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Declassified E.O. 12356 Section 3.3/NND No. 785021

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

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REQUISITIONING OF MILL, TERMI
NOV. 1944 - JAN. 1945

Local Government etc.

19 Jan.

1. Bill sent and returned herewith.
2. No action appears necessary since the wife was apparently description in the same day that it was requisitioned and before Bizzani wrote to the Ministry.

3. If you desire any advice and would specify the problem we shall be pleased to assist; otherwise no further action appears necessary.

~~undelivered~~
C.R.
D.C.A.

⑤

19 Jan.

Ed

London with To this effect.

1. The matter has been investigated.
2. The P.C. reports as follows

Pages of 3 - (2) - (4)

✓ 4008

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/42/1/10

Tel: 478190

SUBJECT: Requisitioning of mill at Terni--property
of Alfredo BIZZARRI.

20 January 1945

TO : His Excellency the Minister of the Interior.

Your Excellency:

1. I refer to the Ministry's letter No. 14092 Gabinetto dated 29 November 1944.
2. Inquiries have been made and I have been supplied with translations of reports on the matter from the Prefect and the Medico Provinciale, of which I enclose copies for your information.
3. You will observe that the mill was returned to Sig. BIZZARRI the same day it was requisitioned; and it has been operating again under its owner for several weeks.
4. The Provincial Commissioner reports to me that the action taken by the Prefect in requisitioning the mill appeared to him to be necessary and to have had the desired effect.

R. G. B. Spicer
R. G. B. SPICER
Colonel
Director
Local Government Sub Commission

CORW/pec
Encls. as in (2) above.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION
APO 394

R/6038

11 January 1946

SUBJECT : Terni - Requisitioning of a Mill.

TO : HQ Allied Commission,
Local Government Sub-Commission.

JAN 1946

1. Reference your AC/42/LG dated 13 December 1944.
2. We enclose copies of translations of the reports by the Prefect and Medico Provinciale.
3. This mill was closed because of malpractices but has been operating again under its owner for some weeks.
4. The Provincial Commissioner adds that the action appeared to be necessary and also effective.

For the Regional Commissioner:

A.D. Bonham-Carter
A.D. BONHAM-CARTER
Lt. Colonel
Executive Officer.

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COPY

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FROM THE SUPPLY SECTION OF TERNI
TO THE ALLIED PROVINCIAL COMMISSIONER.

SUBJECT : CLAIM OF THE MILL PROPERTY OF BIZZARRI ALFREDO

In regard to the note R.L.TER 3 dated 21 Dec., I inform you that on the 16 Nov. 44 I ordered the requisition of the mill belonging to Bizzarri Alfredo on account of the following reasons:-

- (a) Unlawful increase in the prices. In fact Bizzarri sold in the period from 27 Sept. to 11 Oct. 44, 575 quintals of flour at Lire 354.50 a quintal. Then on the 12 Oct. he sold 265 quintals of flour at the price of Lire 344 a quintal. The maximum price fixed was Lire 351 a quintal.
- (b) Hygienic and sanitary transgressions, because the grain was washed at the mill with water judged by the Prov. Doctor not potable either chemically or bacteriologically (See letter of Prov. Doctor attached).
- (c) On the 26/10/44 the laboratory of hygiene and profilaxis found that the flour produced in Bizzarri's mill did not correspond to the percentage of 91 %, as it was fixed by the Allied Headquarters. In fact the percentage was 85 %.

The measure of requisition was not submitted to your approval.

In regard to the claim of Bizzarri we inform you that the Art. 19 of the T.U. of the Communal and Provincial Laws has not been abrogated and for this reason the requisition was made according to the Italian Laws.

The same measure was suspended on 16 Nov. because Bizzarri assured us to act and work according to the present laws.

File No. 19

THE PREFECT PRESIDENT - GERLO

FROM THE PREFETTURA OF TERNI. ADMINISTRATIVE SECTION
File No. 31 PUBLIC HEALTH DIVISION No. 7104

25 Sept 44

SUBJECT : BIZZARRI'S MILL. HYGIENICAL AND SANITARY ASCERTAINMENTS.

TO : PROVINCIAL SUPPLY SECTION. TERNI.

On the morning of 19.9.44, I went to the Bizzarri Mill with the Sanitary Doctor of Terni, Dott. Margheriti and with the sanitary agent Gobbi Armando.

We have ascertained that the washing of the grain was made with the water of the running stream under the mill, called "Raggio Nevo".

The present personnel assured me that the washing of the grain was made with this water since the year 1937 when the mill was opened.

I have taken a sample of the water, and as I thought, this water resulted not potable chemically and bacteriologically. I believed opportune to intimate to the owner presently not to use this water for the washing of the grain, and to use potable water. Then I think necessary to ascertain if this matter is caused by initiative of the owner, or it was sanctioned by the authorities when the Mill was opened.

PROVINCIAL DOCTOR - MORETTI I.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AS/42/16.

Tel. : 478190

SUBJECT : TERNI - Requisitioning of Mill.

13 December 1944

TO : RO. LAZIO - UMBRIA Region

1. I enclose copy letter from the Ministry of the Interior together with a copy (and translation) of the "act of opposition" referred to therein.
2. I shall be glad to know if the RO. has any information on the matter and to receive any observation thereon.

R. G. B. SPICER
Colonel
Director
Local Government 3/0

WRE/OS.

Copy to RO. TERNI

Encl. : n. 3 as in 1 above

Reminder sent 3/1/45 JN

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MINISTRY OF THE INTERIOR

CABINET OF THE MINISTER

FILE : 14092

29th of November, 1944

TO : ALLIED COMMISSION
LOCAL GOVERNMENT SUB COMMISSIONSUBJECT : TERNI - Bizzarri Alfredo - Requisition of a Mill.-

With a Decree n. 12749 of the 16th of November, 1944, H.E. the Prefect of Terni has ordered the requisition of a mill belonging to BIZZARRI Alfredo. Against this measure the interested party, has made an act of opposition of which we transmit a copy.

We ask this Commission, if they have nothing in the contrary, to confer with the Ministry on the above question.

THE MINISTER

TC/Tr.

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COPY

1A

ACT OF OPPOSITION TO THE DECREE 16/11/1944 OF THE PREFECT REGGENTE
OF TERNI
AND CLAIM FOR DAMAGES

BIZZARRI Alfredo, son of late Luigi, industrialist/ Terni, domiciled in Via della
Esteressa n. 9, 10, and 11;

Considering the decree of the Prefect Reggente of Terni of the 16th of November, 1944
with which, the Industrial Mill belonging to Bizzarri was requisitioned, and Mr. Fiorello
Fabio di Gaglielmo was appointed Commissioner for the management;

Considering, that this decree was emitted by the Prefect Reggent by virtue of the
art. 19 of the communal and provincial law of the 3rd of March 1934 n. 345;

Considering that such a decree is unconstitutional :

a) because the provincial and communal law of the 3rd of March 1934, n. 345 has been abro-
gated with an order n. 1 of the Allied Government - who has actually jurisdiction in Terni,
in this order it is expressly said that the above law " does not correspond to
the changed political situation " and that therefore " it is considered advisable to re-
call into force the Testo Unico of the Communal and Provincial Law approved by the R.D.
of the 3rd of February 1915 n. 148 because this is in conformity with the liberal and de-
mocratic principles and the free political conscience of the people "

And as the concern of the petitioner is a private concern and is therefore
submitted to the rules of the Civil Code (art. 2089 - 2090 - 2091) rules which foresee
the infractions of the undertaker to the obligations imposed by the Corporative Judica-
ture in the interest of the production, and the ensuing sanctions, with the eventual nomi-
nation of an administrator by the Magistracy of Work on the designation of the undertaker.

That considering the unconstitutionality of the Decree of Requisition, the pe-
ti tioner asks

the revoke

of the Decree of the 16th of November, 1944 n. 12749 - 1 - 5/6 of the Prefect of Terni,
reserving himself to take an action for indemnity of damages also regards the Commis-
sioner Fiorello Fabio di Gaglielmo for having accepted the appointment unconstitutionally
given to him, and to have carried out his functions, and this all the more, as the accusa-
tions made against Bizzarri, that is to say, to have augmented the prices of wheat, while it
actually was only an augmentation of the rent of sacks, of the property of the applicant,
augmentation approved by the Director of the Office for Alimentation, Mayor Pignatelli
who, faced with the inordinate cost of the sacks, to their consumption, and the difficulty to
find them, approved the slight temporary augmentation.

Terni, the 17th of November, 1944

BIZZARRI ALFREDO

TC/TC.

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MAN 9062/1
14 (B)

29 Novembre 1944

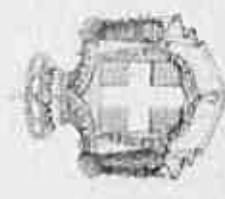
8 - DEC 1944

la COMMISSIONE ALLEATA
Sottocommissione del Governo
Locale

ROMA

TERMI - Bizzarri Alfredo - Requisizione Molino.

OGGETTO



Ministero dell'Interno

GABINETTO DEL MINISTRO

Prot. N. 14092 Allegato

Con decreto N. 12749 in data 16 novembre 1944, S.E. 11 Prefetto di Terni ha disposto la requisizione del molino di proprietà del signor BIZZARRI ALFREDO. Avverso tale provvedimento l'interessato ha notificato atto di opposizione, del quale si rimette copia.

Si prega codesta On.le Commissione, ove nulla osti, di compiacersi riferire sulla questione a questo Ministero.

IL MINISTRO

Con decreto M.12749 in data 16 novembre 1944, S.E. il Prefetto di Terni ha disposto la requisizione del molino di proprietà del signor BIZZARRI ALFREDO. Avverso tale provvedimento l'interessato ha notificato atto di opposizione, del quale si rimette copia.

Si prega codesta On.le Commissione, ove nulla osti, di compiacersi riferire sulla questione a questo Ministero.

IL MINISTRO



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Ferr.



C O P I A

ATTO DI OPPOSIZIONE A DECRETO 16/11/1944

DEI

PREFETTO REGGENTE DI TERNI

E DIFFIDA PER DANNI

BIZZARRI Alfredo fu Luigi, industriale da Terni, domiciliato in Via della Bardesca n.ri 9-11-13;

Visto il decreto del Prefetto Reggente di Terni in data 16/11/1944, con il quale, veniva requisito il Molino Industriale di proprietà dell'istante e veniva nominato "Commisario, per la gestione il signor Fiorelli Fabbio di Guglielmo;

Visto, che tale decreto veniva emesso dal Prefetto Reggente in forza dell'art.19 della legge comunale e provinciale 3 marzo 1934 n.385;

Ritenuto che tale decreto sia incostituzionale:

a)- perchè la legge comunale provinciale 3 marzo 1934, n.385 è stata abrogata con l'ordinanza n.1 del Governo Alleato - il quale ha giurisdizione attualmente in Terni, nella quale Ordinanza è espressamente detto come la richiamata Legge "non risponde alla mutata situazione politica" e che quindi "si dimostra opportuno richiamare in vigore il T.U. della Legge Comunale e Provinciale approvata con R.D. 3 febbraio 1915 n.148 "come quello che risponde ai principi democratici liberali ed alla libera coscienza politica della popolazione".

E poichè l'Azienda dell'istante è un'Azienda privata e sottoposta alle norme del Codice Civile (art.2089 - 2090 - 2091) norme che prevedono l'inservanza dell'imprenditore agli obblighi imposti dall'ordinamento Corporativo nell'interesse della produzione e le conseguenti sanzioni, con eventuale nomina di un Amministratore da parte della Magistratura del Lavoro su designazione dell'Imprenditore;

che data l'ircostituzionalità del Decreto di requisizione, l'istan-

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Ritenuto che tale decreto sia incostituzionale:

a)- perchè la legge comunale provinciale 3 marzo 1934, n.385 è stata abrogata con l'ordinanza n.1 del Governo Alleato - il quale ha giurisdizione attualmente in Terni, nella quale Ordinanza è espressamente detto come la richiamata Legge "non risponde alla mutata situazione politica" e che quindi "si dimostra opportuno richiamare in vigore il T.U. della Legge Comunale e Provinciale approvata con R.D. 3 febbraio 1915 n.148 "come quello che risponde ai principi democratici liberali ed alla libera coscienza politica della popolazione".

E poichè l'Azienda dell'istante è un'Azienda privata e sottoposta alle norme del Codice Civile (art.2089 - 2090 - 2091) norme che prevedono l'inosservanza dell'imprenditore agli obblighi imposti dall'ordinamento Corporativo nell'interesse della produzione e le conseguenti sanzioni, con eventuale nomina di un Amministratore da parte della Magistratura del Lavoro su designazione dell'Imprenditore;

che data l'incostituzionalità del Decreto di requisizione, l'istante chiede

la revoca

del Decreto 16 novembre 1944 n.12749 - 1 - 5/6 del Prefetto di Terni, con ampia riserva di azione di risarcimento di danni anche nei confronti del Commissario signor Fiorelli Pabbio di Guglielmo per aver accettato l'incarico incostituzionalmente conferito ed essere entrati nell'esercizio delle sue funzioni, e cioè tanto più in quanto, non sono provate le accuse che si muovono all'opponente, di aver cioè maggiorato i prezzi

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della farina, mentre si tratta solo di un aumento di rolo di sacchi, di proprietà del richiedente, aumento approvato dal Direttore dell'Ufficio dell'Alimentazione Maggiore Pimpinelli, il quale, di fronte all'enorme costo dei sacchi, al consumo che ne deriva, alla difficoltà di acquistarli, ebbe ad approvare il tenue temporaneo aumento.

Terni, li 17 novembre 1944

BIZZARRI ALFREDO

Ad istanza di BIZZARRI ALFREDO, il sottoscritto
Ufficiale Giudiziario addetto
ho notificato copia controfirmata dall'istante

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