

ACC

10000/142/196

10000/142/196

AGRICULTURE SUB-COMMISSION
JAN. - NOV. 1945

To: Agriculture S/C
Ref folios 4A.

Ref folio 4A.
M^{rs} Brown conferred with Maj. Palmieri on
2 March 1945. The memorandum of 19 Feb 1945
~~was~~ (3A) was gone over point by point and
explained by Maj. Palmieri. The intent of a ^{B-29} was
letter to the Minister of Agriculture para-
phrasing Paragraph 7 of 3A was also discussed.

E. Palmeri
Wash

2 March 1945
Leyden/C.

filed L.H. Council as a result of this

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mdn.

16 November 1945

NO/4014/16/1.

SUBJECT : Legislative Decree N. 386
of 7 June 1945.

TO : Agriculture Sub-Commission.

1. Ref. yours AGR/1020 dated 1 Nov. 1945.
2. According to Italian law the Federazione Consorzi Agrari is not an agent of the S. and T. The contract signed by the said parties is a contract for the purveyance of goods governed by art. 1559 and following of the Italian Civil Code.
3. The Federazione is a mandatary acting in his own name though on behalf of the producers.
4. The Federazione who paid the tax cannot recover it from the S. and T. according to art. 10 of D.L.L. N. 386.
5. The producers, who are the actual suppliers and principals must repay to the Federazione the amount of the tax (art. 10 of D.L.L. 386 as read with art. 1720 Italian Civil Code).
6. The enclosures with your letter are returned herewith.

21

Incls.

MUSCOLIVE THOMAS
Italian Branch,
for Chief Legal Advisor.

Tel. 263

HEADQUARTERS ALLIED COMMISSION
APO 394
AGRICULTURE SUB-COMMISSION

14A
Legal
FVB:ps

4014/16
✓

2 - NOV 1945

Ref. AGR/1020

1 November 1945

SUBJECT: Legislative decree No. 386
of June 7, 1945.

TO : Civil Affairs Section
Attn: Legal Sub-Commission

13A

1. Reference your AC/4014/16/L.

2. Attached is a copy of the contract requested
in reference letter as well as a copy of the minutes of
the meeting preceeding the formulation of the contract.
Please return the attached correspondence with your
comments.

-20

J. M. Merritt
JAMES M. MERRITT
Director

attachment:
Contract and minutes

DIVISION	
ASST. DIR.	
DELO	
Chief Counsel	
CIO	
→ Italian Section	
CL RKS	
2 NOV 1945	

5464

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/16/L.

31 October 1945.

SUBJECT : Legislative decree No. 386
of 7 June 1945.

TO : Agriculture Sub-Commission.

1. Reference your AGR/1030 of 25 October 1945.
2. Whether the potatoes when produced are the property of the Federation or of S & T depends upon the terms of the contract. Before advising further this Sub-Commission would like to see a copy of the contract.

MOSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

19

4014/16
Tel: 478707 HEADQUARTERS ALLIED COMMISSION
APO 394
AGRICULTURE SUB-COMMISSION

12A
FVB/et

AGR/1020

25 October 1945

SUBJECT: Legislative decree June 7, 1945
N. 386 published by G.U.N. 86 of July 19, 1945

TO : Legal Sub-Commission
Attn: Mr. Musgrave Thomas

1. Reference AGR/825 - AGR/1020 of 18 October 1945
and AC/4014/16/L of 24 October 1945.

11A 2. In the case in question the Federation is in the role of an agent without any possibility of making any speculative profit. The Federation contracted with producers on a certain specified hectareage to produce potatoes for the allied forces, and it is believed that this might be interpreted that title to the potatoes so produced was always in the name of the allied forces concerned, and in this case it is questioned if the Federation is liable for the transaction tax on the potatoes so produced and turned over to the allied forces. It is also understood that the Accounting Division of Finance Sub-Commission never allows any claims for transaction taxes on goods or services provided from Italian sources for allied forces. Where claims for such taxes are not allowed, it places the seller or producer of services to the allies at a disadvantage that it would not be placed at in dealing with an Italian organization.

3. With this additional information at hand it is requested that the question be again considered.

18
JAMES M. MERRITT
Director

DCO

Chief Counsel

CIO

Italian Section

26 Oct 45

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

11A

AG/4014/16/L.

Subject : Legislative decree June 7, 1945 24 October 1945
N. 386 published by G. U. N. 86
of July 19, 1945.

To : Agriculture Sub-Commission.

1. Reference your letter AGR/625 - AGR/1030 of
18th Oct. 1945.

2. Under the terms of Art. 10 referred to by
you the transaction tax must be paid by the seller without
any right to recover it from the buyer.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

17

404/16

18 OCT. 1945

Tel. 263

HEADQUARTERS ALLIED COMMISSION
APO 394
AGRICULTURE SUB-COMMISSION

FVB:ps

10A

18 OCT. 1945

Ref. AGR/825
AGR/1020

October 17, 1945

SUBJECT: Legislative decree June 7, 1945 No. 386
published by the Gazzetta Ufficiale No. 86
of July 19, 1945.

TO : Civil Affairs Section
Attn: Legal Sub-Commission

1. An interpretation of Article 10 of reference decree is needed in order to settle a contract between S & T and the Federation Consorzi Agrari.

2. The Federation entered the contract with S & T to provide ware potatoes from a certain specified hectareage in the Avezzano district. Settlement was to be made on the basis of the determined average seasonal price plus the expenses involved by the Federation in the production, collection and sorting of the potatoes. As a part of their expenses the Federation submitted a claim for the transaction tax, which they stated because of the reference decree they would be obliged to pay. S & T took the stand that purchases by them were not subject to the reference decree and transaction tax. Therefore, your interpretation and ruling is requested.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
19 Oct 1945	

J. M. Merritt
JAMES M. MERRITT
Director

16

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260

4014/16

5/16

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

9A

Ref. A-4

12 August 1945

SUBJECT: Assignment of Copper Sulphate

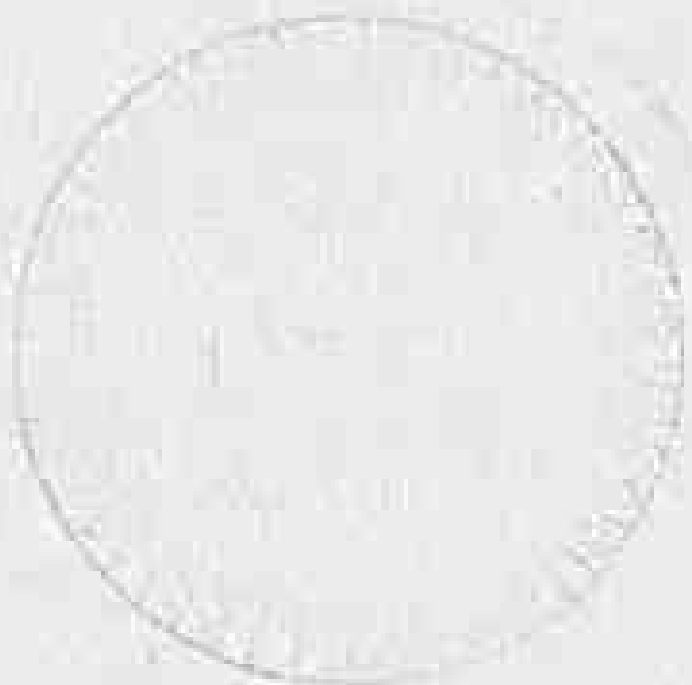
TO : Headquarters, Allied Commission, APO 394
(Attn: Legal Sub Commission)

9A

Refer to your AG/4014/16/L of 9 August.

It is regretted that the original of the document forwarded with our letter of 7 August is not available for transmission through you to the Italian Government. The "paper slip" referred to in the letter was not received at this headquarters.

For the Assistant Chief of Staff, G-5:



R. V. Grady
R. V. GRADY,
Major, T.C.,
Economics & Supply

15

LEG. SUB. COMMISSION	
CLO	<i>pm</i> ←
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
13 AUG 1945	

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Ref. A-4

12 August 1945

SUBJECT: Assignment of Copper Sulphate

TO : Headquarters, Allied Commission, APO 394
(Attn: Legal Sub Commission)

Refer to your AC/4014/16/L of 9 August.

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For the Assistant Chief of Staff, G-5:

R. V. GRADY,
Major, T.C.,
Economics & Supply

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4011/16/L.

/rlp.
9 August 1945.

SUBJECT : Assignment of copper sulphate.

TO : AFHQ, G-5.

1. Reference is made to your A-4 of 7 August 1945.
2. We have already referred the matter to the Italian Government for investigation and report. You will appreciate that this investigation and any criminal proceedings are likely to take some considerable time.
3. It is understood that the originals of the documents forwarded to this sub-commission were in Italian and contained the "paper slip" referred to in the letter from the farmers which was not attached to the documents received here.
4. Would it be possible for the original Italian document to be forwarded for onward transmission to the Minister of Justice and thereby save the inevitable delay and probable errors which occur in retranslations and also for the "paper slip" to be forwarded, preferably in Italian for such use as the Minister may be required to make of it.

For the Chief Commissioner:

W. E. Behrens

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/16/L.

/rlp.
9 August 1945.

SUBJECT : Assignment of copper sulphate.

TO : AFHQ, C-5.

1. Reference is made to your A-4 of 7 August 1945.
2. We have already referred the matter to the Italian Government for investigation and report. You will appreciate that this investigation and any criminal proceedings are likely to take some considerable time.
3. It is understood that the originals of the documents forwarded to this sub-commission were in Italian and contained the "paper slip" referred to in the letter from the farmers which was not attached to the documents received here.
4. Would it be possible for the original Italian document to be forwarded for onward transmission to the Minister of Justice and thereby save the inevitable delay and probable errors which occur in retranslations and also for the "paper slip" to be forwarded, preferably in Italian for such use as the Minister may be required to make of it.

For the Chief Commissioner:

12
W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

26

7A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/LOM/16/L.

/-lp.
9 August 1945.

SUBJECT : Alleged black market activities in Pescara.
TO : Minister of Pardon and Justice.

1. Field Marshal Sir Harold Alexander has forwarded to this sub-commission the attached document which is a translation of a complaint received by him from certain farmers in the Province of Pescara concerning illegal dealings in copper sulphate in the Province of Pescara.

2. It is regretted that we have not received from the Supreme Allied Commander either the Italian original of the complaint or "the attached paper slip" referred to in the document and purporting to prove that the copper sulphate has come out of the Provincial warehouse.

3. The Supreme Allied Commander instructed this sub-commission to present the matter to you for investigation and action and to inform him of the result. Will you please therefore take the necessary action to have the case investigated as soon as possible. If original proceedings appear to be necessary will you please cause them to be instituted ~~then~~ without delay and will you please inform this sub-commission as soon as possible of the results so that a report can be made to the Supreme Allied Commander.

4. We are endeavoring to obtain "the attached paper slip" and if we can do so we will forward it to you.

11

W. E. MERRINS,
Colonel,
Chief Legal Advisor.

Incl: Translation of complaint.

Copy to: Agriculture S/C.

4014/16
✓

LEGAL ST/CL
JA
901

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Ref. A-4


SUBJECT: Assignment of Copper Sulphate. 7 August 1945.

TO : Headquarters, Allied Commission, APO 394.
(Attn: Legal Sub-Commission). ✓

1. The attached correspondence from farmers in the province of PESCARA has been addressed to Field Marshal, Sir H. ALEXANDER.

2. It is requested that this matter be presented to the Italian Government for proper investigation and action, and that this Headquarters be informed of the results.

-10


A. L. HAMBLIN,
Brigadier General, G.S.C.,
Assistant Chief of Staff, G-5.

Encl: correspondence as above.

Copy to: Agriculture Sub-Commission,
Economic Section, A.C.

DCIO	
Chief of Staff	
CJO	
Italian	
CL RKS	

9 AUG 1945

TRANSLATION

TO : FIELD MARSHAL SIR H. ALEXANDER

ALLIED FORCE HEADQUARTERS

CASERTA

We, the undersigned, farmers in the province of Pescara, request to know from the high authorities of the American and English Armies, what rules are made for the assignment of copper sulphate for the treatment of grape-vine industry.

Up to June 2nd, only one gram of copper sulphate was distributed per grape-tree through the "Consorzio Agrario" and the Station Office of Agriculture; meanwhile a similar distribution will be made in the future.

We are informing you of the dangers we have to overcome for the treatment of the grape-trees. Many farmers in the past days, due to missinformed informations from those in the office, had to buy copper sulphate from illegal sources, on the black market. One of the law-breaker is Sig. Antonio Di Giampaolo, residing in Cappelle, Pescara, who has been selling it for lire 380 to lire 400 per kilogram. We request that an investigation be made on this terrible case. The attached paper slip proves that this copper sulphate has come out of the provincial warehouse. Since we are the ones involved in this critical situation, we beg you to put to an end the illegal sale of copper sulphate on the black market so that it will be distributed through the proper authorities.

9
not attached
MB

With the hope that something will be done about this matter, we thank you.

Signatures:

D 'Intino Giovanni - Palma Giovanni - Guglielmo Rutino - Di Tommaso

Francesco - Tinacci Rosario - Rovere Guerino - Ferri Davide - Ferri Pasquale
- Ferri Francesco - Sergiarono Nicola - Finocchio Gabriele - Di Matteo
Nicola.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

5A

AC/4014/16/L.

AN/1c.
25 July 1945.

SUBJECT : Slaughter of Cattle.

TO : Regional Commissioner (Attn: Regional Legal Officer);
VENEZIA Region.

The question of the slaughter of cattle is to be dealt with by Agriculture Sub-Commission which promises a ministerial decree by 10 August 1945 clarifying the situation.

By command of Rear Admiral STONE:

7
ANTHONY NUGENT,
Major A.U.S.,
Chief Counsel,
for Chief Legal Advisor.

4014/16

HEADQUARTERS ALLIED COMMISSION

APO 394

Agriculture Sub Commission

NCE/ht

4A

Tel.: 277
AGR/401.0

27 February 1945

Subject : Price of timber in Calabria.

To : Legal Sub Commission, attention of
Major E.L. PALMIERI.

3A

1. Reference your letter AC/4014/16/L of 19 February 1945.

2. I have tried to get you on the telephone several times last week and again today. Will you please advise me how we can put into effect the last paragraph of your letter, namely 7 (c) so that we can advise the Ministry of Agriculture and Forests how best to proceed. In other words, ~~with~~ whom should negotiations be entered ~~to~~ and on what basis these negotiations should proceed.

Nelson C. Brown
NELSON C. BROWN
Forestry Division

LEGAL SUB COMMISSION	
CLO	
DAO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
<i>W. J. Palmer</i>	
28 FEB 1945	

6

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/15/L.

19 Feb 45. /pa.

SUBJECT : Timber Lands in Calabria. Price Fixing of Timber.
TO : Economic Section, Attn: H. E. Bakken.

1. We have considered the letter of the Minister of Agriculture dated 17 January 1945, and the copy of HQ AAI (ADM ECH) 2157/22 of 7 April 1944 forwarded with your memorandum of 15 February 1945.

2. The Minister has raised the question of the effectiveness and scope of the 7 April 1944 order in view of the restoration of the territory in question; and further has suggested the desirability of modifying the existing price scale set forth in the order of 7 April 1944.

3. The restoration of the territory concerned took place on 11 February 1944. Without reviewing the entire legal basis therefor, it is of interest to note that one of the restoration conditions was the passage of a decree (namely, R.D.L. 11 February 1944, No. 31, subsequently confirmed by D.L.L. 20 July 1944, No. 162, both referred to in the Minister's letter) stabilizing maximum prices, wage rates etc as they existed at the date of restoration "and pending the future policy to be agreed upon between us", that is, between the Italian Government and the Supreme Allied Commander.

4. The order of 7 April 1944, though subsequent to the restoration, was a valid act of the Allied Military Authority since the control of cut and uncut timber and the fixing of prices with respect thereto were vital phases of Italian economy bearing directly upon the interests of the United Nations. The validity of this order stems from the Armistice terms and the Terms of Surrender which remain operative notwithstanding the restoration of territory.

5. The setting aside of reserved zones in the order of 7 April 1944 for the exclusive right to purchase timber in behalf of the United States and British armies, does not restrict the operation of the order; nor does it limit its effectiveness under the Italian decrees. It should be noted that the armies retained the right to purchase in the so called free area and that Italian civilians were given limited access to the reserved zones.

6. It is not considered expedient, however, for you to deal with this matter solely on the basis of the validity of the order of 7 April 1944. As pointed out above (paragraph 5) the future policy respecting maximum prices was to be agreed upon. At least, the Italian Government could reasonably expect to be consulted in such matters.

7. It is suggested, therefore, that the Minister of Agriculture be advised that :

- (a) The order of 7 April 1944 must be regarded as a valid exercise of authority based upon the Armistice Terms and the Terms of surrender.

- (b) The order of 7 April 1944 is not based upon Article 4 of R.D.I. 11 February 1944, No. 51 ; nor are the reserved zones referred to in the order, military zones within the meaning of Article 4.
- (c) It is desirable to enter into immediate negotiations with a view to determining what modifications of the order can be agreed upon with a view to satisfying the interests of the United Nations as well as those of the Italian Government.

326
L. PAIMIERI,
Major, SR.,
Acting Chief Counsel,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 391
ECONOMIC SECTION

3B

ROUTING AND WORK SHEET

Each note must be numbered and each space completely filled in. THIS WORK SHEET MUST NOT BE REMOVED FROM THE CORRESPONDENCE TO WHICH ATTACHED UNTIL ACTION IS COMPLETED AND THEN FILED WITH FILE COPIES OF COMMUNICATION TO WHICH IT PERTAINS. A line will be drawn the full width of the page under each note.

SUBJECT: Timber in Calabria

No	Date	To	REMARKS	From
1	15 Feb	Col. Behrens	Will you kindly review Minister Gullo's query and give us an opinion on the status of Military control of timber lands in Calabria.	H.H. BAKKEN

12

3

file

HEADQUARTERS ALLIED COMMISSION
APO 324
LOCAL SUB-COMMISSION

2A
VJC/pa.
17 Jan 45.

AG/LOIN/16/L.

SUBJECT : Payment for Sulphur.

TO : Agriculture Sub-Commission.

1. Reference your letter AGC/332 of 15 January 1945 and enclosures.
2. The statements in the enclosures are so confused and involved as not sufficiently to disclose the facts for the purpose of making answer to your inquiries.
3. If you will assemble the facts in such form as to be understandable we shall be glad to undertake an answer to your inquiry.
4. Enclosures returned.

HAROLD J. CROSSMAN,
Lt. Colonel, Chief Counsel,
for Chief Legal Advisor.

2

Encls.

JED/EP

1A

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
AGRICULTURE SUB-COMMISSION

AGR/ 332.
Tel. 478707

15 January 1945

SUBJECT: Payment for Sulfur.

TO : Legal Sub-Commission.

1. Reference is made to the attached correspondence.
2. Request advice as to whether or not this is a matter for settlement by ALCOM action at this time, or for settlement by the Italian Government in accordance with such procedure as may be applicable to requisitioned supplies.
 - a Sig. Gargano claims ownership, but the legality of his purchase is subject to question.
 - b the settlement involves not only the setting of a basis for payment, but also the disposition of a sum of money.
3. It seems that the original intent was to requisition the material, and that the most practicable solution will be to proceed in that manner.

Leland G. Allbaugh
LELAND G. ALLBAUGH
DIRECTOR

Inclusures:
Ltrs, Southern Region (please return)

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
16 JAN 1945	

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