29 DECEMBER, 1940

THE PREFECT
/s/ Antonucci

ENCLOSURE 3

ROME, 18 January 1941

TO: His Exc. The Prefect of the Province of Terni
President of the Provincial Council of Corporations, Terni.

Your Excellency,

I received in due time your express letter of 27 December 1940 dated 11 - and I waited before acknowledging receipt, until the publication of your decree in the Leaflet of Legal Announcements of the Province.

For the sake of precision I deem it my duty to affirm that the 4,000 shares of 500 lire each, which constitute the capital of the S.I.R.I., are all nominal, as may be ascertained in the registered letter No. 393 C of 29 October 1936 from the Banca d'Italia, Terni, and were, on 7 October 1936, made to the name of the "Ammonia Casale S.A." founded on 21 April 1921 at Lugano.

As to the amounts financed by French subjects, I take the liberty to point out that they refer to sums withheld by the Exchange Office and were authorized at the time by the Ministry of Exchange and Currency because assigned to research work of which the S.I.R.I. has the right of free exploitation in Italy.

S.I.R.I.

Societa' Anonima Ricerche Industriali
The President
/s/ Prof. Arturo Micolati

1203

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