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

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

10000/142/328

PIERCY ESTATE, SARDINIA
(AUG. 1939); NOV. 1943 - MAR. 1944

22 4036

To : H.Q. Allied Control Commission,
Legal Sub-Commission, C.M.F. (10)

From : H.Q. Allied Control Commission, Region 6
Legal Officer.

Subject : Piercy Estate.

Reference : L/1405

Date : 28th March 1944.

Reference your cable (2538) dated 27th March 1944.

Herewith copy of this office L/1405 dated 14th March 44 together with copy enclosures.

It is expected that the original letter will have arrived by the time this reaches you in which case it will be obliging if you will return all the above documents of which copies (other than those transmitted to Finance Officer) do not exist here.

This office letter dated 21 Mar 44 was delivered personally by Brigadier Dunlop and this may explain its sooner arrival. Posts to and from this Island appear to be sometimes abnormally delayed.

At date of writing above letter of 21 Mar 44, A.C.C. Executive Memorandum No. 15 had not been seen by me.

41

R. G. S. Alexander
R.G.S.ALEXANDER.
Major.
Regional Legal Officer.

RGSA/ajs.

SEE OVER FOR 1st INDORSEMENT

1st Indorsement

To: RLO (thru RC) Region 6

1 April 1944

Papers returned as requested.

Captain
for, Chief Legal Officer

6 Apr 44.

Case discussed with
Major Alexander.

At the moment he requires
no further legal advice but
will let us know as and
when ~~done~~ he does.

~~The~~ Inclosures to this letter
removed by Major Alexander
Today.

G. R. Lypjoh

1243

CONFIDENTIAL

ALLIED CONTROL COMMISSION INCOMING MEM BE

51472 ~~6155~~

Legal (9)

SVC? RELAY NO 3/29

CONFIDENTIAL

PRIORITY

FABLE FROM CARR

FATIMA REAR FOR LEGAL SUB COMMISSION

M/C NO 4/29

REF NO WM 1565

FILED 281552A

REC'D 290148A

Percy Solate
4036

File



(FROM FABLE FROM CARR CITE NR 268 FATIMA PLS PASS TO FATIMA REAR FOR LEGAL SC)

CABLE NR 2958 IS ACKNOWLEDGED. COPY OUR LETTER I/1405 OF 14 MARCH WITH
RELATIVE DOCUMENTS POSTED TODAY.

ACTION COPY

already received

39

CONFIDENTIAL

ACC DIST

ACTION LEGAL
INFO DCC
ADM SEC
CA ER
FILE
FLOAT

U. S. RESTRICTED
 equals British RESTRICTED OUTGOING

28 MAR 1944

LEGAL
GRU/mr

11/27

2543

MAR

RESTRICTED

ROUTINE

FATIMA REAR

FABLE

CANCEL OUR TWO FIVE THREE EIGHT OF TWO SEVEN MARCH PD TO FABLE FOR

CANCELLATION FATIMA REAR FROM LEGAL SIGNED MACFARLANE PD L BLANT ONE

FOUR ZERO FIVE OF ONE FOUR MARCH RECEIVED TODAY

AUTHENTICATED:

E. J. Chiozza
 E. J. CHIOZZA per
 CTO USA
 Asst Adj

DISTRIBUTION:

1 - AG
 1 - DSG
 1 - ICC
 1 - Legal

38

U. S. RESTRICTED

U S RESTRICTED
EXCLUDED FROM RESTRICTED

27 MAR 1944

3563

4036

- OUTGOING

Legal
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6/27

2538

MAR

RESTRICTED

ROUTINE

FATIMA REAR

FABLE FOR CARB

27/1-333A

YOUR LETTER L SLANT ONE FOUR ZERO FIVE DATED ONE FOUR MARCH NOT RECEIVED ID
TO FABLE FOR CARB FROM FATIMA REAR FROM LEGAL SUBCOMMISSION SIGNED MACFARLANE ID
 YOUR L SLANT ONE FOUR ZERO FIVE OF TWO ONE MARCH REFERS ID PLEASE SEND COPY
 SOONEST

AUTHENTICATED:

E. J. ChioCCA
 E. J. CHIOCCA
 CWO, USA
 Asst Adj

DISTRIBUTION:

- 1 - AG
- 1 - DSC
- 1 - DCC
- 1 - Legal SC ✓

37

U S RESTRICTED
EXCLUDED FROM RESTRICTED

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
PROPERTY CONTROL SUB-COMMISSION
APO 394

AGC/2921/CF.

24 March 1946.

Subject: Major P. G. J. Alexander.

To : Chief Legal Officer.

1. This officer, who is Liaison Officer Region VI, has been dealing with a rather complicated matter concerning an Allied estate in Germany. I see from the correspondence that there is some prospect of his visiting the mainland.

2. I should be grateful if you could ask him to call on me when he comes over.

C. H. Harris

C. H. Harris,
Lieut-Colonel,
Director of Property Control.

21 March 1944

TO: H.Q., A.C.C. Legal Sub-Commission.
 FROM: Regional Commissioner, A.C.C., Region 5.
 SUBJECT: Piercy Estate.
 REFERENCE: L/1405/

Reference to my L/1405 dated 14 March 1944. It is thought well, in view of the postponement of Major Alexander's visit to the mainland, to give you a full written report on the present situation. Since writing the above letter Major Alexander has had interviews with, amongst others the Prefect of Nuoro Province and the President of Nuoro Tribunale. Matters now stand as follows:

(1) The Tribunale of Nuoro to which application was made for appointment of Signor Salmon as Curator to Signora Mameli has declined jurisdiction. It appears that Signora Mameli's last known domicile in Sardinia was in territory subject to the jurisdiction of ~~Oriстано~~ ^{the} Tribunale of Oriстано. The Prefect of Nuoro has undertaken that application will now be made without delay to this latter Tribunale in terms of Art. 48 of the Codice Civile. Copy note by the President of the Tribunale of Nuoro is attached (marked No.1) and referred to.

(2) Apart from the question of want of jurisdiction it was represented to the Tribunale of Nuoro that Dott. Maliverno who is the resident Manager employed on the estate (ie., the successor of Deriu, the late Major Piercy's original Manager) holds some sort of power of attorney granted by Signora Mameli. This representation was apparently not made in a formal way and Maliverno has not produced the alleged Power of Attorney in Court. It seems that applications for appointment of Curators are not advertised in the Press as they would be in the U.K.. The proceedings, which are initiated in the absence of interested parties by the Procuratore del Re of the appropriate Tribunale, appear to be very informal. The Tribunale of Oriстано will, however, presumably call upon Maliverno to produce his title if he appears in that Tribunale to object to the application.

(3) Major Alexander interviewed Dott. Lugaz Avvocato in Oriстано who is or was Signora Mameli's legal adviser and also Sig. Dessi of Oriстано who, though not a lawyer, has apparently acted as her business manager for some years. Both Dott. Lugaz and Dessi disclaim knowledge of any Declaration of Trust qualifying their clients' title to the share of the estate conveyed to her by her father under the Donation referred to in my previous letter. They state that Signora Mameli has always regarded her title to this share as absolute and that so far as they know she has treated the income of it as her own property. Dott. Lugaz has never handled

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(3) Major Alexander interviewed Dott. Lucas Avvocato in Cristano who is or was Signora Mameli's legal adviser and also Sig. Dessi of Cristano who, though not a lawyer, has apparently acted ^{as} her business manager for some years. Both Dott. Lucas and Dessi disclaim knowledge of any Declaration of Trust qualifying their clients title to the share of the estate conveyed to her by her father under the Donation referred to in my previous letter. They state that Signora Mameli has always regarded her title to this share as absolute and that so far as they know she has treated the income of it as her own property. Dott. Lucas has never handled any money for Signora Mameli. All this side of her business was and is being dealt with by Dessi.

(4) Both Lucas and Dessi avowed that the property in the livestock on the estate had also been transferred to their client by her father and that proof of this would be found in the Ufficio Abigato at Macomer. Lucas was very insistent that Signora Mameli and the other members of the Piercy family were equally interested in the good management of the property and that accordingly the Commission need have no anxiety about leaving the management of the whole estate in the hands of Signora Mameli's advisers. This proposition was readily agreed to so far as it related to the community of interests.

(5) It was stated by Dessi that he held Signora Mameli's written authority to supervise Maliverno in the management of her affairs in Sardinia. Maliverno, he said, held a Power of Attorney granted by Signora Mameli, but this power was qualified by an instruction to Dessi that Maliverno should do nothing without his (Dessi's) consent. In this somewhat unusual state of affairs Dessi was pressed to produce the writings upon which he founded. All he would consent to do, however, was to give copies of extracts from certain letters from Signora Mameli to him which he read over in Italian. These extracts are attached and marked No. 2. It will be seen that they are not of a very conclusive character. The power of Attorney in favour of Maliverno has not yet been seen.

(6) There is some reason to believe that Signora Mameli was not on good terms with her father. Accordingly the possibility of her having taken advantage of the dilemma in which the latter found himself when hostilities between Great Britain and Italy appeared imminent cannot be altogether discounted. In this she may have been influenced by her husband who seems to have taken a very active interest in matters. There appears to be a strong impression locally that any ostensible changes of ownership in connection with the estate were designed solely for the purpose of avoiding Sequestration. This impression is confirmed by ex-Manager Deriu and it seems on the face of it a reasonable explanation. In spite of this however, we are assured by Signora Mameli's representatives that she accepted the Donation at its face value. It would appear therefore, that there is some prima facie reason for doubting the integrity of these representatives.

(7) Sig. Salmon was interviewed at Macomer. It seems that he has met with a certain amount of obstruction from Maliverno who has not yet produced accounts of his administration. Contrary to previous information a satisfactory check of the livestock has not yet been made. Sig. Salmon impressed Major Alexander as somewhat lacking in initiative and drive and as too inclined to ~~be~~ down to opposition. It cannot be denied however, that he is at present in a difficult position. He is Sequesteror of a part only of the property. Although it is the larger part it is the least valuable and does not include the mansion house or much of the timber. In addition the true ownership of the animals is in dispute.

(8) The records in the Ufficio Abigeato (Cattle Registration Office) at Macomer were examined. The results of this examination are dealt with in the attached copy letter (marked No. 3) to the Prefect of Nuoro. The latter has agreed to hold an immediate inquiry into the question of the ownership of the cattle and other stock, the results of which should be known within the next few days. This inquiry will be an informal one. There will be no hearing of parties. If, as the Prefect seems to consider likely, it results in provisionally establishing the ownership of Major Piercy's heirs a further decree will be issued by the Prefect specifically including the animals and when this is done Sig. Salmon will

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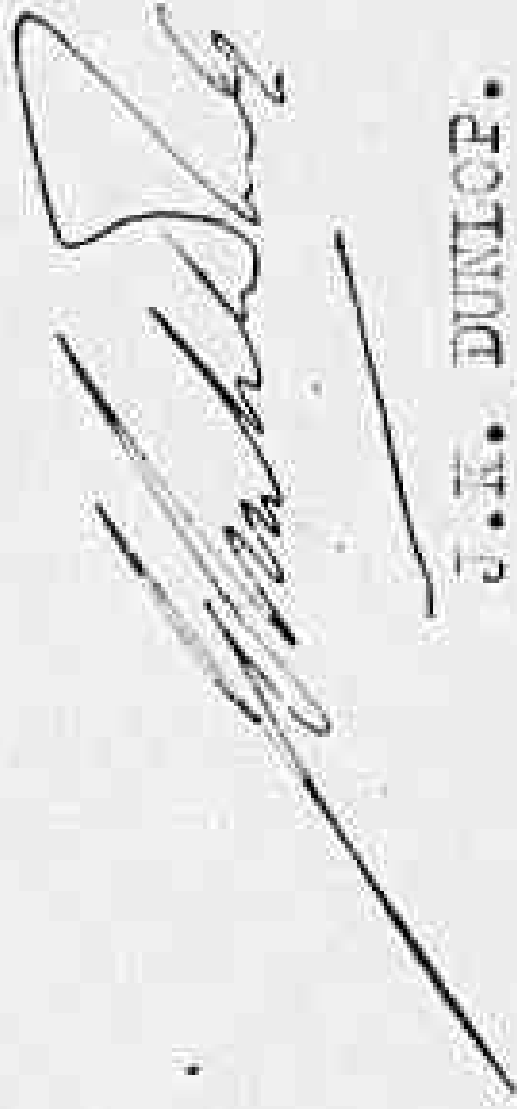
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(9) As indicated the results of the Prefect's inquiry into the ownership of the livestock will be provisional only. It will not prevent either party, if so advised, pursuing the matter in the Courts.

(10) No doubt difficult questions may arise in the event of the Sequestration being extended to include the animals unless Signor Salmon is also appointed Curator. The position would then be that some arrangement would require to be come to with Signora Marelli's Curator for use of the farm steadings, land for grazing etc.. The question of management may also cause trouble, but if the accounts are found satisfactory and if an expert report on the management over the last year does not disclose anything to the discredit of the present manager it is probable that Property Control will decide to leave him in control. In any event it is reasonable to assume that in the present food situation no solution of such possible difficulties unfavourable to the welfare of the stock would be tolerated by the Prefect.

(11) The advisability of Signor Salmon's consulting a Sardinian lawyer of good standing has been considered. It is not thought that this is necessary at the present stage, but your opinion as to this would be appreciated.

JHD/pa


J.R. DUNLOP.
Brigadier.
Regional Commissioner.

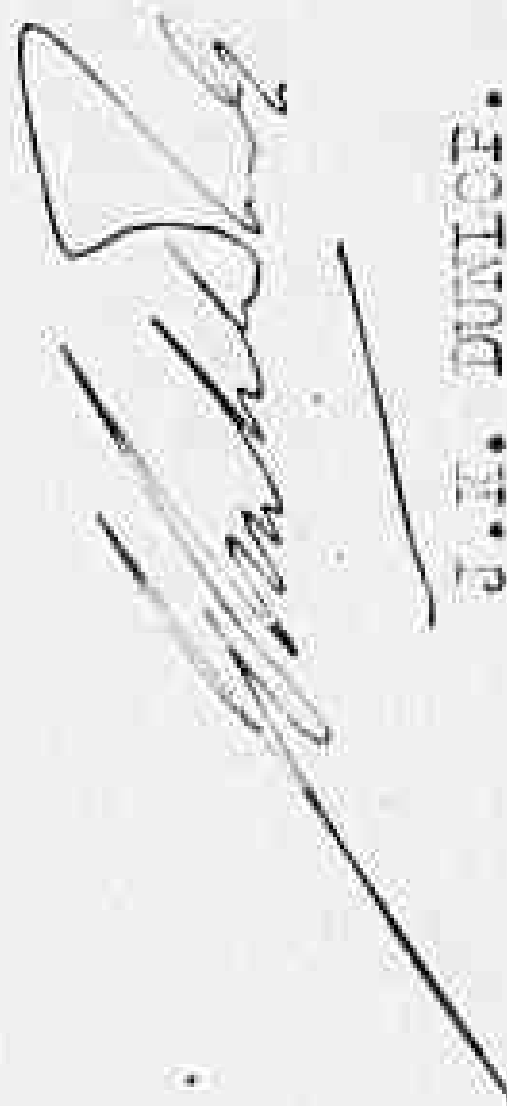
Copies to:

Property Control Sub-Commission.
Chief Finance Officer, Region VI.
Provincial Commissioner, Nuoro Province, Region VI.

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ARD/pd



J.R. DUNLOP.
Brigadier.
Regional Commissioner.

Copies to:

Property Control Sub-Commission.
Chief Finance Officer, Region VI.
Provincial Commissioner, Nuoro Province, Region VI.

33

Prot. n. 60

Nuoro, 3/3/1944

OGGETTO: Proprietà del suddito inglese Beniamino Herbert Piercy.

A S. E. IL PREFETTO DELLA PROVINCIA DI
NUORO

In relazione alla richiesta fattami dalla E.V. con nota 27 dicembre 1943, sollecitata con altra del 28 febbraio u.s. relativa all'oggetto di cui a margine, pregiomi significare che la pratica è stata passata al Procuratore del Re per le sue richieste, perchè l'art. 48 del codice civile vigente attribuisce al Tribunale la facoltà di nominare un curatore allo scomparso "su istanza degli interessati o dei presunti successori legittimi o del pubblico ministero".-

Il Procuratore del Re a sua volta ha richiesto alla locale Questura se la Signora VERA PIERCY avesse il suo domicilio o la sua residenza nella giurisdizione di questo Tribunale, giacchè BADDASALICHES, sebbene situato in territorio della Provincia di Nuoro, è in giurisdizione del Tribunale di Oristano, ed il domicilio suddetto, in base al citato art. 48 del codice civile attribuisce la competenza a nominare il curatore dello scomparso al "Tribunale dell'ultimo domicilio o della ultima residenza" dello scomparso - La Questura non ha tuttora risposto. -

Vero è che un recente R.D. 15 Nov. 1943 attribuisce la competenza alla nomina del curatore speciale a qualunque "Tribunale sedente in territorio non occupato dal nemico"; ma è da osservare che il citato R.D. concerne la nomina di un curatore speciale per provvedere agli interessi di persona fisiche o giuridiche di nazionalità italiana aventi la residenza o la sede nel territorio dello stato occupato dal nemico" e non pare, comunque non risulta che la Signora Vera Piercy abbia la residenza nella zona anzidetta. -

Ho da rilevare da ultimo che da una comunicazione fattami dall'Avv. ³⁶ ~~PACLO~~ LUGAS di Oristano a mezzo dell'Avv. ANTONIO CUALBU di qui, la Signora Vera Piercy avrebbe lasciato in Sardegna un suo rappresentante nella persona del Dott. SERAFINO MALIVerno munito di regolare procura 14 giugno 1943 rogato Capo in Roma. -

IL PRESIDENTE
F/to Pintor

1254

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E P.C.C. IL CAPO DI CABINETTO
F/to

IL PRESIDENTE
F/to Pintor

from

Extr~~acts~~ of the letters addressed by Mrs. Vera Piercy Mameli
to Dr. Dessi.-

1) Lettera del 13/7/1943

Ho scritto a lui (al Malinverno) che non deve fare un
passo senza la vostra approvazione. Signed Vera Mameli

2) Lettera del 27/7/1943.-

Mio marito ed io vi preghiamo con tutto cuore di conti-
nuare la vostra opera così preziosa per noi e per l'a-
zienda in questi tempi.- D'altra parte se voi conoscete
persona adatta per fare l'amministratore sotto di voi
e se potete farmi avere le migliori referenze sul suo
carattere e sulla sua capacità sarei disposta d'assumerla.
Accludo una copia della lettera per vostra conoscenza,
che ho scritto al Dr. Malinverno. Accludo (invece di
chiudo) questa lunga lettera sicura che lasciando l'a-
zienda nelle vostre mani posso contar sulla vostra ani-
cizia e collaborazione.-

3) Lettera del 23/8/1943.-

Non vorrei più sapere che Deriu è ancora in azienda
e da tutto quello che posso capire dalle lettere che
io ho, penso che abbia portato via quasi tutto.- Però
non è lontano il giorno in cui Deriu dovrà rispondere
di quello che ha fatto.- Vi prego di continuare la vo-
stra opera così preziosa per me.-

HEADQUARTERS

ALLIED COMMISSION FOR SARDINIA

20 March 1944

TO: S.E. Prefetto of Nuoro.
 FROM: Legal Division.
 SUBJECT: Piercy Estate.
 REFERENCE: L/1405/

The present position with regard to the control of the Piercy Estate may be regarded as an interregnum. This interregnum will last until the terms of the late Major Piercy's will are known and until it is established whether or not Mrs. Mameli's interest in the property is a fiduciary one. A letter has been dispatched to London asking for information on these points, but in the present state of ~~circumstances~~ in relation to communications it may be a matter of months before a reply is received. It is accordingly desirable that matters be put on a regular footing, so that the administration of the estate may proceed smoothly in the meantime.

The Allied Commission is not primarily interested in the ultimate division of the estate amongst the various parties entitled thereto. It is interested however to see that the property is well managed pending the determination of these rights. It is also interested to see that proper accounts are rendered covering the whole period of the Sequestration.

The present situation is not satisfactory. The control of the estate is divided. The new Sequestrator Sig. Salmon is in control over approximately two thirds of the estate i.e., that part which was not included in the donation in favor of Mrs. Mameli. Dott. Malinverno continues to administer the remainder of the estate which includes the mansion home, the best part of the land and nearly all the valuable timber. He moreover seems to have taken up the position that the live stock on the estate is the property of Mrs. Mameli, whom he claims to represent. The result of all this is that despite the Sequestration, the virtual control of the whole estate is still in the hands of a person whose authority to represent Mrs. Mameli has never been established. And Mrs. Mameli's own interest in the estate may well be only a fiduciary-one.

The first point to be established is the ownership of the live stock. This stood until 1939 in the name of the late Major Piercy. An examination was made yesterday of the records of the Ufficio Abbigeato at Macomer. This discloses that new record books were opened in 1941 in the name of Mrs. Vera Mameli. Into these books were transferred all the livestock formerly included in the books in name of Major Piercy. The only documents seen which purport

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The first point to be established is the ownership of the livestock. This stood until 1939 in the name of the late Major Piercy. An examination was made yesterday of the records of the Ufficio Abbigeato at Macomer. This discloses that new record books were opened in 1941 in the name of Mrs. Vera Mameli. Into these books were transferred all the livestock formerly included in the books in name of Major Piercy. The only documents seen which purport to authorize this change are a series of Bollotini prepared in 1939 which are signed by the Secretary of the Comune but, by nobody else. These Bollotini show the transfer from "Amministrazione Piercy" to "Piercy - Mameli".

It appears that these Bollotini were prepared at the request of Major Piercy's son and that the subsequent entry in 1941 of all the livestock in the name of Mrs. Mameli, was made at the request of Sig. Deriu who was then Major Piercy's manager. Sig. Deriu explained yesterday in the presence of the Podesta that the sole reason for making the change in the registration of the animals was to avoid the possibility of Sequestration. In the absence therefore, of any writing signed by Major Piercy making a transfer of the ani-

mel, it would appear that there is no legal evidence of any change of ownership. Even if the Bollotini above referred to could be considered as evidence, the identity of the transferee seems to be too vague for the documents to receive any effect in a Court of Law.

In view of the very substantial value of the livestock, the provisional determination of their ownership is a matter of great importance. I shall be obliged, therefore, if you will cause an inquiry to be made into the matter and if this results in your finding the animals to be still the property of Major Percy's representatives by your issuing a further decree, including them in the Sequestration in the name of Sig. Salmon.

The purpose of the application for appointment of a Curator to Mrs. Mameli was to secure unity of management of the estate by having Sig. Salmon named Curator as well as Sequestrator. It now appears, however, that both Dott. Malinverno and Dott. Dessi claim to hold Mrs. Mameli's written authority to represent her. If they do hold such authority, the court will no doubt refuse to disturb it, but it is desirable that the documents on which these gentlemen found should be produced in Court and confirmed. For this reason I shall be obliged if you cause an application to be made to the Tribunal of Cristano for appointment of Curator to Mrs. Mameli, suggesting to that Tribunal that in the event of neither Dott. Dessi nor Dott. Malinverno being able to produce legal evidence of this authority to act in the fullest sense for Mrs. Mameli, Sig. Salmon be named Curator so as to secure unity of management of the estate.

RCS/pd

R.C.S. ALEXANDER,
Major.
Legal Officer.

Nuoro, 18 Marzo 1944

OGGETTO: Azienda Piercy.-A S. E. IL PREFETTO DI
NUORO

La presente situazione relativa al controllo dell'Azienda Piercy può essere considerata come un interregno.- Tale interregno durerà fino a che i termini esatti del testamento del fu Maggiore Piercy saranno conosciuti e fino a che sarà stabilito se l'interesse della Signora Maneli nella proprietà sia un interesse meramente fiduciario o meno.-

E' stata trasmessa a Londra una nota tendente ad ottenere informazioni sul punto in esame, ma nello stato presente delle comunicazioni può essere questione di mesi il ricevere riscontro.- Sarebbe desiderio comune che la cosa avesse una regolare definizione si da poter procedere, nel frattempo, l'amministrazione dell'azienda con tutta facilità e chiarezza.-

La Commissione Alleata non è in linea speciale interessata alla definitiva divisione dell'Azienda tra le varie parti ad essa intestate.- L'interessata però a riscontrare che la proprietà sia bene amministrata nell'attesa della determinazione finale dei rispettivi diritti.-

E' pure interessata a riscontrare che esatti rendiconti siano resi per l'intero periodo del sequestro.-

La situazione presente non è soddisfacente.- Il controllo dell'azienda risulta diviso. Il nuovo sequestrario Sig. Salmon ha il controllo di circa due terzi dell'azienda, cioè di quella parte che non fu compresa nella donazione a favore della Signora Maneli.- Il Dottor Malinverno continua ad amministrare il resto dell'azienda, che comprende la villa, la migliore parte della terra e quasi tutto il legname di piante avente valore.- Egli, in più, sembra aver preso posizione sulla sua assunzione che il bestiame dell'azienda è di proprietà della Signora Maneli, che egli reclama di rappresentare.-

Il risultato di quanto sopra è che, ad onta del sequestro, il

ALLIED COMMISSION FOR SARDINIA

LEGAL OFFICE

Nuoro, 18 Marzo 1944

OGGETTO: Azienda Piercy.

A S. E. IL PREFETTO DI
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Il risultato di quanto sopra è che, ad onta del sequestro, il controllo virtuale dell'intera azienda è ancora nelle mani di una persona la cui autorità di rappresentare la Signora Mameli non è stata mai stabilita.- E si aggiunge che l'interesse della Signora Mameli nell'azienda potrà riverlarsi un interesse puramente fiduciario.-

Il primo punto da stabilirsi è l'effettiva proprietà delle scorte vive.- Esse fino al 1939 erano al nome del fu Maggiore Piercy.- Un esame fu fatto ieri sui registri dell'Ufficio Abigeato di Macomer.- Ne è risultato che nuovi registri furono aperti

nel 1931 a nome della Signora Mameli.- In essi furono trasferite tutte le scorte vive precedentemente comprese nei registri al nome del Maggiore Piercy.- Gli unici documenti visti che potevano autorizzare questo cambiamento sono una serie di bollettini preparati nel 1939, firmati solo dal Segretario del Comune e da nessun'altro. Questi bollettini mostrano il passaggio da "AZIENDA PIERCY" a "PIERCY MAMELI". Sembra che essi furono preparati su richiesta del foglio del Maggiore Piercy e che la susseguente registrazione nel 1941 di tutte le scorte vive al nome della Aignora Mameli fu fatta su richiesta del Signor DERIU che era allora l'amministratore del Maggiore Piercy.- Il Deriu spiegò ieri alla presenza del Podestà che la sola ragione per la quale s'era effettuato il cambiamento era stata quella di evitare la possibilità di sequestro.-

Nella mancanza però di ogni scritto a firma del Maggiore Piercy producente trasferimento del bestiame sembrerebbe non esservi alcuna prova legale di eventuale passaggio di proprietà.- Anche se i bollettini di cui si è sopra fatto cenno potessero considerarsi come documento probatorio, l'identità del traslatario sembrerebbe essere troppo vaga, per i documenti, per poter aver effetto per l'Autorità Giudiziaria.-

In vista dell'ingente valore delle scorte vive, la provvisoria determinazione della loro proprietà è questione di grande importanza.-

Le sarei grato pertanto se volesse disporre un'indagine sul fatto e, nel caso le risultasse che il bestiame fosse ancora di pertinenza dei rappresentanti del Maggiore Piercy, emettere un ulteriore decreto includente il bestiame stesso nel sequestro in nome del Signor Salmon.-

Lo scopo poi della richiesta di nomina di un curatore alla Sig. Mameli era di assicurare unità di indirizzo nell'amministrazione dell'azienda, in quanto il Signor Salmon è stato nominato curatore così come sequestrario. Sembra però ora che sia il Dott. Malinverni sia il Dott. Dessì pretendono di essere in possesso di autorizzazioni scritte dalla Signora Mameli a rappresentarla.- Se essi effettivamente hanno tali poteri, il Tribunale indubbiamente non potrà distrarsi, ma è desiderabile che i documenti su cui basano i sunnominati le loro richieste, siano prodotti al Tribunale e confermati.-

Per tali motivi sarò grato se Lei vorrà disporre una richiesta al Tribunale di Cristano per la designazione di un curatore alla Signora Mameli, suggerendo a quel Tribunale che, nel caso, in cui non il Dr. Dessì né il Dr. Malinverno potessero produrre legali documenti del loro potere di agire nel senso più lato ed esteso per la Signora Mameli, potrebbe esser nominato curatore il Sig. Salmon, si

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R.G.S. ALEXANDER
Major
LEGAL OFFICE ALL.COMM.SARDINIA

To *4036* : H.Q. Allied Control Commission,
Le 1 Sub-Commission,

From: : H.Q. Allied Control Commission, Region VI.

Subject : Piercy Estate, Sardinia.

Reference : L/1405

Date : 14th March 1944.

*A complete set of
papers from here down to
and including P.C.
has been
forwarded.*

1. The late Major Benjamin Herbert Piercy, a British

Subject, who it is understood died in England in 1942, was at the time of his death the owner or part owner of a large estate in Sardinia. The property, on which there is a furnished Mansion House and other buildings, extends to about 3,000 hectares and carries valuable stocks of cattle and sheep. It lies in the Communes of Bolotana and Silanus in the Province of Nuoro. Neither the precise date of Major Piercy's death nor his last address in England is known.

2. There are enclosed :-

(i) Two Copies of Memorandum by Lt-Col Berl, Legal Officer of this Region, which sets forth the history of the Piercy family and the circumstances relating to the estate.

(ii) Two copies of Memorandum prepared by Lt-Col Raffaele Sanna, the Ufficiale Affari Civili of the Italian Command in Sardinia which deals with the legal aspect of the Piercy Succession under Italian Law.

(iii) Two copies of Decree (in original and translation) by the Prefect of Nuoro dated 23rd December 1943 appointing Sig. Oscar Salmon of Macomer in the Province of Nuoro to be Sequestrator (in lieu of His Excellency Giorgio Mameli) of that part of the Piercy Estate not included in the Deed of Transfer No. 4 hereof) to Mrs Vera Mameli Piercy : and

(iv) Two copies of notarially executed Deed of Transfer (in original and translation) dated 30th August 1939 by Major Benjamin Herbert Piercy in favour of his daughter, Mrs Vera Piercy Mameli of certain parts of the Piercy Estate.

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Major Piercy, who at that time was sole owner of the estate, executed in 1939 a Deed of Transfer or Donation in favour of his daughter, Mrs Vera Piercy Mameli of the most valuable part (about

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3. It will be seen from the above documents that Major Piercy, who at that time was sole owner of the estate, executed in 1939 a Deed of Transfer or Donation in favour of his daughter, Mrs Vera Piercy Mameli of the most valuable part (about 1000 hectares) of the lands including the Mansion House and furniture therein. This Deed did not however include any part of the stock on the estate. It is understood from local sources that the Deed although in terms ex facie absolute was in fact qualified by a Declaration of Trust by Mrs Vera Piercy Mameli which document was retained by Major Piercy and deposited by him in England. It is thought that the real purpose of this transaction was to exempt the more valuable part of the property from Sequestration should Italy and Great Britain go to war.

/Continued.

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As stated elsewhere, Mrs Vera Piercy Mameli is an Italian Subject in virtue of her marriage.

4. Major Piercy was survived by his second wife, Mrs Daphne Piercy, who is understood to be still alive in England and by the following children :-

(a) Of the First Marriage

i. Col Vivian Piercy who is thought to be serving in the British Army in England.

ii. Mrs Vera Piercy Mameli, above referred to, wife of His Excellency Giorgio Mameli. The present whereabouts of this couple are unknown.

(b) Of the Second Marriage

Benjamin Piercy who is understood to have died in England in May 1943 unmarried and without children.

Major Piercy is understood to have left a Will but its terms are not known.

5. It is now necessary to ascertain :

(a) The date of Major Piercys' death.

(b) The terms of Major Piercys' Will.

(c) The terms of the Declaration of Trust (if any) executed by Mrs Vera Piercy Mameli,

(d) The terms of the Will (if any) left by Major Piercys' Son by the second marriage, Benjamin,

(e) The date of his death and

(f) what evidence exists in England relative to the ownership of the stock on the estate. (Further enquiries as regards this are being made here also)

6. Following on the advice tendered by Col Sanna, the Italian Civil Affairs Officer, it was decided that application should be made for appointment of a Curator to attend to the apparent interests of Mrs Vera Piercy Mameli in the property and it is understood from the Prefect of Nuoro that a Decree to this effect will be pronounced shortly. The Curator to be appointed is the same individual who has already been appointed Sequestrator of the remainder of the Estate, i.e. Sig. Oscar Salmon. The management and administration of the whole estate will accordingly be unified in his hands. Sig Salmon is understood to have been a

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/Continued.

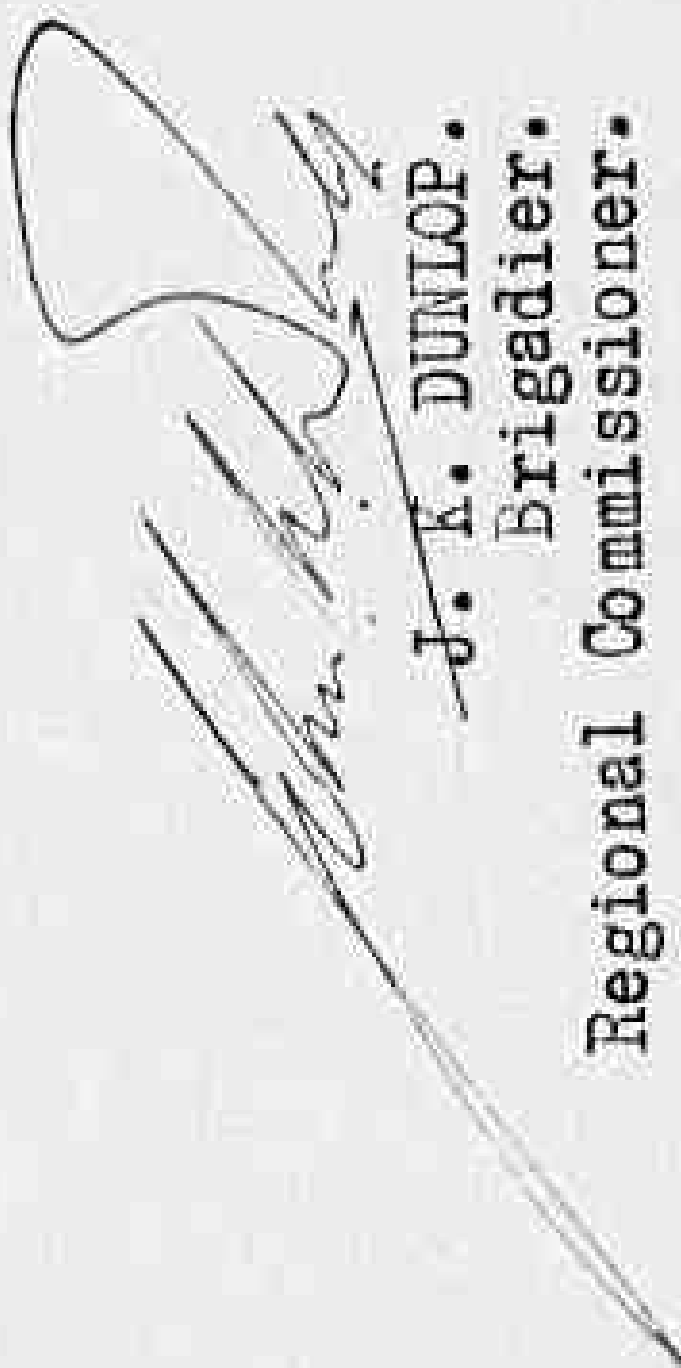
7. It has not been overlooked that in consequence of the Armistice, + Decree appointing Dr. Salmon as Sequestrator may well be ultra vires of the Prefect of Nuoro. In particular Article 7 thereof reserving the powers of Mameli may be considered objectionable. At the same time, pending the appointment by the Piercy heirs of an administrator of their own choice, it is thought that the best course for the interim management of the estate has been taken. Dr. Salmon is at least in possession of a colourable title to proceed with the administration. In this connection, copy letter from the Ufficio Affari Civili of the High Commissioner is enclosed. This letter points out the the Royal Decree under which the original Sequestration was made and under which the Prefect purports to appoint a new Sequestrator has not, so far as is known, been expressly repealed by the Italian Government. It may be that action under Article 7 of this Decree is the appropriate course but in any event it would seem that some sort of Power of Attorney should be granted by the beneficiaries in England. Mrs Mamelis' interests, whether they extend to all the property included in the Donation or not, will be represented by her Curator, appointed under Italian Law, until such time as her whereabouts are known and she is in a position to manage her own affairs.

8. It will be seen from the above that the points raised in paras 5 & 7 above affect inter alia the whole question of the Status of the Sequestrator and Curator (which is based at present on the assumption that the donation to Mrs Mameli was an absolute one) the question of Death duties payable to the British Government, the question of apportionment of rents etc., amongst the various beneficiaries and their representatives and to some extent the form of accounting to be adopted in the administration.

May these matters be taken up with the Foreign Office or whatever authority is responsible please so that the necessary information may be obtained?

24

RGSA/ajs.


J. K. DUNLOP.
Brigadier.
Regional Commissioner.

1269

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J. K. DUNLOP.
Brigadier.
Regional Commissioner.

Copies to :-

Property Control Sub-Commission.

Chief Finance Officer, Region VI.

N.B. Since writing above, difficulties have arisen regarding Sig. Salmon's appointment as Curator and this cannot now be counted on. Objections are also being made to his taking possession of the part of the Estate conveyed to Mrs Mamelis. It is accordingly very urgent to obtain from England a notarially certified copy of the Declaration of Trust, if any. It is suggested that this be written for without waiting for the further information which Major Alexander is obtaining and will bring with him on Wednesday, 22nd inst.,

1270

TO: The Regional Allied Commissioner, Region 6.
FROM: Lt. Col. F.E. Berl.
SUBJECT: Memorandum re Piercy Estate.
REFERENCE: II/1402/L.
DATE: 5 November 1943.

This memorandum has been prepared following two interviews with the Intendente di Finanza at Nuoro, Sig. Pietre Paola Campus, in connection with figures relating to the Piercy sequestration were examined and copies furnished; a personal visit to the estate which lies roughly to the North of Portigali and beyond the mountain range which lies behind Portigali; an interview with the present administrator of the estate who is located upon the property; and finally an extensive interview with the former Piercy Secretary and Manager whom I was able to meet through a fortunate chain of personal contacts.

The original Benjamin Piercy, an Englishman, was an engineer who came to Sardinia in connection with the building of the railways some 60 or 70 years ago. He acquired a great deal of land which constitutes the present property. Upon his death the property passed by will to his children, of whom he had a great many, in equal shares. The oldest son Charles Robert attacked the will claiming the whole property under the law of primogeniture, and it is said, practically impoverished himself through expenses of fruitless litigation. One of the other sons, Benjamin Herbert (Major) Piercy being apparently more attached to the property than the others bought out his brothers and acquired the whole. He died in 1942. It is with the situation which arises by reason of the war between Italy and Great Britain, and by reason of his death in 1942 that this memorandum is concerned.

Major Piercy was survived by a widow (second wife) Daphne, by a son Vivian, and a daughter Vera by the first wife, and a son Benjamin by the second wife. Benjamin is reported to have died in England several months ago without issue and unmarried. Vivian, an officer (Col) in the English army was seriously wounded in World War I and is now serving in England. He has one son, a Lieutenant of aviation and a grandson.

Vera married Giorgio Mameli, an Italian (Sardinian) about 12 years ago, thus becoming an Italian subject. Her husband has been for years high in the Councils of the Fascist party, having been among other things, Secretary to Mussolini, First Secretary of the Embassy in London, Minister to Portugal, Minister to Serbia and Minister to Bulgaria. One report is to the effect that he is now in Turkey with his wife and has accepted the Badoglio Government, and another that he is in Germany, perhaps a prisoner.

Shortly before the outbreak of the present war Major Piercy becoming concerned about the situation of his properties and the possibility of Italian intervention into the hostilities against Great Britain sought to devise means of putting them in a condition of security. He proposed conveying them to a friend Donna Isabella Orsini of Rome, but this was abandoned when it was learned that such a transfer out of his family was subject to a tax of 2,400,000 lire. He thereupon decided to

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/continued.....

By decree of ORBU the Prefect of Nuoro dated July 13, 1940 a sequestration of the two birds which had not been conveyed was noted. No sequestration for was at the time appointed and apparently under the terms of the decree, the Intendente di Pisanza di Nuoro acted as such in the interim. No animals were placed under sequestration, supposedly because Mameli, Piercys son-in-law who was powerful in the party was responsible for the omission. The omission itself later found color of legality by the purported verbal transfer by Deriu the Secretary of the animals to Signora Mameli. He had not title and no authority from Piercy, but he did have a letter from Mrs. Piercy suggesting that course. It was not supposed that this washed transaction (or wash transaction) had legal force, but apparently it served to exempt the cattle from sequestration.

On September 14, 1941 by decree of the same Prefect reciting the decree of July 1, 1940, "l'Ecc. Dottor Giorgio Mameli R. Ministro Plenipotenziario di Italia a Belgrade" was named sequestrator. The actual administrator or manager who functioned under him, who, I think had functioned in the interim was the Piercy Secretary-Manager Deriu. This condition continued until June of this year. On June 3, 1943 Mameli wrote Deriu a letter stating among other things that he was well satisfied with his management which was a continuation of the old Piercy Management and eight days later wrote again saying that he was removed and that he was to return over to one, Malinverne a prominent Fascist in these parts and cohort of Mameli. This was done by an act in the nature of a receipt for animals and goods turned over, a copy of which is appended (marked A) and Malinverne is now in charge. It was he whom I met on my visit to the property on October 20th. At that time he gave an approximation of the animals on hand as follows:

Sheep.....	2250
Cows.....	240
Calves.....	100
Large Calves.....	42
Horses.....	39

When increase is considered in comparison with the list shown in the transfer to Malinverne from Deriu it will be seen that there are substantial discrepancies, and Deriu charges that sales made have not been credited to Signora Mameli's bank accounts but that the proceeds have been pocketed by Malinverne.

Deriu claims to know that at the time when the conveyance to Signora Mameli occurred, an Act of some sort was passed between her father and herself which he thinks must be deposited with the foreign office in London. Why the foreign office, I don't know. Probably he means with Piercys solicitors or in his bank box.

It is supposed that Major Piercy died testate, but no copy of his 'will' has reached Sardinia and of course its contents are unknown.

There are appended copies of the accounts on file in the Ministry of Finance of Nuoro. These as I read them show a net value of about

On September 14, 1941 by decree of the same Prefect reciting the decree of July 1, 1940, "l' Ecc. Dottor Giorgio Mameli R. Ministro Plenifetenzarie Di Italia a Belgrade" was named sequestrator. The actual administrator or manager who functioned under him, who, I think had functioned in the interim was the Piercy Secretary-Manager Deriu. This condition continued until June of this year. On June 8, 1943 Mameli wrote Deriu a letter stating among other things that he was well satisfied with his management which was a continuation of the old Piercy Management and eight days later wrote again saying that he was removed and that he was to return over to one, Malinverne a prominent Fascist in these parts and cohort of Mameli. This was done by an act in the nature of a receipt for animals and goods turned over, a copy of which is appended (marked A) and Malinverne is now in charge. It was he whom I met on my visit to the property on October 20th. At that time he gave an approximation of the animals on hand as follows:

Sheep.....	2250
Cows.....	240
Calves.....	100
Large Calves.....	42
Horses.....	39

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It is supposed that Major Piercy died testate, but no copy of his 'will' has reached Sardinia and of course its contents are unknown.

22 There are appended copies of the accounts on file in the Intendenza di Finanza of Nuoro. These as I read them show a net value of 2000 hectares sequestered based on assessment for tax purposes of about 3,400,000 lire and net revenues for the period July-Dec 31, 1940 lire 69,152.05; for the period Oct, 31 1941-June 30, 1942 Lire 43,373.75; for the period July 1, 1942-Nov. 20 1942 Lire 71,073.95. I have no figures for the other periods.

The function of the Intendenza di Finanza as they explain to me is not to receive the revenues but to check the accounts. As to the foregoing revenues and those for the missing periods Mameli is presumably accountable.

/continued.....

From the accounts of these affairs it can hardly escape observation that they were accomplished throughout with irregularity and with the use of influence. In the absence of formal documents showing the transfer by Major Piercy of his flocks it is difficult to explain on other grounds than these of personal influence and interest why these were not subjected to sequestration. The Prefect CRBU who ordered the sequestration of 2000 hectares has decamped and it is not unreasonable to suppose that Mameli and he arranged things complaisantly to suit the latter's interests.

It will be obvious that the fundamental questions which arise in connection with the Piercy matters cannot be resolved with-out knowledge of the terms of the Act which passed between Major Piercy and his daughter, if indeed an Act passed, and those of Major Piercy's will.

However certain questions among others stand out as requiring ultimate determination viz:

The rights of Col Vivian Piercy in the land both sequestered and unsequestered.

The rights of Mrs. Daphne Piercy as widow in the same lands.

The rights of Mrs. Daphne Piercy in the same as mother of her deceased son Benjamin.

The result as to the foregoing questions will probably depend on Italian law. The very same questions exist as to the animals and other person-alty. The result as to these will probably depend on English law.

Obviously also the accounts of both Deriu and Malinverne must be examined, the whereabouts of funds must be located, and their ultimate disposition determined. It may be that proceedings should be had in the Italian Civil Courts. Contact as soon as practicable with Col. Vivian Piercy and with Mrs. Daphne Piercy. It would seem also that the Allied Regional Commission should take steps to have the present administrator removed. The reappointment of Deriu who possessed Major Piercy's Confidence for many years and who is experienced in respect of this property should be advised to the Italian Authorities.

One further matter requires notice, Major Piercy's brother Charles Robert Piercy is the owner of a house in Macomer, which for tax assessment is valued at Lire 40,000. It is at present occupied by Italian troops. The legal department of the Italian Army should be requested to advise what compensation is being paid and credited and what in the premises are the rights of C.R. Piercy. He is supposed to be alive either in Italy or in England.

It may be remarked that Major Piercy was held in high esteem in the country-side and regarded as the friend of the people and the benefactor of the poor.

Respectfully submitted,

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Respectfully submitted,

E. ENNALS BBRI.
Lt. Col. Spec. Res.

October 1943

COMANDO MILITARE DELLA SARDEGNA (XII C.d'A.)
- Ufficio Affari Civili -

N. 4577 Vg/9 di prot. P.M. 50, 11 17 Dicembre 1943

OGGETTO: Proprietà del suddito inglese Benjamin Herbert Piercy.

Sig. Lt. Col. SERL E.C.
Commissione Militare Alleata

S E D E

Dear Colonel:

I transmit to you a copy of the memorandum prepared by this Office regarding the Piercy property.

A copy of the same memorandum has been transmitted to his Excellency, the Prefect of Nuoro who has been requested to proceed at once to name a new sequestrator in substitution for His Excellency Giorgio Mameli who is presently unable to exercise the functions. The Prefect is the Competent Authority under the law to take the proper measures in the case.

The matter of the Melinverno administration should be decided by the new Sequestrator. He and not the Sub-Agent of Administration of the sequestered property is the one solely responsible both to the state and to the interested parties.

In that which regards the rights of the Piercy heirs and of his widow, the English law as I have already indicated, is applicable. It would certainly be most useful to know as well the terms of Major Piercy's will and of the document which was privately made between him and his daughter, Vera, and the true purpose of the gift of 30/8/1943 which Sig. Perla says has been deposited in England.

In any event I have indicated what under the law is the rights of the widow and of Major

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In any event I have indicated what under the Italian law would be the rights of the widow and of Major Piercy's son if no will is in existence.

I will keep in close touch with you to keep you promptly advised of future developments in the matter.

Cordial regards,

IL TEN. COLONNELLO CAPO UFFICIO
(Raffaele Senna)

UFFICIO AFFARI CIVILI

MEMORANDUM TO HIS EXCELLENCY THE COMMANDER

SUBJECT: Property of the undermentioned Benjamin Herbert Piercy subjected to sequestration.

Lt. Col. BERL has transmitted to this office a memorandum prepared by him for the head of the Allied Commission concerning the property under sequestration by the terms of art. 292 et Seq. of the War Statute approved by Royal Decree 8/7/38 n° 1415, formerly belonging to the above mentioned Englishman, now deceased, Benjamin, Herbert Piercy.

Lt. Col. Berl has advised that the Allied Commission considers it necessary without delay to appoint a substitute for the present Sequesterator and to resolve the following questions:

1. The rights in the Piercy property inhering in Colonel Vivian Piercy, son by the first marriage of Benjamin Piercy.
2. The rights inhering in Signora Daphne Piercy, widow of Piercy, both as surviving wife and as mother of the son, Benjamin, son of the second marriage of Benjamin Herbert Piercy who died after his father (May 1943).

The situation is the following:

Benjamin Herbert Piercy inherited a part of the property from his father and acquired from his brothers, co-heirs, the remainder of a large estate (about 3000 hectares) located within the communes Eclotans and Silanus in the regions called "Eddesalgha" and "Padru Mannu", property consisting of a manor house and dependent buildings and of a flourishing flock of animals.

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The situation is the following:

Benjamin Herbert Piercy inherited a part of the property from his father and acquired from his brothers, co-heirs, the remainder of a large estate (about 3000 hectares) located within the communes Bolotana and Silanus in the regions called "Baddessalghu" and "Radru Mannu", property consisting of a manor house and dependent buildings and of a flourishing flock of animals.

By a Public Act, 30/8/39 passed before Notary Pippie Piercy gave to his daughter of the second marriage + Vera wife of the Royal Minister Plenipotentiary His Excellency, Giorgio Mameli, about 1000 hectares of the above property comprising the better land, the manor house and the greater part of the dependent buildings.

+ This is incorrect. She was the daughter of the first marriage.

Piercy died in England according to Col. B. L.'s memorandum in 1942, and according to the EX - manager Antonio DERIU of Macomer on DEC 16/1940 leaving to survive him.

A son of the first marriage Vivien, Colonel, in the English Army at present in England;

- A daughter of the first marriage Vera, married about 12 years ago to His Excellency Giorgio Mameli who upon the day of the Armistice was Royal Minister Plenipotentiary at Sofia;
- A son of the second marriage Benjamin later deceased, it appears without children and a bachelor in May 1943;
- A second wife Daphne, resident in England. Deriu states that he learned from Piercy that he had disposed of his substance by a will which was deposited in England; but the contents, admitting its existence are unknown.

By decree of July 13, 1940 of the Prefect of Nuoro in accordance with the War Statute whose applicability was declared by Royal Decree 10/5/1940 n° 565 there were subjected to Sequestrations all the property belonging to Piercy, Benjamin Herbert situated in the province. There was named as sequestrator l'Ente di Gestione & Liquidazione Immobiliare (Agelli) with its seat in Rome with the obligation to render account of its management to l'Intendenza di Finanza di Nuoro every 6 months and for the first time up to Dec. 31 1940.

L'AGELLI confided the management to the Credito Fondiario Sardo which took the property into custody Sept 4, 1940 leaving the detail of management to the then Piercy manager Sig. Giovanni Antonio Deriu.

By later decree of the Prefect of Nuoro dated Sept. 14

18 1941 the first sequestrator AGELLI was replaced by His Excellency Giorgio Mameli. Husband of Piercy's daughter, it being considered advantageous that since the part of the property given by the father to the daughter was one with that placed

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By decree of July 13, 1940 of the Prefect of Nuoro in accordance with the War Statute whose applicability was declared by Royal Decree 10/6/1940 no 566 there were subjected to Sequestrations all the property belonging to Pieroy, Benjamin Herbert situated in the province. There was named as sequestrator L'Ante di Gestione & Liquidazione Immobiliare (Agelli) with its seat in Rome with the obligation to render account of its management to L'Intendenza di Finanza di Nuoro every 6 months and for the first time up to Dec. 31 1940. L'AGELLI confided the management to the Credito Fondiario Sardo which took the property into custody Sept 4, 1940 leaving the detail of management to the then Pieroy manager Sig. Giovanni Antonio Deriu.

18 By later decree of the Prefect of Nuoro dated Sept. 14 1941 the first sequestrator AGELLI was replaced by His Excellency Giorgio Mameli. Husband of Pieroy's daughter, it being considered advantageous that since the part of the property given by the father to the daughter was one with that placed under sequestration, unity of management would thereby be secured. However by the second decree of the Prefect of Nuoro there were expressly excluded from the sequestration the properties which under the Act passed before the notary Pippis were transferred to Vera Pieroy Mameli. The said decree required Mameli to, render an account of management every six months and for the first time to March 31 1942. The new Sequestrator took over by a instrument passed in Rome Nov.

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20 1941 Mameli also left the ordinary management and the supervision of the sequestered property to Giovanni Antonio Deriu; he replaced him however at the end of June 1943 with a Melinverno and on the first of July the property was turned over to him. At this time there was passed a *Proces Verbole* reporting all the cattle then on the hacienda: 33 horses, 330 bovines; 2336 sheep; 242 swine of the total value of Lira 3.086.500.

The animals are not mentioned in the sequestration decrees which subject generically to sequestration "all things the property of Piercy". In the act of Nov. 20, 1941 between EGILLI and Mameli it is mentioned expressly that in the funds sequestered there is no live stock or dead stock the property of Sig. Benjamin Herbert Piercy.

In this regards it is opportune to note that the cattle were registered, in the name of Piercy in the commune of Macomer until May 1939. At that, there as a result of difficulties which systematically arose to face Piercy as a foreigner, that registration became Piercy-Mameli; but no instrument of change of title is found. Deriu affirms - and this Office is unable to verify the correctness of the assertion - that this occurred earlier in order to avoid sequestration which appeared to be imminent of the valuable livestock. The idea was to give the immediate impression that the livestock was the property of Vera. Yet, the documents transferring title to animals later sold were not made in the name of Vera but of the Hacienda Piercy - Mameli. Besides the animals lived upon the entire Piercy property and not only on the portions which appear to have been given to Vera. Also 5 of the 15 parcels sequestered are allocated as pasturage for the animals along with those included in the instrument of donation above mentioned.

Deriu affirms that the instrument of donation, was only

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Deriu affirms that the instrument of donation, was only one apparently and that it was made solely to exempt from sequestration the better part of the property.

To this end Piercy from the beginning thought of putting the whole property in the name of Donna Isabella Orisani of Rome, a person who had his confidence, and abandoned this idea because the transfer to a person out of his family carried with it a tax of lire 2,400,000 and decided finally to transfer

in donation a part of it to his daughter. Deriu says that he well knows that Benjamin Piercy protected himself against possible future claims on the part of his daughter by a declaration of trust which is deposited in England.

It is in any event a fact that Deriu continued even after the Act of Donation of 30/8/1942 to account for his management of the whole property, animals included to Signora Dephne Piercy who always managed her husband's affairs. He is in possession of a voluminous correspondence in this regard. From the instrument of transfer of sequestration of 20/11/1940 between MAMELI, the Credito Fondiario Sardo and Mameli it appears that all the property under sequestration including as above mentioned the 15 parcels-is rented to Vera Mameli. According to information furnished by Deriu-not yet verified-she pays for the 15 parcels a total rental of lire 178750 and subleases 10 (approximately 1200 hectares) for a total of lire 176.236.

At the Intendenza di Finanza di Nuoro there have been filed only the following accounts:

1. Of the Credito Fondiario Sardo (for the accounts of MAMELI) for the period July December 1941; there are missing the accounts which it should have rendered for the period of the semester 1 January - 30 June 1941 and at the time of the transfer of sequestration to Mameli for the period 1 July - 20 November 1941.
2. Of Mameli for the periods from the transfer of sequestration to 30 June 1942 and from 1 July to 20 November 1942 (which according to the prefectural decree of 14 September 1941 Mameli should have rendered the first on 31 March 1942 and the second on the following 30 September); there are missing the accounts which Mameli should have rendered to 31 March and to 30 September 1943.

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Concerning Melinverno, according to memorandum of Lt. Col. Berl, it is said that he is a veteran Fascist who manages the property badly and that the size of the herds as reported to the same Col. Berl on 20 October (2671 head in all); is less than this should be taking into account the head transferred by Deriu (2991) and the material increase.

In this office it has only been ascertained that Melinverno was engaged in land cultivation under lease in Sardinia

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some years ago in association with one Ferrari Giovanni, was declared bankrupt by the Oristano Tribunal along with his partner, disappeared and then reappeared as a result of the responsibility conferred upon him by Mameli.

Of Mameli there is not accurate news. At the time of the armistice he was in Sofia as Royal Minister Plenipotentiary. By radio it was learned that he had made a declaration of allegiance to the Badoglio Government. There are those who say that he is now a prisoner in Germany and those who say that he managed to escape to Turkey. There is still another report that he was killed while attempting to cross - Bulgaria-Turkish frontier.

Regarding the action requested by Lt. Col. Berl of this Command this Officer is of the opinion:

As regards the Sequestration

That it is necessary to intervene before the Prefect of Nuoro to have him name another Sequesterator as His Excellency Mameli - assuming him to be living-is not in position to exercise the function committed to him because of his absence and the lack of facilities of communication. His replacement is also justified by failure to render accounts for the last 2 semesters. The new sequesterator will see to the confiding of supervision of the property to a person in his confidence if he does not exercise it directly. The sequesterator may not delegate the actual administration to another.

The new sequesterator also should take possession of the animals which at the time of the sequestration were upon the Piercy Hacienda and which have not been sold to others.

In that which concerns the part of the property which, until the contrary appears, was given to Vera Piercy the

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legiance to the Badoglio Government. There are those who say that he is now a prisoner in Germany and those who say that he managed to escape to Turkey. There is still another report that he was killed while attempting to cross - Bulge-Turkish frontier.

Regarding the action requested by Lt. Col. Earl of this Command this Officer is of the opinion:

As regards the Sequestration

That it is necessary to intervene before the Prefect of Monaco to have him name another Sequesterator as His Excellency Mameli - assuming him to be living-is not in position to exercise the function committed to him because of his absence and the lack of facilities of communication. His replacement is also justified by failure to render accounts for the last 2 semesters. The new sequesterator will see to the confiding of supervision of the property to a person in his confidence if he does not exercise it directly. The sequesterator may not delegate the actual administration to another.

The new sequesterator also should take possession of the animals which at the time of the sequestration were upon the Piercy Hacienda and which have not been sold to others.

In that which concerns the part of the property which, until the contrary appears, was given to Vera Piercy the sequestration should not embrace it. It would instead be advisable for the Competent Tribunal to name in accordance with law a special curator for the interests of the absent Vera Piercy; except that in view of the heavy presumptions arising from the facts herein above exposed that the property now belongs to the heirs of Benjamin Herbert Piercy. Art. 295 Chap. 1 of the War Statute provides that the

sequestration and embrace not only the property of enemy nationals but also of persons belonging to different nationalities.

As regards the determination of the rights of the widow Piercy and of Col. Vivian Piercy.

It is not now possible to determine in Italy the rights of the widow and of the sons of Benjamin Herbert Piercy because under Art. 23 of the existing Italian Civil Code (Book 1) successions resulting from death are regulated no matter where the property may be situated by the law of the state of which the owner was a national at the time of his death and thus under English law. Also the question of the validity of the donation should be resolved among the heirs in accordance with English law (Art. 24 existing Italian Civil Code). It may be, on the other hand, that the English law may in turn remand to the Italian law the question of property situated in England; but in any event the first decision should be taken in England. It is necessary besides to know the contents of Piercy's will if there is one.

This we shall present to Lt. Col. Berl to whom we can, however, say that if there is no will under the Italian law:

The patrimony of Benjamin Herbert Piercy belongs to the three children Vivian, Benjamin and Vera in equal parts. The widow has right to the income of a third of all the property.

The daughter, Vera unless this is expressly exempted under the instrument of donation (Copy has been requested from Notary Pippia but has not as yet been received) or by the will should hold as by inheritance the property received by the donation (art. 112 and 127 Codice Civile - Libro delle successioni).

The third of the patrimony inherited by the son,

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The third of the patrimony inherited by the son, Benjamin, later deceased, passes one-half to the mother, Daphne, and one-fourth each to the brother and sister of the half blood Vivian and Vera. (Art. 117 del Codice Civile - Libro della Successioni).

IL TRIBUTARIO COLONNARILLO CAPO UFFICIO
(Raffaele Sanna)

The Prefect of the Province of Nuoro:-

Having seen the Prefectorial Decree No. 1 of 13 July 1940 relative to the Sequestration of the properties belonging to the British subject Benjamin Herbert Piercy son of the late Benjamin and Sarah Dawes in the district of this Province of which by the same Decree the E.C.E.L.I., of Rome was nominated Sequesterator.

Having seen the order No. 2323 dated 14 September 1941 following thereon by which the nomination of the E.C.E.L.I., was recalled and then was nominated as Sequesterator of the foregoing property with the obligations and responsibilities imposed by the instructions in force and by the said Prefectorial Decree dated 13 July 1940 His Excellency Dr. Giorgio Mameli R. Ministro Plenipotenziario d'Italia a Belgrado.

Having seen the letter No. 4752 V.a./9 dated 21st December 1943 by which His Excellency the Military Commander of Sardinia, having been asked by the Allied Military Commission to re-examine the questions relative to the Sequestration of the above properties points out the necessity of naming another Sequesterator since His Excellency Giorgio Mameli is unable in the present circumstances to carry out the foregoing functions because of his absence from the Kingdom and the lack of communications and news.

Considering that the farming and agricultural interests of the Province render it opportune and necessary to name another Sequesterator for the interim administration and conservation of the said estate during the absence of His excellency Mameli.

Having seen Articles 5 and 6 et seq., 295 et seq., of the Royal Decree No. 1415 dated 3th July 1936 as modified by the law No. 1902 dated 6th December 1940 which approves the Testo Unico of the War Law.

Decrees

Art. 1. Signor Oscar Seletton, son of Gustavo domiciled in Macomer, is named Sequesterator of the properties mentioned in Article 1, of the foressaid Prefectorial Decree No. 2323 dated 14 September 1941 of Benjamin Herbert Piercy son of the late Benjamin lying in the territory of this Province and hereafter mentioned:

Comune di Bolotano - Urban Register.

Lodge (?) Single Story, 1 room - rent	Lire 80.00
Secretaries home - 2 Stories, 8 rooms	" 303.30
Proprietors Villa, 2 Stories and Basement,	" 2667.00
15 rooms	" 1067.00
Carabinieri Station 2nd floor - 8 rooms	"

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Having seen Articles 5 and 6 et seq., 295 et seq., of the Royal Decree No. 1415 dated 6th July 1938 as modified by the law No. 1902 dated 6th December 1940 which approves the Testo Unico of the War Law.

Decrees

Art. 1. Signor Oscar Solomon, son of Gustavo domiciled in Macomer, is named Sequesterator of the properties mentioned in Article 1, of the foreseid Prefectorial Decree No. 2323 dated 14 September 1941 of Benjamin Herbert Piercy son of the late Benjamin lying in the territory of this Province and hereafter mentioned:

13

Commune di Bolotano - Urban Register.

Lodge (?) Single Story, 1 room - rent	Lire 80.00
Secretaries Home - 2 Stories, 3 rooms	" 303.30
Proprietors Villa, 2 Stories and Basement, 15 rooms	" 2667.00
Carabinieri Station 2nd floor - 3 rooms	" 1067.00

All in name of Benjamin Herbert Piercy son of Benjamin.

Commune di Bolotana - Lands Register.

Hectares 1.76.96 taxable Lire 21.33 (wooded pasture land), in name of Benjamin Herbert Piercy (ownership disputed by Cestoni Giovanni and others).

Commune di Silanus - Lands Register.

Hectares 4.36.12 taxable Lire 61.06 (wooded pasture land), in name of Benjamin Herbert Piercy.

However the properties amongst those above described which are included in the Donation attested by Pippia on 13 August 1939 and transferred on 22 November following and which appear at this date to have been transferred to the Donee Mrs. Vera Mameli Piercy are intended to be omitted from these presents and from the preceding Decrees.

- Art. 2. Such nomination places on the Sequestrator (the new one) all those obligations and responsibilities imposed by the regulations in force and by the said Prefectorial Decrees of 13 July 1940 and 14 September 1941.
- Art. 3. The new Sequestrator will take possession of the properties from the actual Provincial Administrator and the Supervisor of same (who are obliged to hand over possession), on the basis of the descriptive list compiled at the appropriate time in conformity with Article 3 of the Prefectorial Decree No. 1, dated 13 July 1940 with the concurrence of the R. Intendenza di Finanza; his administration will commence from the day of his appointment.
- Art. 4. The cash transactions of the administration will be confided by the Sequestrator to the Istituto di Credito di Diritto Pubblico or to banks with National interests.
- The Sequestrator will render an account of his own actings and transactions to the Intendenza di Finanza for each six monthly period and for the first time at 30th June 1944.
- Art. 5. The balances of the administration accounts⁺, the proceeds of sale of properties and of Government and Industrial investments will be deposited always under the fetters of the Sequestration in the hands of the Cassa Depositi e Prestiti.
- Art. 6. The new Sequestrator will entrust the supervision of the estate to persons in whom he has confidence, if he does not exercise direct supervision but, he is not empowered to delegate to another person the true administration of the estate. He, in addition, will take possession of the cattle that at this date of the Sequestration existed on the whole Piercy estate and which do not appear to have been transferred to others.
- Art. 7. The nomination of Dr. Oscar Salmon will cease as soon as His Excellency Dr. Giorgio Mameli shall be in the position to resume his powers as Sequestrator of the above mentioned properties.

Nuoro 23rd December 1943,

The Prefect.

ties from the actual Provincial Administrator and the Supervisor of same (who are obliged to hand over possession), on the basis of the descriptive list compiled at the appropriate time in conformity with Article 3 of the Prefectorial Decree No. 1, dated 13 July 1940 with the concurrence of the R. Intendenza di Finanza; his administration will commence from the day of his appointment.

Art. 4. The cash transactions of the administration will be confided by the Sequestrator to the Istituto di Credito di Diritto Pubblico or to banks with National interests.

The Sequestrator will render an account of his own actings and transactions to the Intendenza di Finanza for each six monthly period and for the first time at 30th June 1944.

Art. 5. The balances of the administration accounts⁺, the proceeds of sale of properties and of Government and Industrial investments will be deposited always under the fetters of the Sequestration in the hands of the Cassa Depositi e Prestiti.

Art. 6. The new Sequestrator will entrust the supervision of the estate to persons in whom he has confidence, if he does not exercise direct supervision but, he is not empowered to delegate to another person the true administration of the estate. He, in addition, will take possession of the cattle that at this date of the Sequestration existed on the whole Piercy estate and which do not appear to have been transferred to others.

Art. 7. The nomination of Dr. Oscar Salmon will cease as soon as His Excellency Dr. Giorgio Mameli shall be in the position to resume his powers as Sequestrator of the above mentioned properties.

Nuoro 23rd December 1943,

The Prefect.

(Sgd) Mocci.

+ Presumably Balances of Revenue.

IL PREFETTO
DELLA PROVINCIA DI NUORO

Visto il decreto prefettizio 13 Luglio 1940 n°1, relativo al sequestro dei beni appartenenti al suddito inglese Piercy Beniamino Herbert, fu Beniamino e fu Sahara Davies, nel territorio di questa Provincia, dei quali con lo stesso decreto venne nominato sequestratario l'Ente di gestione di liquidazione immobiliare (S.G.E.I.I.) di Roma, Via Sabini 7.-

Visto il successivo provvedimento 14 settembre 1941 n° 2323 con cui, revocandosi la nomina a sequestratario dell'Ente di gestione e liquidazione immobiliare di Roma veniva nominato sequestratario dei predetti beni con gli obblighi e responsabilità previsti dalle disposizioni vigenti e dal citato Decreto Prefettizio 13 Luglio 1940, Sua Eccellenza Dr. Giorgio Mameli, R. Ministro Plenipotenziario d'Italia a Belgrado.-

Vista la lettera in data 21 dicembre 1943 n°4752-V.a./9 con cui S. Eccellenza il Comandante Militare della Sardegna avendo la Commissione Militare Alleata chiesto che sia riesaminata la questione relativa al sequestro dei beni sopraindicati, rappresenta la necessità di provvedere alla nomina di altro sequestratario, poichè Sua Eccellenza Giorgio Mameli, non è in grado di assolvere, nella presente situazione, le predette funzioni a causa della sua assenza dal Regno e dalla mancanza di comunicazioni e notizie.-

Ritenuto pertanto opportuno e necessario anche l'interesse della azienda e dell'economia agricola della provincia nominare altro sequestratario per la straordinaria amministrazione e conservazione di detto patrimonio durante l'assenza dell'Eccellenza Mameli.-

Visti gli art.5,6 e seguenti, 295 e seguenti del R.D.8 Luglio 1938 n°1415, modificato con legge 6/12/1940 n° 1902, che approva il T.U. della legge di guerra.-

D E C R E T A

Art. 1 - Il Signor OSCAR SALMON, di Gustavo, domiciliato in laomer è nominato sequestratario dei beni di cui all'Art.1 del sopracitato Decreto Prefettizio 14/9/1941; n° 2323, di proprietà del Signor PIERCY Beniamino Herbert, fu Beniamino, esistenti nel territorio di questa provincia, e cui appresso si trascrivono:

11

COMUNE DI BOLOTANA - Catasto urbano:
Casa per guardia-pianof-vani 1 reddito

con cui, revocandosi la nomina a sequestrario dell'Ente di gestione e liquidazione l'immobiliare di Roma veniva nominato sequestrario dei predetti beni con gli obblighi e responsabilità previsti dalle disposizioni vigenti e dal citato Decreto Prefettizio 13 Luglio 1940, Sua Eccellenza Dr. Giorgio Maneli, R. Ministro Plenipotenziario d'Italia a Belgrado.

Vista la lettera in data 21 dicembre 1943 n°4752-V.a./9 con cui S. Eccellenza il Comandante Militare della Sardegna avendo la Commissione Militare Alleata chiesto che sia ricsaminata la questione relativa al sequestro dei beni sopraindicati, rappresenta la necessità di provvedere alla nomina di altro sequestrario, poichè Sua Eccellenza Giorgio Maneli, non è in grado di assolvere, nella presente situazione, le predette funzioni a causa della sua assenza dal Regno e dalla mancanza di comunicazioni e notizie.

Ritenuto pertanto opportuno e necessario anche l'interesse della azienda e dell'economia agricola della provincia nominare altro sequestrario per la straordinaria amministrazione e conservazione di detto patrimonio durante l'assenza dell'Eccellenza Maneli.

Visti gli art. 5, 6 e seguenti, 235 e seguenti del R.D. 8 Luglio 1938 n°1415, modificato con legge 6/12/1940 n° 1908, che approva il T.U. della legge di guerra.

D E C R E T A

Art. 1 - Il Signor OSCAR SALMON, di Gustavo, domiciliato in Macomer è nominato sequestrario dei beni di cui all'Art. 1 del sopracitato Decreto Prefettizio 14/9/1941; n° 2323, di proprietà del Signor PIERCY Beniamino Herbert, fu Beniamino, esistenti nel territorio di questa provincia, e cui appresso si trascrivono:

11

COMUNE DI BOLOTANA - Catasto urbano:		
Casa per guardia-pianof-vani 1 reddito	L.	80
Casa per Segretario T e 1° vani 8 reddito	"	323,30
Villino del proprietario:		
sotterraneo, terreno 1° piano vani 15 reddito	"	2667,00
Caserna RR.CC., piano 2° vani 8	"	1067,00
Tutti intestati a Piercy Beniamino Herbert, fu Beniamino.		

COMUNE DI BOLOTANA - Catasto terreni - Ettari 1.76.96
imponibili L. 21.33 (pascolo arborato) intestato a
Piercy maggiore Beniamino Herbert, fu Beniamino (pos-
sesso contestato da Cestoni Giovanni ed altri).

./././.

CONSUMI DI SILANUS - Catasto terreni - Ertari 4.36.12 imponibili
 S.6106 (pascolo arborea) intestato a Piercy
 Beniamino Herbert, fu Beniamino.-
 Per altro, quei beni, fra quelli sopradescritti
 che, essendo compresi nell'atto di donazione,
 rogato Pippia, in data 13 agosto 1939 tra-
 critta in data 22 novembre successivo, risul-
 tino alla data di oggi già volturati alla
 donataria Signora VERA Maneli Piercy, si in-
 tendono del tutto sottratti ai provvedimenti
 di cui al presente ed ai precedenti decreti.-

Art. 2 - Tale nomina comporta per il nuovo sequestratario tutti gli
 obblighi e responsabilità previsti dalle disposizioni vigenti
 e dai citati decreti prefettizi del 13 Luglio 1940 e 14/
 9/1941.-

Art. 3 - Il nuovo sequestratario curerà di avere la consegna dei
 dei beni dell'attuale amministratore provvisorio e sorve-
 gliante di essi, (ai quali è fatto obbligo di consegnarli)
 in base all'elenco descrittivo a suo tempo compilato a nor-
 ma dell'art. 3 del citato decreto Prefettizio 13 Luglio 1940
 n° 1 e con intervento della R. Intendenza di Finanza; la
 sua gestione incomincerà dal giorno della immissione in po-
 tere.-

Art. 4 - I servizi di cassa della gestione dovranno essere dal se-
 questratario affidati ad Istituti del Credito di Diritto
 Pubblico o a Banche di Interesse Nazionale.-

Il sequestratario dovrà rendere il conto della propria gestione
 all'Intendenza di Finanza alla scadenza di ogni 6 mesi e per la pri-
 ma volta al 30 giugno 1944.-

Art. 5 - Le somme residue della gestione il ricavato della vendita
 di beni e di titoli pubblici o industriali vanno, sempre
 sotto vincolo di sequestro, depositati presso la Cassa
 Depositi e Prestiti.-

10 Art. 6 - Il nuovo sequestratario provvederà ad affidare la sorveglian-
 za del patrimonio a persone di sua fiducia, se non la eserci-
 terà direttamente e non potrà delegare ad altra persona l'am-
 ministrazione vera e propria dei beni. Egli inoltre dovrà
 prendere possesso anche del bestiame che al tempo del se-
 questro ~~era~~ trovavasi in tutta l'Azienda Piercy e che non
 risulta volturato ad altri.-

1297

Art. 2 - Tale nomina comporta per il nuovo sequestratario tutti gli obblighi e responsabilità previsti dalle disposizioni vigenti e dai citati decreti prefettizi del 13 luglio 1940 e 14/9/1941.-

Art. 3 - Il nuovo sequestratario curerà di avere la consegna dei beni dell'attuale amministratore provvisorio e sorvegliante di essi, (ai quali è fatto obbligo di consegnarli) in base all'elenco descrittivo a suo tempo compilato a norma dell'art. 3 del citato decreto Prefettizio 13 Luglio 1940 n° 1 e con intervento della R. Intendenza di Finanza; la sua gestione incomincerà dal giorno della immissione in potere.-

Art. 4 - I servizi di cassa della gestione dovranno essere dal sequestratario affidati ad Istituti del Credito di Diritto Pubblico o a Banche di Interesse Nazionale.-

Il sequestratario dovrà rendere il conto della propria gestione all'Intendenza di Finanza alla scadenza di ogni 6 mesi e per la prima volta al 30 giugno 1944.-

Art. 5 - Le somme residue della gestione il ricavato della vendita di beni e di titoli pubblici o industriali vanno, sempre sotto vincolo di sequestro, depositati presso la Cassa Depositi e Prestiti.-

10 Art. 6 - Il nuovo sequestratario provvederà ad affidare la sorveglianza del patrimonio a persone di sua fiducia, se non la eserciterà direttamente e non potrà delegare ad altra persona l'amministrazione vera e propria dei beni. Egli inoltre dovrà prendere possesso anche del bestiame che al tempo del sequestro ~~era~~ trovavasi in tutta l'Azienda Piercy e che non risulta volturato ad altri.-

Art. 7 - La nomina del Signor OSCAR SALMON cesserà appena l'Eccellenza Dr. Giorgio Mameli, sarà in condizioni di riprendere i suoi poteri di sequestratario dei beni sopraindicati.-

Nuoro, 23 Dicembre 1943.

IL PREFETTO
F/to Mucci

Per C.C.
AL CAPO CABINETTO
F/to Ruggeri

Victor Emanuel III
By the Grace of God and by the Will of the Nation
King of Italy and Albania, Emperor of Ethiopia.

DONATION

The 30th August, 1939, in Macomer, in my office located in Via Regina Margherita, No. 1 before me, Antonio PIPPIA, notary, inscribed in the Notary's College of the Notary's district of Oristano, in the presence of DERRIU Giovanni, Antonio Fu Antonio, Clerk, born in Moras, and living in Macomer; URAS BINNA Antonio Fu Domenico, Chemist, born and living in Macomer;

Known, competent and required witnesses have appeared:

Major Herbert Benjamin Piercy, son of the late Commendatore Benjamin, living at the Villa Piercy, in the village of BADDESALIGHES, district of BOLOTANA;

Mr. Benjamin James Piercy, son of Benjamin, proprietor, born in BALLANCOLLING, Cork-Eire, living with his father in the Villa Piercy, of whose personal identities I am sure.

Mr. Benjamin James Piercy becomes party to and acts in this transaction in the name place and on behalf of and for the interest exclusively of his sister Vera Norina Piercy, married to his Excellency, GIORGIO MAMELI, born at BALLANCOLLING, Cork-Eire, and actually residing in Lisbon in virtue of a Special Mandate dated the 28th day of the current month, received from Notary Carlo Capo of Rome, the original of which I have attached to these presents and marked with a letter "A".

Major Herbert Benjamin Piercy declares that he donates to his daughter Vera Norina, in whose substitution he accepts her brother Benjamin James the following landed properties:

(a) District of Bortigali

Wooded pasture land and arable land in the districts

"Campulazzaru - Padrumannu - Chercarcadu - Coafurones -

Antonio Fu Antonio, Clerk, born in Moras, and living in Macomer; URAS BINNA Antonio Fu Domenico, Chemist, born and living in Macomer;

Known, competent and required witnesses have appeared:

Major Herbert Benjamin Piercy, son of the late Commendatore Benjamin, living at the Villa Piercy, in the village of

BADDESALIGHES, district of BOLOTANA;

Mr. Benjamin James Piercy, son of Benjamin, proprietor, born in BALLANCOLLING, Cork-Eire, living with his father in the Villa Piercy, of whose personal identities I am sure.

Mr. Benjamin James Piercy becomes party to and acts in this transaction in the name place and on behalf of and for the interest exclusively of his sister Vera Norina Piercy, married to his Excellency, GIORGIO MANELLI, born at BALLANCOLLING, Cork-Eire, and actually residing in Lisbon in virtue of a Special Mandate dated the 28th day of the current month, received from Notary Carlo Capo of Rome, the original of which

I have attached to these presents and marked with a letter "A".

Major Herbert Benjamin Piercy declares that he donates to his daughter Vera Norina, in whose substitution he accepts her brother Benjamin James the following landed properties:

(a) District of Bortigali

Wooded pasture land and arable land in the districts

"Campulazzaru - Padrumannu - Chercarcadu - Coafurones - Su adu de sa domu - Cherenculu" corresponding in the Land

Registry to the maps:-

No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, A of Sheet No. 1; No. 8 of the sheet No. 2.

(1) District of Macomer

Pasture land in the districts: ~~Macomer - Cedda e rughes~~

No. 67 of sheet No. 21 extending in all to 372,49,55 hectares with a total rent of 424,99 Lire. The said maps form one area of ground which is bounded by the River TEMO, the narrow road MUZUPIZZINU and the State road Cagliari - Sassari. The maps No. 14, 16, 32 of sheet No. 1 relate to rural buildings.

(b) District of Macomer

Pasture land in the Districts :- "Murano - Sodda e Rughe - S'istriscia - Abbasarbas - Padrumannu", corresponding in the Land Registry to the Maps Nos:-

3, 4, 10, 11, 14 of sheet No.4; Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, of sheet No.5; No.9 of sheet No.8; extending in all to 236,55,65 hectares with a total rent of 5402,87 Lire. The said maps form one area of ground which is bounded by the River TEMO, by the wood ex Asproni, by property sometime belonging to DEMANIO and by narrow roads. Maps No.3 - 10 of sheet No.4 relate to rural buildings.

(c) District of Bolotana

Wooded pasture land and arable land in the districts:-

"Giuncos - Chemtutrazzos - Santa Maria - Binza e Pramu - Su Tanchitu - Camorreda - Tresfuntanis - Baddesalighes - Tanca Noa Baddesalighes", corresponding in the Land Registry to the maps:-

Nos. 3, 6, 5, 7, 8 of sheet No.4; Nos. ^{4, 7, 1, 5} 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 19, of sheet No.9;

the areas shown on the maps extending respectively to hectares

23,04,05; 62,97,10; 6,02,86; 37,28,24; 6,16,02; 13,80,48;

4,31,24; 70,23,69; 9,60,72; 34,98,46; 4,04,98; 8,43,51; Are

03,04; Hectares 11,59,02; 4,31,24; Are 01,87; 03,15; Hectares

21,30,02; Are 05,69; 27,51; Hectares 41,62,51; Are 12,72; of the

said maps Nos. 5, 8, 9, 12, 13, 19 of sheet No.9 relate to rural

buildings; the areas of the other maps having rents respectively

of:- Lire 345,61; 944,56; 90,43; 559,24; 52,36; 207,07; 64,69; 1264,26;

1301

S'istriscia - Abbasarbas - Padrumannu", corresponding in the Land Registry to the Maps Nos:-

3, 4, 10, 11, 14 of sheet No.4; Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, of sheet No.5; No.9 of sheet No.8; extending in all to 236,55,65 hectares with a total rent of 5402,87 Lire. The said maps form one area of ground which is bounded by the River TEMO, by the wood ex Asproni, by property sometime belonging to DEMANIO and by narrow roads. Maps No.3 - 10 of sheet No.4 relate to rural buildings.

(c) District of Bolotana

Wooded pasture land and arable land in the districts:-

"Giuncos - Chemtutrazzos - Santa Maria - Binza e Pramu - Su Tanchitu - Camorreda - Tresfontanas - Baddesalighes - Tanca Noa Baddesalighes", corresponding in the Land Registry to the maps:-

Nos. 3, 6, 5, 7, 8 of sheet No.4; Nos. ^{4, 1, 1, 5} 1, 4, 5, 6, 7, 13, of sheet No.8; Nos. 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 19, of sheet No.9; the areas shown on the maps extending respectively to hectares 23,04,05; 62,97,10; 6,02,86; 37,28,24; 6,16,02; 13,80,48; 4,51,24; 70,23,69; 9,60,72; 34,98,46; 4,04,98; 8,43,51; Are 03,04; Hectares 11,59,02; 4,31,24; Are 01,87; 03,15; Hectares 21,30,02; Are 05,69; 27,51; Hectares 41,62,51; Are 12,72; of the said maps Nos. 5, 8, 9, 12, 13, 19 of sheet No.9 relate to rural buildings; the areas of the other maps having rents respectively of:- Lire 345,61; 944,56; 90,43; 559,24; 52,36; 207,07; 64,69; 1264,26; 81,66; 297,37; 34,42; 151,83; 324,53; 596,40; the map No.11 of sheet No.9 : Lire 1165,54; the map No.14 of sheet No. 9.

All the said maps in the district of Bolotana form one area of ground, which is bounded by the narrow road Crasturbiu - Luđrau Sa Gamba, and by the River TEMO.

The parties declared that, among the said maps of the land in the district of Bolotana the Map No. 7 of Sheet No. 9 has been indicated by mistake because the said map is not included in the donated land. With the land in the district of Bolotana which Major Percy donated to his daughter is included also the Villa, in which he is living for the time being, located in the district of Bolotana, with all the out-houses, kitchen-gardens, gardens, the park and all the furniture located in the villa. The donor transfers to his daughter Vera Morina, in whose substitution he accepts her brother Benjamin James, the full property of the abovementioned lands, free from all burdens, debts and incumbrances.

In reference to the liquidation of the registration fees, the parties declare to me that the total value of the donated landed properties is 1,000,000 lire, divided as follows:-

Lire 500,000	the land in the district of Bortigali.
" 200,000	the land in the district of Macomer.
" 300,000	the land in the district of Bolotana.

As requested, I, Notary, have received this document and the attached mandate, marked "A", both of which I have read in the presence of the abovementioned parties and witnesses, who declare that all is in conformity with their wish.

This document is in my handwriting, and is written on six sheets of 2 stamped paper and signed by me and the said parties and witnesses.

Benjamin Percy.

Ben. J. Percy.

Ben. J. Percy.

park and all the furniture located in the villa.

The donar transfers to his daughter Vera Morina, in whose substitution he accepts her brother Benjamin James, the full property of the abovementioned lands, free from all burdens, debts and incumbrances.

In reference to the liquidation of the registration fees, the parties declare to me that the total value of the donated landed properties is 1,000,000 lire, divided as follows:-

Lire 500,000	the land in the district of Bortigali.
" 200,000	the land in the district of Macomer.
" 300,000	the land in the district of Eolotana.

As requested, I, Notary, have received this document and the attached mandate, marked "A", both of which I have read in the presence of the abovementioned parties and witnesses, who declare that all is in conformity with their wish.

This document is in my handwriting, and is written on six sheets of 2 stamped paper and signed by me and the said parties and witnesses.

Benjamin Peircy.

Ben. J. Piercy.

Ben. Piercy.

Ben. J. Piercy.

Giovanni Antonio Deriu

Antonio Uras.

Antonio Pippia Notary.

No. of the repertoire 7866

Alleged Document "A"

Procura speciale

Victor Emmanuel III

by the Grace of God and the Will of
the Nation

King of Italy and of Albania Emperor
of Ethiopia

The 28th August 1939, in Rome, in via Uffici del Vicario No. 18;

Before me, Carlo CAPO, lawyer, Notary in Rome, in my Office located
in Via Uffici del Vicario No. 18, inscribed in the College of
Notaries of this District, and in the presence of the following
gentlemen :-

Luigi Alegiani fu Attilio, born in Rome and living in Piazza Vespri
Siciliani No.12-Rome, Clerk;

Ruggero Vinci Fu Nunzio, born in Amandola, living in Via Carlo
Cattaneo No. 20 B - Rome,

competent witnesses in due form of law:
has appeared;

Mrs Vera Morina Piercy, daughter of Benjamin Herbert Piercy, wife of
His Excellency Mameli, Italian Minister at Lisbona, born in
Ballincollig (Ireland) and living in Lisbon, Proprietor, of whose
personal identity I am sure. Mrs Vera Novina Piercy by these
presents nominates as special procurator her brother Mr Benjamin
James Piercy, living in Macomer in order that, in her name he will

The 28th August 1939, in Rome, in via Uffici del Vicario No. 18; Before me, Carlo CAPO, lawyer, Notary in Rome, in my Office located in Via Uffici del Vicario No. 18, inscribed in the College of Notaries of this District, and in the presence of the following gentlemen :-

Luigi Alegiani fu Attilio, born in Rome and living in Piazza Vesprì Siciliani No.12-Rome, Clerk;

Ruggero Vinci Fu Nunzio, born in Amandola, living in Via Carlo Cattaneo No. 20 B - Rome,

competent witnesses in due form of law; has appeared;

Mrs Vera Norina Piercy, daughter of Benjamin Herbert Piercy, wife of His Excellency Mameli, Italian Minister at Lisbon, born in Ballincollig (Ireland) and living in Lisbon, Proprietor, of whose personal identity I am sure. Mrs Vera Novina Piercy by these presents nominates as special procurator her brother Mr Benjamin James Piercy, living in Macomer in order that, in her name he will accept, according to the law, the donation which her father Mr. Benjamin Herbert Piercy, son of the late Benjamin, will make to her of the landed properties located in Sardinia in the Communes of Macomer, Bortigali, Bolotana, and Domus di Maria, or of part of the said properties.

For this purpose she confers on the said procuratore the fullest

1 3 0 6

powers; including the following powers :- to become party to this ~~public~~ contract; to take care that the properties which are to be the subject of the donation are exactly specified and described; to accept the donation to the extent that the donor will determine and subject to such conditions and reservations as he may think fit to include, within the limits of the law without however accepting liability for debts, and to choose domicile. With the premise of valid ratification, without need of further ratification.

The present public contract, in the presence of the above mentioned qualified witnesses, has been read by me, the notary, to the Mrs. Vera Morina Piercy Mameli, who at my request declares this contract to be in conformity with her wishes, and with me and the witnesses signs below.

This contract is written by a person, in whom I have trust on four pages of a folio, less twenty lines.

(Signed) Vera Morina Piercy Mameli - Luigi Alegiani witness Capo Carlo
Vinci Ruggero " Notary

Seen for the legal approval of the signature of the Notary CAPO Carlo

Rome 28 August 1939

5

Il Cancelliere Delegato

(Signature illegible)

Vittorio Emanuele III

per grazia di Dio e per volontà della Nazione

Re d'Italia e dell'Albania

Imperatore d'Etiopia

Donazione

L'anno millenovecentotrentanove, diciassettesimo dell'era fascista, il giorno trenta del mese di agosto, in Macomer, nel mio Studio posto in Via Regina Margherita, col numero civico 1.-

Avanti di me Antonio Pippia Notaro, alla residenza di Macomer, iscritto al Collegio Notarile del Distretto Notarile d'Oristano, alla presenza di Pierluigi Giovanni Antonio fu Antonio, impiegato, nato a Mores, domiciliato a Macomer, e di Uras Binna Antonino fu Domenico, farmacista, nato e domiciliato a Macomer, testimoni conosciuti idonei e richiesti, sono comparsi:

Il Signor Maggiore Herbert Beniamino Piercy fu Comandatore Beniamino, possidente, nato a Prestan (Londra), domiciliato nella Villa omonima Padicsafighona, territorio di Molotana e

Piercy Beniamino Giacomo di Beniamino, possidente, nato a Ballan-colling, Cork-Bire, domiciliato come il padre, a Villa Piercy, dell'identità personale dei quali sono certo.-

Il Signor Piercy Beniamino Giacomo interviene ed agisce in questo atto a nome, in luogo e vece, per conto e nell'esclusivo interesse della propria sorella Piercy Vera Morina di Beniamino, maritata a sua eccellenza Giorgio Menelli, nata a Ballan-colling Cork-Bire, residente attualmente a Lisbona, in virtù di mandato speciale del 28 corrente mese, ricevuto dal Notaio Carlo Caro di Roma, che io inse-risco in originale a quest'atto sotto la lettera A,

Il Signor Maggiore Herbert Beniamino Piercy dichiara di donare, come di fatto dona, alla propria figlia Vera Morina per la quale accetta il fratello di lei Beniamino Giacomo, i seguenti stabili

a) territorio di Bortinella

pascolo arborato e seminativo nelle regioni: "Campulazzaru-Fadruman-nu-Chercarcadu-Cofurones-Su Ada De Sa Dono- Cherenculu", cor-rispondente in catasto ai mappali 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-A del fo-glio I, 8 del foglio 2; 68 del foglio 21, della estensione complessiva di ettari 372,42,65, col reddito complessivo di lire 1424,99. Gli indicati mappali formano un'unica estensione di terreno che con-fina al fiume Temo, al viottolo Muzupizzinu, a strada statale Ca-gliari Sassari.-

Il giorno trenta del mese di agosto, in Macomer, nel mio Studio posto in Via Regina Margherita, col numero civico 1..

Avanti di me Antonio Pippia Notaro, alla presidenza di Macomer, inserito al Collegio Notarile del Distretto Notarile d'Ovistanò, alla presenza di Deriu Giovanni Antonio fu Antonio, impiegato, nato a Mores, domiciliato a Macomer, e di Uras Elina Antonino fu Domenico, farmacista, nato e domiciliato a Macomer, testimoni competenti idonei e richiesti, sono comparati.

Il Signor Maggiore Herbert Beniamino Piercy fu Comandatore Beniamino, possidente, nato a Prestan (Londra), domiciliato nella Villa omonima Beddesaighen, territorio di Molotana o

Piercy Beniamino Giacomo di Beniamino, possidente, nato a Ballan-collina, Gork-Sire, domiciliato come il padre, a Villa Piercy, dell'identità personale dei quali sono certo..

Il Signor Piercy Beniamino Giacomo interviene ed agisce in questo atto a nome, in luogo e vece, per conto e nell'esclusivo interesse della propria sorella Piercy Vera Norina di Beniamino, maritata a Sua Eccellenza Giorgio Menelli, nata a Ballancollina Gork-Sire, residente attualmente a Lisbona, in virtù di mandato speciale del 28 corrente mese, ricevuto dal Notaio Carlo Capo di Roma, che io inserisco in originale a quest'atto sotto la lettera A.

Il Signor Maggiore Herbert Beniamino Piercy dichiara di donare, come di fatto dona, alla propria figlia Vera Norina per la quale accetta il fratello di lei Beniamino Giacomo, i seguenti stabili iposti in:

a) territorio di Mortinella

pascolo arborato e seminativo nelle regioni - "Campulazzaru-Padumanna-Chercarcadu-Cofurones-Su Adu De Sa Demo- Cherenculu", corrispondente in catasto ai mappali 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-A del foglio I; 8 del foglio 2; 68 del foglio 21, dalla estensione complessiva di ettari 372,48,65, col reddito complessivo di lire 1424,99. Gli indicati mappali formano un'unica estensione di terreno che confina al fiume Temo, al viottolo Muzupizzinu, a strada statale Cagliari Sassari..

I mappali 14,16,32,A del foglio I, corrispondono a fabbricati rurali.

b) territorio di Macomer

Terreno pascolativo nelle regioni "Muraine-Sedda e rughes-S'istriscia-Abbasartas-Padumannu", distinte in catasto coi mappali 3-4-10-11-14 del foglio 4; 1-2-3-4-5-6-7-8-9-10-11-12-13-14 del foglio 5; 9 del foglio 8, dell'estensione complessiva di ettari 236,55,65, col reddito complessivo di lire 5462,87; i detti mappali formano una sola estensione di terreno che confina al fiume Temo, a foresta esaproni, al lotto una volta del Demanio, e viottoli. I mappali 3-10 del foglio 4, corrispondono a fabbricati rurali..

c) in territorio di Bolotana

Terrano pascolo e adiacenze nelle regioni "Giuncos-Chentutrazzos-Santa Maria-Binza e Prano-Sa Turchita-Corvoredde-trefontanes-Salide-salaghes-Tanca Noa-Sadde-salaghes", corrispondente in catasto ai mappali 3, 6, 5, 7, 3 del foglio 4; 4, 7, 1, 5, 1, 13 del foglio 5; 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 19 del foglio 9; aventi i detti mappali le rispettive estensioni di ettari 23,04,08; 62,97,10; 34,6,02; 86; 37,28,24; 6,16,02; 13,20,45; 4,31,24; 70,23,69; 9,60,72; 34,28,46; 4,04,98; 13,20,45; 8,43,61; are 03,04; ettari 11,50,08; 4,31,24; are 01,57; 17,03,15; ettari 21,30,03; are 06,60; 27,51; ettari 41,62,51; are 12,72; fra i detti mappali i mappali 5, 8, 9, 12, 13, 19 del foglio 9, sono fabbricati rurali, salitri mappali 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. Tutti i mappali 11, foglio 9; 1150, 24 il mappale 14 del foglio 9. Tutti i mappali indicati nel territorio di Bolotana, sono contigui fra di loro e formano unica estensione di terreno che confina al vicinato Crutur-bidu-Ludrau Sa-Cassa, al fiume Toso, alle stesse domotà.

Le parti dichiarano che fra i mappali indicati per il terreno in Agro di Bolotana, fu erroneamente indicato il mappale 7 del foglio 9; esso mappale non è compreso nel territorio donato. Col terreno in Agro di Bolotana che il Signor Maggiore Piercy dona alla detta sua figlia, così come anche a quest'ultima la villa che lo stesso Donato abita, in Agro di Bolotana, precisa località, Villa Piercy, con tutti gli annessi e connessi, dipendenza e pertinenze, orti, giardini e parco e con tutto il mobilio e arredamento in detta villa esistenti.

Il Donante trasferisce nella figlia Vera Morins, per la quale accetta il 21 lei fratello Beniamino Giacomo, il pieno dominio del terreno sopra descritti, liberi da pesi, servitù, passivo, censi ed ipoteche.

Alli effetti della liquidazione della terra di registro, le parti dichiarano che il valore complessivo degli stabili donati e di lire italiane un milione (1.000.000) così, ripartite: lire cinquecentomila (500.000) per il terreno in Agro di Mortigall, lire duecentomila (200.000) per il terreno in Agro di Macomer, lire trecentomila (300.000) per il terreno in Agro di Bolotana.

Richiesto io Notaro ho ricevuto quest'atto del quale 27 dell'alle-gato è ho dato lettura alle parti, in presenza dei testimoni e quelle, da me domandate, dichiarano di trovare un tutto conforme alla loro volontà.

Scritto il presente atto di mano mia su sei pagine di due fogli, di carta bollata in cui è contenuta, viene con me sottoscritto qui, in fine e a margine dell'altro foglio dalle parti e dai testimoni.

Ben. G. Piercy

Ben. B. Piercy

Antonio Urs

Beniamino Piercy

Ben. Piercy

Giovanni Antonio Daria

Antonio Pippa Notaro

Numero del repertorio 7366
Allegato A

Procura Speciale

Vittorio Emanuele III
Per grazia di Dio e per volontà della Nazione
Re d'Italia e di Albania
Imperatore d'Etiopia

L'anno millenovecentotrentenove MCMXXXIX. Il giorno 28 del mese di agosto in Roma in via uffici del Vicario numero 18.

Avanti di me avvocato Carlo Capo Notaro in Roma con studio in via Uffici del Vicario 18 inscritto presso il collegio notarile di questo distretto ed assistito dai Signori:

Luigi Alegrani fu Attilio nato a Roma e qui domiciliato in Piazza dei Vesperi siciliani 12, impiegato.

Ruggiero Vinci fu Nunzio nato in Anagnola domiciliato a Roma via Carlo Cattaneo numero 20 B. impiegato, testimoni abili ed idonei a forma di legge, e me noti.

E' comparso la Signora

Vera Morina Piercy di Benjamin Herbert Piercy, moglie di Sua Eccellenza Mameli Ministro d'Italia a Lisbona, nata e Pallicellig (Nerlanda) e domiciliata a Lisbona, possidente, e me nota personalmente la quale, mediante il presente atto, nomina speciale procuratore il fratello Signor Benjamin James Piercy domiciliato a Monaco, all'oggetto che, in di lei nome e voce, accetti nelle forme di legge la donazione che il comune padre Sig. Benjamin Herbert Piercy fu Benjamin Piercy fera' ad essa Signora Comparsante dei suoi beni immobili siti in Serdegna nei Comuni di Macomer, Bortigala, Belotani e Bonus di Maria, ovvero anche di porzioni di essi,--

A tale effetto conferisce al nominato procuratore ogni più ampio ed opportuno potere, quelli espressamente compresi di intervenire nel relativo pubblico istromento, curare la specificazione e l'ispezione designazione ed individuazione degli immobili oggetto della donazione, accettare la medesima nell'estensione in cui il donante crederà di effettuarla e con le eventuali modalità e riserve che esso crederà di apporre nei limiti di legge, senza però, accollo di passività, eleggere domicilio,--

Con premessa di ratto valido e fermo, senza bisogno di ratifica ulteriore.--

Il presente pubblico atto, alla presenza dei sopra qualificati testimoni, e' stato da me notaro letto alla Signora Comparsante la quale, su mia interpellazione, lo ha dichiarato conforme alla sua volontà, e con me notaro testimoni lo firma in calce.--

E' scritto da persona di mia fiducia in pagine 4 di un foglio

Avanti di me avvocato Carlo Capo Notaio in Roma con studio in Via Uffici del Vicario 13 inscritte presso il collegio notarile di questo distretto ed assistito dai Signori:

Luigi Alegiani fu Attilio nato a Roma e quivi domiciliato in Piazza dei Vesperi Siciliani 12, impiegato.

Ruggero Vinci fu Nunzio nato in Anagnina domiciliato a Roma Via Carlo Cattaneo numero 20 B. impiegato, testimoni abili ed idonei a forma di legge, a me noti.

E' comparso la Signora

Vera Morina Piercy di Benjamin Herbert Piercy, moglie di sua Eccellenza Mameli Ministro d'Italia a Lisbona, nata a Ballincollig (Irlanda) e domiciliata a Lisbona, possidente, a me nota personalmente la quale, mediante il presente atto, nomina speciale procuratore il fratello Signor Benjamin James Piercy domiciliato a Macomer, all'oggetto che, in di lei nome e vece, accetti nelle forme di legge la donazione che il comune padre Sig. Benjamin Herbert Piercy fu Benjamin Piercy fera' ed essa Signora Comparsa dei suoi beni immobili siti in Sardegna nei Comuni di Macomer, Bortigala, Bolotana e Domus di Maria, ovvero anche di porzioni di essi,.

A tale effetto conferisce al nominato procuratore ogni piu' ampio ed esteso potere, quelli espressamente compresi di intervenire nel relativo pubblico istrumento, curare la specificazione e l'esatta descrizione ed individuazione degli immobili oggetto della donazione, accettare la medesima nell'istanza in cui il donante credera' di effettuarla e con le eventuali modalità e modi che esso credera' di apporvi nei limiti di legge, senza peccato d'accogliimento di passivita', eleggere domicilio.

Con premessa di ratto valido e fermo, senza bisogno di ratifica ulteriore.

Il presente pubblico atto, ~~atto~~ alla presenza dei sopra qualificati testimoni, e' stato da me notaio letto alla Signora Comparsa la quale, su mia interpellazione, lo ha dichiarato conforme alla sua volonta', e con me Notaio testimoni lo firma in calce.

E' scritto da persona di mia fiducia in pagine 4 di un foglio meno linee venti.

Vera Morina Piercy Mameli
Luigi Alegiani teste
Vinci Ruggero teste

Carlo Capo Notaio

Visto per la legalizzazione della firma del Notaio Carlo Capo.

Roma, 28 agosto 1939 anno VIII

p. c. c.

L'UFFICIALE ADDETTO CAPITANO P. SOGGIU

Il Garcielliere Delegato
f.to illegibile

ALTO COMMISSARIATO PER LA SARDEGNA

Ufficio Affari Civili

Cagliari, 13, Marzo, 1944

No. 3320/49 - 9

OGGETTO: Promemoria per il Megg. Alessandro: sequestro beni Piercy.

ALLA COMMISSIONE REGIONALE ALLEATA

CAGLIARI
Via Roma, 37

Il sottoscritto, in nome del Re, ha l'onore di...

Sulla attuale "Legittimità" del Decreto Prefettorio 32/13/43 del Prefetto di Nuoro per la consegna del sequestro giudiziale del beni del Megg. Alessandro Piercy, si osserva:

- 1o) il sequestro venne disposto in base al R. Decreto 5, Luglio, 1938, No. 1415, che regola la legge di guerra;
- 2o) all'Art. 3 del R. Decreto che approva i testi della legge di guerra, e' disposto che la cessazione dell'applicazione della legge di guerra e' ordinata con Decreto Reale.

Si osserva:

1o) che in conseguenza del citato Art. 3 la revoca del sequestro potrebbe avvenire soltanto con l'abolizione della legge di guerra. Ne' sembra, allo stato, che tale decreto sia stato emanato dal Governo Italiano;

2o) d'altra parte l'Art. 3 della Legge di guerra precisa che debba essere considerato subito nemico. Non e' naturalmente piu' da ritenersi tale il cittadino Inglese, sia in conseguenza dell'Armistizio dell'8 settembre, 1943, sia soprattutto in considerazione dello stato attuale di collaborazione con le Potenze Alleate.

In tal senso il sequestro, gia' praticato all'inizio della guerra verrebbe a cadere per mancanza dell'oggetto.

1 E' pero' sempre da considerare quanto dispone l'art. 8 citato e soprattutto il fatto che si ignorano le clausole dell'armistizio e non si sa pertanto come tale materia sia stata regolata.

Ai ogni modo, e' parere dell'ufficio, che la questione in ogni caso, se cio' puo' essere di interesse della Commissione Alleata, potrebbe essere equamente risolta in base all'art. 7 che prevede che la disposizione della legge di guerra possono non essere applicate nei confronti di alcune personalita' con decreto del capo del Governo e pertanto la Commissione Alleata potrebbe sempre provvedere detto provvedimento di eliminazione

Nulla attuale legislazione del Decreto Prelettorio 22/12/43 del Prefetto di Milano per la revoca del commissariato giudiziario del bene del Regno. Evidentemente Piercy, si osserva:

- 10) il sequestro venne disposto in base al R. Decreto 5, Luglio, 1938, No. 1415, che regola la legge di guerra;
- 20) all'Art. 3 del R. Decreto che approva i testi della legge di guerra, e' disposto che la cessazione dell'applicazione della legge di guerra e' ordinata con Decreto Reale.

Si osserva:

- 10) che in conseguenza del detto Art. 3 la revoca del sequestro potrebbe avvenire soltanto con l'abolizione della legge di guerra. Ne' sembra, allo stato, che tale decreto sia stato emanato dal Governo Italiano;
- 20) d'altra parte l'Art. 3 della Legge di guerra, precisa che debba essere considerato suddito nemico. Non e' naturalmente piu' da ritenersi tale il cittadino Inglese, sia in conseguenza dell'Armistizio dell'8 settembre, 1943, sia soprattutto in considerazione dello stato attuale di collaborazione con le Potenze Alleate.

In tal senso il sequestro, cio' praticato all'inizio della guerra verrebbe a cadere per mancanza dell'oggetto.

1 E' pero' sempre da considerare quanto dispone l'art. 8 citato e soprattutto il fatto che si ignorano le clausole dell'armistizio e non si sa pertanto come tale materia sia stata regolata.

Ad ogni modo, e' parere dell'ufficio, che la questione in ogni caso, se cio' puo' essere di interesse della Commissione Alleata, potrebbe essere egualmente rivolta in base all'art. 7 che prevede che in disposizioni della legge di guerra, non essere applicate nei confronti di taluna personalita' con decreto del capo del governo e pertanto la Commissione Alleata potrebbe sempre provocare detto provvedimento di eliminazione del sequestro.

Es il caso pero' che venga considerata la situazione in cui verrebbe a trovarsi la proprieta', senza piu' un amministratore responsabile, se prima non si richieda agli eredi del Beniamino Piercy di voler procedere alla nomina di un loro rappresentante per la tutela dei loro interessi in Sardegna, con facolta' di amministrare.

P. IL CAPO UFFICIO AFFARI CIVILI a.k.s.
(ten. Colonnello Raimondo Sanna)

f.to Cap. Maxia

