

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

ACC

10000/142/701

10000/142/701

LAND TRANSACTIONS
OCT. 1943 - MAR. 1944

FILE CLOSED 21 February 1944

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

GENERAL ORDER NO. 1

WHEREAS it is now deemed advisable to remove the prohibitions and restrictions heretofore imposed upon the Allied Military Government upon transacting business and buildings within occupied territory be terminated;

Now, therefore, I, MAURICE STANLEY L. M.C., Brigadier, Executive Commissioner hereby order that the following:

ARTICLE I

The restrictions and prohibitions imposed by the provisions of Proclamation 5 Article III Section 1, leases and the transfer of lands, buildings

0487

file 4097 24

MILITARY GOVERNMENT

OF OCCUPIED TERRITORY

GENERAL ORDER N.º 23

25

BEAS it is now deemed advisable that the pro-
d restrictions heretofore imposed by order of
ilitary Government upon transactions in lands
gs within occupied territory be terminated.

erefore, I, MAURICE STANLEY LUSH, C.B.E.,
dier, Executive Commissioner hereby order as

ARTICLE I

strictions and prohibitions imposed by the pro-
Proclamation 5 Article III Sections 1 and 2 on
the transfer of lands, buildings or interests

Now, therefore, I, MAURICE STANLEY L. M.C., Brigadier, Executive Commissioner hereby follows:

ARTICLE I

The restrictions and prohibitions imposed by the provisions of Proclamation 5 Article III Section 1 and the leases and the transfer of lands, buildings and interests therein are hereby terminated and henceforth the transfer of lands, buildings or any interests therein shall be freely effected in occupied territory subject to the applicable provisions of Italian law.

ARTICLE II

This order will become operative in each part thereof within the occupied territory as hereof.

Dated: March 12-1944

M
Exec
for the

Therefore, I, MAURICE STANLEY LUSH, C.B.E.,
Brigadier, Executive Commissioner hereby order as

ARTICLE I

Restrictions and prohibitions imposed by the pro-
clamation 5 Article III Sections 1 and 2 on
the transfer of lands, buildings or interests
hereby terminated and henceforth leases and
lands, buildings or any interests therein may
be effected in occupied territory subject only to the
provisions of Italian law.

ARTICLE II

Order will become operative in each province or
within the occupied territory as of the date

March 12-1944

M. S. LUSH

Brigadier

Executive Commissioner
for the Chief Commissioner

TO : All Legal Officers, Region 4.

FROM : Regional Legal Officer, Region 4.

Legal Instructions No. 4.

42. Herewith copy of General Order No. 23, by which the restrictions on the transfer of land are removed. In consequence of this paragraph 30 of Legal Instructions No. 1 is cancelled.

ALLIED MILITARY GOVERNMENT OF
OCCUPIED TERRITORY

GENERAL ORDER NO. 23.

WHEREAS it is now deemed advisable that the prohibitions and restrictions heretofore imposed by order of the Allied Military Government upon transactions in lands and buildings within occupied territory be terminated.

Now, therefore, I, MAURICE STANLEY LUSH, C.E.D., M.C., Brigadier, Executive Commissioner hereby order as follows:

ARTICLE I

The restrictions and prohibitions imposed by the provisions of Proclamation 5 Article III Sections 1 and 2 ²¹ therein are hereby terminated and henceforth leases and transfer of lands, buildings or any interests therein may be freely effected in occupied territory subject only to the applicable provisions of Italian law.

ARTICLE II

This order will become operative in each province or part thereof within the occupied territory as of the date hereof.

consequence of this paragraph 30 of Legal Instructions No. 1 is cancelled.

ALLIED MILITARY GOVERNMENT OF
OCCUPIED TERRITORY

GENERAL ORDER NO. 23.

WHEREAS it is now deemed advisable that the prohibitions and restrictions heretofore imposed by order of the Allied Military Government upon transactions in lands and buildings within occupied territory be terminated.

Now, therefore, I, MAURICE STANLEY LUSH, C.2., M.C., Brigadier, Executive Commissioner hereby order as follows:

ARTICLE I

The restrictions and prohibitions imposed by the provisions of Proclamation 5 Article III Sections 1 and 2 and therein and the transfer of lands, buildings or interests therein are hereby terminated and herewith leases and transfer of lands, buildings or any interests therein may be freely effected in occupied territory subject only to the applicable provisions of Italian law.

ARTICLE II

This order will become operative in each province or part thereof within the occupied territory as of the date hereof.

(sgd) M.S. LUSH
Brigadier,
Executive Commissioner,
for the
Chief Commissioner.

Dated: 12 March 1944.

H. L. Wisner

Colonel,
R.I.O., Reg. 4.

GOVERNO MILITARE ALLE del TERRITORIO OCCUPATO

23

ORDINE GENERALE N

Considerato che presentemente è ritenuto opportuno
divieti e restrizioni fin'ora imposte dal Governo Militare Alle
vendita di terreni e fabbricati nel territorio occupato.

Io, MAURICE STANLEY LUSH, C.B.E., M.C., Brigadi
Esecutivo, ordino:

ARTICOLO I

22

VERNO MILITARE ALLEATO

del TERRITORIO OCCUPATO

23

DINE GENERALE N.° 23

ato che presentemente è ritenuto opportuno porre termine ai
zioni fin'ora imposte dal Governo Militare Alleato sulla compra
reni e fabbricati nel territorio occupato.

RICE STANLEY LUSH, C.B.E., M.C., Brigadiere, Commissario
dino:

ARTICOLO I

divieti e restrizioni fin'ora imposte dal Governo Militare Alle
vendita di terreni e fabbricati nel territorio occupato.

Io, MAURICE STANLEY LUSH, C.B.E., M.C., Brigadiere
Esecutivo, ordino:

ARTICOLO I

Le restrizioni e divieti imposti dalle disposizioni del
articolo III, sezione 1 e 2 sugli affitti e trasferimenti di n
od altri interessi sono con la presente terminati e d'ora
trasferimenti di terreni, fabbricati od altri interessi poss
ramente effettuati nel territorio occupato, soggetti soltanto
vigore della legge italiana.

ARTICOLO II

Quest'ordine entrerà in vigore in ogni provincia o p
compresa nel territorio occupato, a partire dalla data q

Data: 12 Marzo 1944

Sgd. Br

per

0 4 7 3

ioni fin'ora imposte dal Governo Militare Alleato sulla compra
eni e fabbricati nel territorio occupato.

CE STANLEY LUSH, C.B.E., M.C., Brigadiere, Commissario
no:

ARTICOLO I

oni e divieti imposti dalle disposizioni del Proclama No. 5,
zione 1 e 2 sugli affitti e trasferimenti di terreni, fabbricati
ssi sono con la presente terminati e d'ora innanzi i fitti e
di terreni, fabbricati od altri interessi possono essere libe-
uati nel territorio occupato, soggetti soltanto alle norme in
egge italiana.

ARTICOLO II

ne entrerà in vigore in ogni provincia o parte di provincia
territorio occupato, a partire dalla data qui apposta.

arzo 1944

Sgd. Brigadiere M. S. LUSH

Commissario esecutivo
per il Commissario Capo

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/ent

21

21 February 1944.

ACC/4097/L

SUBJECT: Land Transfers.

TO : V.P. Administrative Section, ACC.

Finance tell me that they are proposing to recommend a policy of free transactions in all occupied territory so that the problem will disappear very shortly.

See folios 20

G. P. UPJOHN
Colonel
Chief Legal Officer.

22

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
APO 394, U.S. Army

20

17 February 1944

3/6046/L(R)

MEMORANDUM

TO : HQ, ACC

retained to V. Pack Sect

1. The enclosed memorandum has been received from the Legal Division. Could it be confirmed or otherwise that such matters at ACC HQ come under the Finance rather than the Legal Division. The Finance Division feels very strongly against the proposed transfer.

2. A ruling would be appreciated.

Forster
LORD FORESTER
Lt. Col., R.H.G.
Chief of Staff

See folio 21

21

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

15 February 1944.

ACC/4097/1

SUBJECT: Land Transactions.

TO : Finance Subcommittee, ACC.

1. Enclosed is a copy of General Order No. 6 promulgated in 15th Army Group area 22 January 1944.
2. Your subcommittee will possibly want to consider what, if any, action should now be taken with regard to this Order.
3. Is this Order to be printed and posted in the future?

See Gen Order No 23

G. R. UPTON,
Colonel
Chief Legal Officer

ARMED MILITARY GOVERNMENT

(Italy)

General Order No. 6

Whereas a total prohibition on the transfer of lands and buildings, and of interests therein has been imposed by order of the Allied Military Government, and,

Whereas it is now deemed advisable partially to suspend and modify the said prohibition,

Now, therefore, I, Maurice Timothy Lusk, C.B.M., M.C., Brigadier, Deputy Chief Civil Affairs Officer, hereby order as follows:

ARTICLE I

Modified Absolute Prohibition

Notwithstanding of the said prohibition of interests therein, or be effected without restriction except as hereinafter provided.

ARTICLE II

Prohibitions

Section 1. No transfer of any lands or buildings or any interest therein, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the transfer including any consideration passing in related transactions of, in the case of a gift, the fair value thereof, in excess of 50,000 lire, shall hereafter be effected without the written consent of the senior civil affairs officer of the province in which such lands or buildings are situated.

Section 2. Individual transfers of portions of the same parcel of land or of adjacent parcels owned by the same person, when such transfers form a part of a series of transactions, shall be deemed one transaction for the purposes hereof.

Section 3. Any such transfer or contract therefor made hereafter without such written consent shall be void.

ARTICLE III

Penalty

Nothing contained in this order shall be taken to suspend, terminate or modify the existing prohibition against lease of lands, buildings or interests therein for a term longer than one year.

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There is no law that would prohibit, or modify the prohibition,

Mrs. Blavatsky, 7, Courtonne Street, London, S.W. 1, U.C.,
replied that Civil Service officers, upon order as follows:

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(Signature)

continued coverage of prohibition

responsibility transferred to title or mortgage of interests therein may be affected without restriction except as hereinafter provided.

FROM THE

[illegible]

section 2. no grantor of any lands or buildings or any interest therein, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the premises including any consideration accruing in related transactions of, in the case of a gift, the fair value thereof, is an excess of \$5,000 here, shall hereafter be effected without the written consent of the senior child (children) of the grantor in which such lands or buildings are situated.

Individuals of portions of the same parcel of land to transfer same to another parcel owned by the same person, when such transfers are made for the purpose of forming a part of a series of transactions, shall be deemed one transaction.

section 2. any such transition or contract thereon must be made before the date that such transition contract shall be void.

Abstract

1092

Nothing contained in this Order shall be taken to suspend, terminate or modify the existing prohibition against loans, advances or interest thereon for a term longer than one year.

APPENDIX IV

reza.ghaffari@cs.cmu.edu

any person violating any of the provisions of this act, or, in addition, on conviction by an illicit military court be liable to imprisonment or fine, or both, as the court may determine.

Article V

Effective Date

This Order will become operative in each province on part thereof within the occupied territory north of the northern boundaries of the provinces of Salerno, Bologna and Bari on the date of its first publication therein.

M. S. Lush

Attendant,
Deputy Chief Civil Affairs Officer.

Dated: 21 January, 1944

18

File RLE 013.13/HRJ

Int Ind.

4097 / 16

ALLIED MILITARY GOVERNMENT SICILY REGION HQ.

25 January 1944

TO: Commanding Officer, AMG HQ., APO 394.

Forwarded for approval.

For Lt. Col. POLETTI, BGAG:

WILLIAM R. JORDAN,
Lt. Col. U. S. A.,
Regional Legal Officer.

jd

Incl. File

*Original 9 enclosures. (transfer of land over 50000 L.
funded to finance for action.*

17

HEADQUARTERS
ARLINO MILITARY GOVERNMENT
LEGAL SUB-COMMISSION
A.P.O. 394

AM/4037/L ✓

SUBJECT: Land Transactions

TO : R.C.L.C. (thru RMO) Region I

24th January 1944

1. The question of whether or not certain proposed transactions in lands and buildings should be permitted is not a matter with which, at least primarily, legal officers should be burdened. On the other hand it is a financial matter which should be dealt with by financial officers primarily.

2. The foregoing is in answer to an inquiry you made of Major Van Dusen on his recent visit to Region I.

REMOVED H. MILLER.

Lt. Col. G.A.C.
Deputy Chief Legal Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

ITALY

GENERAL ORDER NO. 13

Whereas a total prohibition on the transfer of lands and buildings, and of interests therein has been imposed by order of the Allied Military Government, and;

Whereas it is now deemed advisable partially to suspend and modify the said prohibition;

Now, therefore, I, Charles M. Spottow, Colonel, GSC, Deputy Chief Civil Affairs Officer, hereby order as follows:

ARTICLE I

Qualified Removal of Prohibition

Notwithstanding transfers of lands or buildings or interests therein may be effected without restriction except as hereinafter provided.

ARTICLE II

Prohibitions

Section 1. No transfer of any lands or buildings or any interest therein, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the transfer including any consideration passing in related transactions or, in the case of a gift, the fair value thereof, is in excess of 20,000 Liras, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated.

Section 2. Individual transfers of portions of the same parcel of land or of different parcels owned by the same person, when such transfers form a part of a series of transactions, shall be deemed one transaction for the purposes hereof.

Section 3. Any such transfer or contract therefor made hereafter without such written consent shall be void.

ARTICLE III

14-800

Nothing contained in this Order shall be taken to suspend, terminate or modify the existing prohibition against leases of land, buildings or interests

whereas it is now deemed advisable partially to suspend and modify the said prohibition,

Now, therefore, I, Charles H. Spofford, Colonel, GSC, Deputy Chief Civil Affairs Officer, hereby order as follows:

ARTICLE I

Qualified Removal of Prohibition

Notwithstanding transfers of lands or buildings or interests therein may be effected without restriction except as hereinafter provided.

ARTICLE II

Prohibitions

Section 1. No transfer of any lands or buildings or any interest therein, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the transfer including any consideration passing in related transactions or, in the case of a gift, the fair value thereof, is in excess of 50,000 lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated.

Section 2. Individual transfers of portions of the same parcel of land or of different parcels owned by the same person, when such transfers form a part of a series of transactions, shall be deemed one transaction for the purposes hereof.

Section 3. Any such transfer or contract therefore made hereafter without such written consent shall be void.

ARTICLE III

Lessee

Nothing contained in this Order shall be taken to suspend, terminate or modify the existing prohibitions against leases of land, buildings or interests therein for a term longer than one year.

ARTICLE IV

Penalties

Any person violating any of the provisions of this Order, shall, on conviction by an Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine.

ARTICLE V

Effective Date

This Order will become effective in each province or part thereof of Sicily, Calabria, Lucca and the Province of Salerno, on the day of its first publication therein.

CHARLES E. HUGHES,
Colonel, GAC,
Deputy Chief Civil Affairs Officer.

Dated: January 1944.

11

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
FINANCE SUB-COMMISSION
APO 394

Legal
0 (12)

13074/9

22 January 1944

Subject:- Restrictions on Transfer of Real Property.

To:- Regional Finance Officer,
AMG, Headquarters, Region II,
G.M.F.

With reference to your letter F/1002/I/5 of 22 December 1943, together with enclosed draft proclamation on above mentioned subject, this matter has been under deliberation by the Legal Sub-section with a view to the issue of a proclamation which will be uniform throughout all occupied Italian territory.

Enclosed is a draft of what will become General Order 18. This, when promulgated, will be sent to your P.C.A.O. through official channels with instructions as to its publication - until these official instructions are received, no publication will be made and the text is now forwarded only for your information and the guidance of your actions in the meantime.

Article III should be noted. The policy remains unchanged in the matter of leases longer than one year.

CARL A. MILLER,
Lieut-Colonel,
For Brigadier,
Chief Finance Officer.

Copy to:- Legal Sub-Commission
(attention Maj. Cranshaw)

Enclosure

Copy of General
Order No. 18

DLV/STP

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

ITALY

GENERAL ORDER NO. 18.

Whereas a total prohibition on the transfer of lands and buildings, and of interests therein has been imposed by order of the Allied Military Government, and,

Whereas it is now deemed advisable partially to suspend and modify the said prohibition,

Now, therefore, I, Charles M. Spofford, Colonel, GSO, Deputy Chief Civil Affairs Officer, hereby order as follows:

ARTICLE I

Qualified Removal of Prohibition

Henceforth transfers of lands or buildings or interests therein may be effected without restriction except as hereinafter provided.

ARTICLE II

Prohibitions

Section 1. No transfer of any lands or buildings or any interest therein, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the transfer including any consideration passing in related transactions or, in the case of a gift, the fair value thereof, is in excess of 50,000 Lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated.

Section 2. Individual transfers of portions of the same parcel of land or of different parcels owned by the same person, when such transfers form a part of a series of transactions, shall be deemed one transaction for the purpose hereof.

Section 3. Any such transfer or contract therefor made hereafter without such written consent shall be void.

ARTICLE III

Leases

Nothing contained in this Order shall be taken to suspend, terminate or modify the existent prohibition against leases of land, buildings or interests therein for a term longer than one year.

ARTICLE IV

Penalties

Any person violating any of the provisions of this Order, shall, on conviction by an Allied Military Court be liable to imprisonment or fine, or both, as the Court

on, therefore, I, Charles M. Spofford, Colonel, GSC, Deputy Chief Civil Affairs Officer, hereby order as follows:

ARTICLE I

Qualified Removal of Prohibition

Notwithstanding transfers of lands or buildings or interests therein may be effected without restriction except as hereinafter provided.

ARTICLE II

Prohibitions

Section 1. No transfer of any lands or buildings or any interest therein, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the transfer including any consideration passing in related transactions or, in the case of a gift, the fair value thereof, is in excess of 50,000 lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated.

Section 2. Individual transfers of portions of the same parcel of land or of different parcels owned by the same person, when such transfers form a part of a series of transactions, shall be deemed one transaction for the purposes hereof.

Section 3. Any such transfer or contract thereof made hereafter without such written consent shall be void.

ARTICLE III

Leases

Nothing contained in this Order shall be taken to suspend, terminate or modify the existing prohibition against leases of land, buildings or interests therein for a term longer than one year.

ARTICLE IV

Penalties

Any person violating any of the provisions of this Order, shall, on conviction by an Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine.

ARTICLE V

Effective Date

This Order will become effective in each province or part thereof of Sicily, Calabria and Lucania and in the Provinces of Salerno, on the day of its first publication therein.

CHARLES M. SPOFFORD,
Colonel, GSC,
Deputy Chief Civil Affairs Officer

Dated: January 1944

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ACTION SHEET

15th.

Date

Suspense _____

FROM

TO

C.G., A.M.G.

C. of Staff

D.C. of Staff for (O&SI)

D.C. of Staff Admin.

Industrial Plan

Mil. Sec.

Pol. Sec.

Econ & Admin Sec.

Communications Sec.

Economic Director

X Administrative Dir.

Executive Off. Admin.

G-1

G-4

Adjutant General

Personnel

Publications

Miscellaneous

Supply Officer

Billeting Officer

Transportation Off.

Hq Commandant

Camp Commandant

Message Center

Sub-Commission on:

Legal

For: Signature

Recommendation

X Information

Approval or Disapp.

Appropriate Action

Investig. & Report

File

Return to Cent. Files

Transmission

Remarks:

4097
Headquarters
A.M.G. 5th. Army
A.P.O. 464 U.S. Army.

208/CA/48.

12th. January 1944.

Subject: Real Estate Transfers.

To: All S.C.A.O's.

1. Under Section 1 of Article III. of Proclamation No. 5, no transfer of any interest in lands or buildings may be effected without the written consent of the S.C.A.O. or an Officer empowered by him. The purpose of this provision is to prevent important Fascists from converting their real estate holdings into cash and to prevent an easy means of flight from cash which would tend to aggravate inflationary tendencies. Since these two objects can, generally speaking, be furthered only by voluntary transfers as distinguished from transfers taking place by operation of law or by order of a judicial tribunal, it is deemed that involuntary transfers are not within the prohibition and that judicial tribunals need not therefore seek written consent before making orders providing for transfers of real estate, as in the case of bankruptcy sales, foreclosures of mortgages, and transfer of real estate upon death.
2. With respect to voluntary transfers, authority has been delegated to S.C.A.O. A.M.G. 5th. Army, by the D.C.C.A.O., of 15 Army Group, to give the necessary consent. Applications for consent to transfer should therefore be sent to A.M.G., H.Q. 5th. Army. Applications in each instance should be accompanied by the unsigned original deed, so that the S.C.A.O.'s consent may be endorsed on the document to be recorded, and a certificate signed by the notary involved that the purchase price to be paid corresponds approximately with the value of the land. Applications so supported will be granted by the S.C.A.O. unless the purchase involves a very substantial sum, in which event additional information will be sought with respect to the identity of the transferor.

By Order Of Colonel Hume.

Headquarters
A.H.G. 5th. Army
A.P.O. 464 U.S. Army.

208/CA/48.

12th. January 1944.

Subject: Real Estate Transfers.

To: All S.C.A.O's.

1. Under Section 1 of Article III. of Proclamation No. 5, no transfer of any interest in lands or buildings may be effected without the written consent of the S.C.A.O. or an Officer empowered by him. The purpose of this provision is to prevent important Fascists from converting their real estate holdings into cash and to prevent an easy means of flight from cash which would tend to aggravate inflationary tendencies. Since these two objects can, generally speaking, be furthered only by voluntary transfers as distinguished from transfers taking place by operation of law or by order of a judicial tribunal, it is deemed that involuntary transfers are not within the prohibition and that judicial tribunals need not therefore seek written consent before making orders providing for transfers of real estate, as in the case of bankruptcy sales, foreclosures of mortgages, and transfer of real estate upon death.

2. With respect to voluntary transfers, authority has been delegated to S.C.A.O. A.H.G. 5th. Army, by the D.C.C.A.O., of 15 Army Group, to give the necessary consent. Applications for consent to transfer should therefore be sent to A.H.G., H.Q. 5th. Army. Applications in each instance should be accompanied by the unsigned original deed, so that the S.C.A.O.'s consent may be endorsed on the document to be recorded, and a certificate signed by the notary involved that the purchase price to be paid corresponds approximately with the value of the land. Applications so supported will be granted by the S.C.A.O. unless the purchase involves a very substantial sum, in which event additional information will be sought with respect to the identity of the transferor.

By Order Of Colonel Hume.

W. B. Synors
D.R.B. Synors,
Captain,
Scots Guards.

Distribution:
II Corps, 12
C.E.F., 12
X Corps, 12
C.L.O., 15th. Army Group, 3
R.C.L.O. Region IV, 3
Liaison Officer, 5th. Army H.Q. 3
File, 2
Spares, 15
SCAO V1 Corps, 12

Read 15/2/44

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
(Rear Detachment)
LEGAL SUB-COMMISSION
APO 512

4097
10
GWM/rlp
11 January 1944.

TO : Colonel Upjohn, Hq ACC, Brindisi.

Reference your enquiry as to sales of Real Estate by Region I, the following is a copy of a minute of a meeting of SCAC's and AMGOT Hq held at Palermo 20/21 August 1943 under Lord Rennell.

Page 10 of the minutes, para 6 (a) 4.

Matters brought up by Hq

"Allowing real estate sales up to L. 50,000. It was decided that it would be the responsibility of each SCAC to approve the sale if he considers each sale to be at an equitable price."

This minute has been acted on by the SCAC's of Region I, and no other order has been issued on the matter.

It appears that Region I has sought authority for the limit to be raised to L. 250,000 but no reply has been received. It is believed that Finance Section is opposed to this increased limit.

G. W. McFadyen
G. W. MCFADYEN,
Major,
Legal Sub-Commission. -10

DRAFTALLIED MILITARY GOVERNMENTARTICLE ITransactions in Lands and BuildingsSECTION 1

No transfer of any lands or buildings or any interest therein located in Calabria, Lucania or in the Province of Salerno shall hereafter be effected without the written consent of the S.C.A.C. of the Province in which such lands or buildings are situated when

- (a) in the case of gift, the fair value of the property or interest therein transferred exceeds L.50,000, or
- (b) in the case of sale, mortgage, charge or otherwise, the total consideration for the transfer, in whatever form or manner paid, is in excess of L.50,000, or
- (c) in the case of lease, when the period thereof exceeds one year and the yearly rental or the value of the consideration received in lieu thereof is in excess of L.5,000, or if there be no rental or other consideration, the fair yearly value of the tenancy is in excess of L.5,000.

SECTION 2.

Any such transfer or lease or contract therefor made hereafter without such written consent shall be void.

ARTICLE IIPENALTIES

Any person violating any of the provisions of this Order, shall, on conviction by an Allied Military Court be liable to imprisonment or fine, or both as the Court may determine.

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1497
not used

located in Calabria, Lucania or in the Province of Salerno shall hereafter be effected without the written consent of the S.C.L.C. of the Province in which such lands or buildings are situated when

- (a) In the case of gift, the fair value of the property or interest therein transferred exceeds L.50,000, or
- (b) In the case of sale, mortgage, charge or otherwise, the total consideration for the transfer, in whatever form or manner paid, is in excess of L.50,000, or
- (c) In the case of lease, when the period thereof exceeds one year and the yearly rental or the value of the consideration received in lieu thereof is in excess of L.5,000, or if there be no rental or other consideration, the fair yearly value of the tenancy is in excess of L.5,000.

SECTION 2.

Any such transfer or lease or contract therefor made hereafter without such written consent shall be void.

ARTICLE II

PENALTIES.

Any person violating any of the provisions of this Order, shall, on conviction by an Allied Military Court be liable to imprisonment or fine, or both as the Court may determine.

ARTICLE III

RETROACTIVE DATE

This Order will become effective on the

day of

1944.

COPY

Ref: F /1002/1/5

OFFICE OF REGIONAL FINANCE OFFICER,
A.M.G. HEADQUARTERS,
REGION 2.
C.M.F.

CHIEF FINANCE OFFICER,
Finance Sub-Commission,
AIG Headquarters,
NAFIES.

22nd December, 1943.

With reference to my letter F/1607/I/5 of 2nd. inst., replying to your 13016/F of 25th ultimo, and subsequent conversation with Brigadier Hamlyn concerning the imposition of restrictions on the transfer of real property I am directed to enclose a draft Regional Order designed to comply with the verbal instructions received.

2. I am to request you to good enough to let me know if and when you wish the order to be published.

(SGD) G.S. McFadyen. Lt. Colonel. R.A.
Regional Chief Finance Officer.

Copy to: C.I.O.
Region 2. H.Q.

8

40970, 120144
noted. diff. to
we discuss
W. G. G. G.

REGIONAL ORDER No. 2.

RESTRICTIONS IN DEALINGS IN LAND AND BUILDINGS

I, G.M. McCaffrey, Lieutenant Colonel, Infantry, Regional Civil Affairs Officer of Calabria, Lucania, and the Province of Salerno, by virtue of the powers conferred upon me, HEREBY ORDER as follows :-

ARTICLE I

Restrictions in dealings exceeding L.50.000.

Section One. Any person, company or corporation owning or having an interest of any kind in land or buildings in Calabria, Lucania or the Province of Salerno who wishes to sell, exchange, mortgage, charge, or otherwise dispose of the same or of any part or parts thereof for a total sum exceeding L.50.000 or for property or rights other than money of a value in excess of L.50.000. shall apply in writing to the Senior Civil Affairs Officer in which such land or buildings or the greater part thereof are located.

Section Two. The application, accompanied by a copy of the proposed contract, shall set out the following particulars:-

- (a) The names and addresses of all parties concerned in the proposed transaction
- (b) A full description of the subject matter of the proposed transaction.
- (c) A statement of the total amount of money or other consideration being given for the land or buildings.
- (d) The reasons for the transaction.

Section Three. If any dealing or transaction in land or buildings, though in itself involving a consideration whether monetary or otherwise less in value than L.50.000, forms part of a larger transaction or series of transactions of which the aggregate amount or value of the money or property passing exceeds L.50.000 then each such dealing or transaction shall require the consent of the Senior Civil Affairs Officer as provided by this Order.

Section Four. Any dealing or transaction for which consent is required under this Order shall be void and of no effect if completed without such consent.

ARTICLE II

Restrictions on Leasing.

Section One. No lease or letting of any land or buildings for any rent or consideration in excess of Lire 5.000 a year shall be entered into for a term exceeding one year without the written consent of the Senior Civil Affairs Officer of the Province in which such land or buildings are located.

Section Two. Any lease or letting for which consent is required under this Order shall be void and of no effect if such consent shall not have been obtained.

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ARTICLE III

Penalties

Any person contravening this order shall on conviction by an Allied Military Court be liable to imprisonment or fine or both as the Court may determine, and in addition the consideration (whether in money or in property other than land or buildings or interests therein) passing on any transaction completed without consent may be confiscated.

By Order of

G.H. McCAFFRY.
Lt. Col. Infantry
Regional Civil Affairs Officer.
Region 2.

Dec. 43.

ALLIED MILITARY GOVERNMENT
SICILY REGION HEADQUARTERS
APO 394

FILE:EO/386

13/1/44

SUBJECT: Transfers of Realty.

TO : Lt. Col. Richard H. Wilmer, Legal Sub-Commission
AMG HQ. (Naples).

Major Van Dusen has requested an answer to your memorandum of January 7, 1944, regarding transfers of realty. Colonel Jordan, Regional Legal Officer, has informed me that he has no knowledge of a general, regional or special order which terminated restrictions on transfers of land in Region I where the consideration therefor was not in excess of L.50,000.

Col. Jordan states that the minutes of an S.C.A.O. meeting held by Lord Rennell on August 21 and 22, 1943, will indicate that the origin of the matter under discussion was based on a verbal agreement between the S.C.A.O.'s and Lord Rennell. From knowledge at this Headquarters, no general order would seem to have been issued, but Provincial orders were apparently issued on the basis of the verbal agreement.

AMGOT minutes are not available in Region I, but should be in Naples.

Charles Poletti

CHARLES POLETTI
Lt. Colonel,
R.C.A.O.

AMG

619

HEADQUARTERS
UNITED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4097/1

7th January 1944

Subject: Transfers of Realty.

To : Major Van Dusen.

Will you please secure for Legal Sub-Commission

1. A copy of General, Regional or Special Order the effect of which was to terminate the restrictions on transfers of land in Region I where the consideration therefor was not in excess of L. 50,000;
2. Information as to the origin and channels of such order, with copies of pertinent papers.

RICHARD H. REBER
Lt. Col.
Deputy Chief Legal Officer

Latest Cutus
handed to Finance
by Col. Upjohn

(4)

29 DEC-43

013.18

13th DEC
15th DEC

4

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
FINANCE SUB-COMMISSION

(3)

13016/P

5 November 1943

Subject:- Land Transactions

To:- Col A.P. Graffius-Smith,
GPO, AMG 15 Army Group.

With reference to your L. 107 of 30 October to AMG 9th Army, we note you intend to lift all restrictions on land transfers once banks are opened without limitations.

We are presently formulating a comprehensive anti-inflation program, and in this connection we are giving attention to land transfers. Until we have completed our consideration of this matter, I suggest that you defer removal of restrictions, if action has not already been taken.

Please advise whether any applications for land transfers have been received in Region 3, and any other reason which prompted the proposed action.

3

R.A. HAMILTON,
Brigadier,
Chief Finance Officer,
Headquarters,
Allied Military Government.

Copy to:- Legal Sub-Commission (File AMG/1097/L) ✓

Gen. W.C.D.

SECRET

331

SUBJECT:- Land Transactions.

Chief Legal Officer,
H.Q., A.M.G.,
Palermo.

HEADQUARTERS

3 NOV 1943

4097
AMGOT

AMG/211/3.

1st November 1943.

For your information, herewith copy of Signal FA 107 of 30th October 1943 from this H.Q. to A.M.G. Fifth Army containing directive as to land transactions.

A.M.G.
15 Army Group,
C.M.F.
HER/SCH

Encl.

H. E. ROWE.
Lieut Colonel,
Chief Legal Officer.

*Seen
To Sec
Seger
R. H. M.*

TO: 5 ARMY FOR ANG FOR HME
 FROM: FILPOT FROM AMGO FROM CFO
 Orig's No. FA 10

Copy
 TELEGRAM OUT

30 Oct.

SECRET (.) para one (.) reference your 3848 of 29 oct (.) until
 banks reopened without limitation on withdrawals you may lift ban on land
 transactions up to maximum amount of fifty thousand lire (.) recommend
 you remove restrictions entirely thereafter (.)

Para Two (.) Would like receive report on progress of opening banks (.)

If liable to interception this message
 should be sent in cipher.

(signed) A. P. Craffley Smith. Colonel.

Priority: Urgent.

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