

785016

ACC

10000/142/818

ACQUISITION
COMMISSION
MAR. 1944

0434

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

785016

00/142/818

ACQUISITION OF SITES FOR MILITARY CEMETERIES (WAR GRAVES
COMMISSION)
MAR. 1944 - FEB. 1945

0 4 6 5

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

785016

FILE CLOSED 13 February 1945

24

free
Graves of Allied Soldiers (15-A)

L. 12.6.1931, No. 877 (G.U. 15.7.1931, n. 161)

SISTEMAZIONE DEFINITIVA DELLE SALME DEI CADUTI IN GUERRA.

1. Le salme dei militari italiani caduti in guerra saranno conservate nei cimiteri e negli ossari.
2. Ivi verranno raccolti i resti mortali esistenti nei cimiteri soppressi.
3. Le sepolture militari esistenti nei cimiteri civili dovranno conservarsi in perpetuo a cura dei comuni interessati.
4. I sepolcreti di guerra definitivamente sistemati sono dati in consegna ai comuni nel cui territorio si trovano, con obbligo di mantenerli e custodirli in perpetuo.
5. Per le salme dei militari appartenenti agli eserciti alleati ed ex nemici sarà provveduto in conformità delle disposizioni dei trattati di pace.

INTER-ALLIED COMMISSION
AIC 394
CIVIL AFFAIRS SECTION

14A

/pa.

13 February 1945.

AG 4431/1.

SUBJECT : Burials.

TO : AMB, C - 5.

1. With reference to your C-5, 295.8 of 6 Feb 45, enclosing copy of Brig. McHarr's letter of 18 Jan, the question of burials in Italy is regulated by the Acts No. 448 of 25 July 1892 and No. 1265 of 27 July 1934.

2. Under Italian law, isolated graves of soldiers or civilians may remain in situ by special permit.

3. Art. 340 of the "Legge Sanitaria" of 27 July 1934 sets out that it is forbidden to bury a corpse in another site than the cemetery. However, burial of bodies in private and family chapels not open to the public is allowed if the site is situated at least 200 meters from inhabited centers.

Art. 341 of the same law reads as follows :

"The Minister of the Interior has the faculty of authorizing from time to time, by special order, the burial of corpses in other locations than the cemetery when reason of particular worship can be shown, provided always that the safeguards provided for by the "Legge Sanitaria" shall be respected.

4. It appears therefore that Italian legislation in this respect is more akin to the French than to the Belgian law. Considering that the issuing of a special order authorizing private burial in a place other than the cemetery rests entirely within the discretion of the Minister of Interior and considering further the general Italian outlook and tradition in this respect, there is a little doubt that such orders may from time to time be granted.

5. It may also be pointed out that up to May 1940, the question of British war graves in Italy had been the subject matter of a decree of 1918 and of an agreement between Britain and Italy dated 11 May 1922 (copies attached).

6. Lately the Italian Government has expressed its willingness to initiate legislation to give new life to the provisions of the decree and to renew the agreement. Correspondence to that effect was exchanged between Political Section, Hq AO and Lt. Col. McDougall of I.A.C. Commission.

7. Considering this helpful attitude, the I.A.C. Commission might be of opinion that it would be worth while requesting the Italian Government to put into effect its undertakings and furthermore to insert in the new

..//

decree such provisions as will meet the difficulties set out in Brig. McHair's letter.

8. No doubt you will communicate again with this Commission should it be decided to press the matter further.

For the Chief Commissioner :


G. R. UPJOHN, Brig.
VP CA Sec
Dep COS, AC

Incls: Copies of Decree & Agreement.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

(13A)

AC/4191/1.

/rlp.
9 February 1945.

SUBJECT : Burials.

TO : AMIA, G-5.

(12A)

1. With reference to your G-5, 293.0 of 6 Jan 45, enclosing copy of Brig. McMeir's letter of 18 Jan, the question of burials in Italy is regulated by the Acts No. 448 of 25 July 1892 and No. 1265 of 27 July 1934.

2. Art. 340 of the "legge Sanitaria" of 27 July 1934 sets out that it is forbidden to bury a corpse in another site than the cemetery. However, burial of bodies in private and family chapels not open to the public is allowed if the site is situated at least 200 meters from inhabited centers.

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3. It appears therefore that Italian legislation in this respect is more akin to the French than to the Belgian law.

4. It may also be pointed out that up to May 1940, the question of British war graves in Italy had been the subject matter of a decree of 1918 and an agreement between Britain and Italy dated 11 May 1922 (copies attached).

5. Lately the Italian Government has expressed its willingness to initiate legislation to give new life to the provisions of the decree and to renew the agreement. Correspondence to that effect was exchanged between Political Section, HQ AC and Lt Col McDougall of I.S.G. Commission.

6. Considering this helpful attitude, the I.S.G. Commission might be of opinion that it would be worth while requesting the Italian Government to put into effect its undertaking and furthermore to insert in the new decree such provisions as will meet the difficulties set out in Brig. McMeir's letter.

7. No doubt you will communicate again with this Commission should it be decided to press the matter further.

21

For the Chief Commissioner:

G. R. UPJOHN, Brig
VP CA Sec
Dep CGS, AC

Incl: Copies of Decree & Agreement.

COPY

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1918.

Rome - Thursday July 11th.

No. 163

No. 896. of the official record of laws and decrees of the Kingdom contains the following decrees.

THOMAS OF SAVOY, DUKE OF GENOVA
Lieutenant General to his Majesty
VITTORIO EMANUELE III

by the grace of God and the will of the Nation
KING OF ITALY

In virtue of the authority delegated to us ;

In view of the wording of the sanitary law of August 1st. 1907 No. 636. the police regulations affecting burials of July 25th 1892 No. 448.

In view of the law of June 25th, 1865, No. 2359, Article 71, etc, with the consent of the Council of Ministers.

On the proposition of the Minister Secretary of State for War, Acting Minister of Arms and Munitions and in accordance with those of the Interior, Finance and the Treasury ;

Have decreed and decree :

Art. 1

The State acquire at its expense the ground which may eventually be required for the burial of the troops of the Allied Armies, who may die from wounds or disease during the war.

Art. 2

Are also a charge to the State, the expenses for the occupations, delimitation and maintenance in perpetuity of ground used for military cemeteries, vide para. 1. The maintenance of such cemeteries may nevertheless be confided to the Communes on whose territories they are situated, or any other regularly constituted Association, if so requested.

The conditions relative thereto will be arranged between the Commune or Association and Military Authorities.

Art. 3

The site for each cemetery in the locality selected by the Military Authority interested will be approved by a decree of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Officer of the Council. No further formality will be required.

Art. 4

Before carrying out expropriation the procedure will follow on the model of Art. 71. and afterwards that of the Law of June 25th. 1865 No. 2359.- and the declaration of urgency of the work will have the value of a declaration of public utility.

Art. 5

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes or any duties contemplated by the laws at present in force.

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Art. 5

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes or any duties contemplated by the laws at present in force.

Art. 6

With regard to any matters not disposed of in the present decree there will be observed the regulation relative to cemeteries in the sanitary laws and in the Police regulations affecting burial places July 25th, 1892 No. 443.

Art. 7

All cost of acquisition and of work carried out for the arranging of the cemeteries will be paid for out of funds provided by the chapter 100 fixed by the Minister of War, Arms and Munitions for the period 1917-1918.

Art. 8

With regard to the cost of maintenance this shall be defrayed from funds allotted in para. 75 of the Budget of the Minister of War, Arms and Munitions for the period 1917-1918 and in corresponding articles for subsequent period.

Art. 9

The present decree which will be presented by Parliament to be converted into Law, will take effect the day following the publication of the Official Gazette of the Kingdom.

The Ministers, Secretaries of State for War, Arms and Munitions will take the necessary measures for issuing orders for its application.

785010

WE ORDER that the present decree furnished with the Seal of the State be inserted in the Official Record of Laws and Decrees of the Kingdom of Italy, calling on all concerned to carry it out and have it carried out.

GIVEN in ROME the 23rd. June 1918.

THOMAS OF SAVOY
Orlando - Nitti - Lupelli.

Seen. The Keeper of Seal: Sacchi.

[illegible][illegible]

and the Government of the United States. The Government of the United States is not responsible for the actions of the Government of the United States. The Government of the United States is not responsible for the actions of the Government of the United States.

[illegible]

These findings are consistent with the idea that the *in vitro* and *in vivo* models used in this study are not fully representative of the human situation. The *in vitro* model used in this study is a simplified representation of the human situation, and the *in vivo* model used in this study is a simplified representation of the human situation. The *in vitro* model used in this study is a simplified representation of the human situation, and the *in vivo* model used in this study is a simplified representation of the human situation.

COPY

13C

Agreement between the British Government and the Italian Government,

on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honour the memory of British soldiers who have fallen in the field of battle in Italian territory, have agreed as follows :

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is recognised by the Italian Government as the sole official organization charged with the care of British Military graves in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Prefectural and Municipal authorities to ensure the grant of the necessary authorization for the exhumation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being repatriated shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provision of the Vice-regal Decree No. 896 of the 23rd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorised to provide for the laying out of British military graves in cemeteries belonging to the Italian Government.

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The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorised to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contains the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian Authority.

ARTICLE 5. Authority for the creation of a monument commemorative of a feat of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a committee charged with the duty of maintaining official relations with the Italian authorities, and authorised to exercise in the Commission's name the rights accorded to the latter by the present Agreement.

The committee may, in the name of the Commission and within the limits of the powers delegated to it, take all measures which it considers necessary for the achievement of its objects.

//..//

ARTICLE 7. The Committee shall be composed of 16 members (4 honorary members and 12 official members) half Italian and half British. The Italian members shall be proposed by the Italian Government and, in like manner as their British colleagues, appointed by the Imperial Commission.

The proposal of the Italian members shall take place through the diplomatic channel.

The Italian honorary members shall be chosen from persons who have won distinction in the Army, the Navy, in Letters, Science and the Arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be : a General Officer of the General Staff, a Senior Officer of the Military Engineers (Général Militaire), a Senior Officer of the Army medical Service (Santé Militaire), an Official of the Public Health Service, an official of the Ministry of the Interior, the sixth shall be a Magistrate.

The honorary members and the magistrate shall be appointed for three years and their appointments shall be capable of removal.

The official members shall be appointed at the moment they assume office and shall cease to form part of the Committee the day they lose the qualification to which they owe their appointment.

The Imperial Commission shall select the Secretary-General of the Mixed Committee.

ARTICLE 8. In exercising the rights conferred by the present Agreement the Imperial War Graves Commission shall conform strictly to Italian laws and regulations.

In witness whereof, the Undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals,

Done at Rome, in duplicate, the 11th May 1922.

(L.S.) RONALD GRAHAM

(L.S.) VINCENZO LOJACONO.

0476

4131

Regal.

12A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/mls

G-5: 293.8

6 February 1945

SUBJECT: Burials.

TO : Headquarters, Allied Commission, APO 394.

1. Attached is copy of letter 45/Gen/7033/AG.13 dated 18 January from Director of Graves Registration and Enquiries requesting information whether under Italian law isolated soldiers graves are permitted to remain in situ.

2. Will you please make enquiries and forward material for a reply.

For the Asst. Chief of Staff, G-5:

H. Y. Anderson Maj.

H. Y. ANDERSON,
Major.

1 incl:
as above.

7 FEB 1945

A. C.

LEGAL SUB COMMISSION	
CJO	
SEC O	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
8 FEB 1945	

18

12A

11

COPY

32, Grosvenor Gardens. (AG.13).

LONDON, S.W.1.

45/Gen/7033/AG.13.

18 January 1945.

Headquarters,
15 Army Group,
C.M.F.

From time to time we receive requests at this branch from the next-of-kin of a deceased officer or man that the body should be allowed to remain in its original grave and not, if it is an isolated grave, be moved to the nearest military cemetery.

Steps are usually taken to try and persuade the next-of-kin against this, but we have little legal right to stop it if the civil law of the country allows it.

So far as is known, the civil law in France only allows isolated graves to remain in cases where the next-of-kin owns the land, and then the consent of the local civil authorities has to be obtained. In Belgium the civil authorities will not permit isolated graves to remain, and we know of no case where it has been allowed. We are however ignorant as to the Italian law on the subject, and shall be grateful if you will ascertain what it is. If the Italian law permits it under any circumstances, the more difficult it can be made to get a permit the better. Alternatively, if complete prohibition can be enforced it would save a great deal of trouble, as it is obvious that apart from the permanent maintenance of the grave in such cases being difficult, it at once raises the question of preferential treatment for graves of those who can afford it, with all its political repercussions.

Would you please enquire into the matter, and let us know what the situation is, and your views.

As there are several such requests outstanding, we should be grateful for any early answer.

Sgd. J.K. McNair, Brigadier,
Director,
Graves Registration and Enquiries.

0478

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

785016

4131

11 DEC 1944

11A

103/19/44



5th December 1944

9 DEC 1944

Cine Affair Section
to see and note

With the compliments of Pol. Section

His Majesty's Ambassador at Rome Dec 8

- 9 DIC. 1944

Political Section,
Allied Commission,
ROME.

5423

11B

11B11B

The British Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour to request their kind assistance in the following matter.

2. As the Italian authorities are doubtless aware, the bodies of British soldiers who have fallen in combat in Italy or have died from wounds or of illness or disease contracted in Italy, are at the present time buried in temporary cemeteries at various points in the country. It is the policy of His Majesty's Government to provide, in due course, for permanent burial places for such British dead and the implementation of this policy is the responsibility of the Imperial War Graves Commission.
3. In the Great War of 1914-18 the same situation arose and by their Vice-Royal Decree No. 596 of July 11th 1918, the Italian Government authorised the requisition of property on behalf of the Allied authorities for the purpose of building cemeteries for the Allied Forces. This Vice-Royal Decree was later amplified and confirmed so far as His Majesty's Government were concerned in the Anglo-Italian Agreement on War Graves which was signed on the 11th May 1922.
4. While the Imperial War Graves Commission would welcome the eventual negotiation of an agreement covering the Agreement of 1922 and comprehending the British War Graves of both wars, they consider that their immediate object could most rapidly be achieved by the extension by the Italian Government to present war cemeteries of their Vice-Royal Decree above-mentioned.
5. The Imperial War Graves Commission regard their assumption of responsibility for the construction and maintenance of British War Graves in Italy as being a matter of urgency and the British military authorities would also welcome its early accomplishment. The Embassy would therefore be grateful if the Ministry would urge the appropriate Italian authorities to initiate the necessary legislation whereby the above-mentioned Vice-Royal Decree might be extended to cover the existing situation and thereafter to instruct the competent local authorities to give their assistance to the representatives of the Imperial War Graves Commission in the discharge of their duties.

POMK.

5th December 1944.

...p.t.c.

5423

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

10A
JL/gaf

ACC/401/L

19 Jun 44

SUBJECT: Acquisition of Land for French Military Cemetery.

TO : Political Section (Attn: Major Pearson).

Enclosed undated letter from Region 3 (ref 18023), forwarded for onward transmission to the French representatives of the Advisory Council or for such other action as you may deem appropriate.

This does not seem to be a matter for A.C.C.

G. R. URJON, Colonel
Chief Legal Officer.

Copy to: HQ (thru HQ) Region 3 (Your 18023 undated refers).

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

9A
GRU/ent

ACC/4131/L

8 June 1944.

SUBJECT: British War Graves.

TO : Political Section (Attn Major Pearson).

1. Answering your queries in para 2 of your 483 dated 5 June 44.

(a) Yes, moreover any decree can be made applicable to Military Government Territory (less Army areas) forthwith on publication of the decree in the Official Gazette in accordance with the machinery I have set up.

(b) All decrees have to be submitted to the Assembly (when elected) for confirmation. Apart from this surely no one can make so bold as to prophesy how far a new Italian Government will honour the obligations of its predecessors? I hardly think however that Italy will be in a position for some time to repudiate its obligations entered into with a powerful co-belligerent but of course I may be quite wrong.

2. The decrees and agreement of 1922 suffer from the same defect as all Italian documents namely a looseness of drafting and lack of clear expression of intention which drives the British lawyer almost insane but the practical solution is this; if the old decrees and agreement have worked well in the past it is better to adopt them with such amendments as practice has shown desirable rather than to have something on entirely new lines. The I.W.G.C. will no doubt have many views on the subject and I suggest that at a very early stage of negotiations you should ask their opinion for they have to carry out any arrangements made.

G. R. UPJOHN, Colonel
Chief Legal Officer.

Col. Upjohn.

Technically this is not an ACC matter. It is not concerned with government matters of the country. It is really a foreign office matter. The Army however insists on regarding us as liaison between it and the Government. ACC has of course the auxiliary duty of assisting the army whenever it can. It is stretching things a bit to ask us to do for it matters which it is specifically empowered to do; but they make a point of asking for our help. Perhaps you will assist. The matter is not Allied but solely B.

-5 JUN. 1944

(9B)

PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Reference #483

5 June 1944

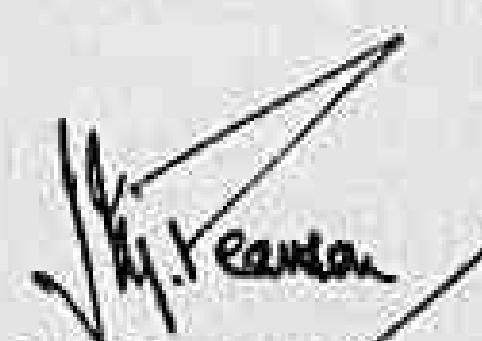
SUBJECT: British War Graves

TO : Colonel G. R. Upjohn, Legal Subcommittee, Rear Hq ACC, Salerno.
(Through VP, Administrative Section).

1. The Italian Foreign Office has expressed its willingness to initiate legislation to give new life to the provisions of Decree 896 of 11 July 1918 and to renew the agreement of 11 May 1922 between the British and Italian Governments. Copies of these are attached. *A and B.*

2. The drafts will of course be sent to you for revision before submission to Sir Noel Charles for approval. In the meantime the Political Section would like to know if you recommend the insertion of other provisions (e.g. extraterritorialization), and would be grateful for your assurance that:-

- (a) the new legislation will become applicable to all or any other parts of Italy when (and as soon as) they come under the administration of the present Italian Government, and
- (b) that the new Agreement, if necessary in your opinion, may safely be considered binding on the present Italian Government's successor.


J. M. PEARSON
Major
Political Section

COPY

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1918.

Rome - Thursday July 11th.

No. 163

No. 896. of the official record of laws and decrees of the Kingdom contains the following decree.

THOMAS OF SAVOY, DUKE OF GENOVA
Lieutenant General to His Majesty
VITTORIO EMANUELE III

by the Grace of God and the will of the Nation
KING OF ITALY

In virtue of the authority delegated to us ;

In view of the wording of the sanitary law of August 1st. 1907 No. 636. the police regulations affecting burials of July 25th 1892 No. 448.

In view of the law of June 25th, 1865, No. 2359, article 71, etc. with the consent of the Council of Ministers;

On the proposition of the Minister Secretary of State for War, acting Minister of Arms and Munitions and in accordance with those of the Interior, Finance and the Treasury;

Have decreed and decree:

Art. 1.

The State acquire at its expense the ground which may eventually be required for the burial of the troops of the Allied Armies, who may die from wounds or disease during the war.

Art. 2.

Are also a charge to the State, the expenses for the occupations, delimitation and maintenance in perpetuity of ground used for military cemeteries, vide para. 1.

The maintenance of such cemeteries may nevertheless be confided to the Communes on whose territories they are situated, or any other regularly constituted Association, if so requested.

The conditions relative thereto will be arranged between the Commune or Association and Military Authorities.

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The site for each cemetery in the locality selected by the Military Authority interested will be approved by a Decree of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Officer of the Council. No further formality will be required.

Art. 4.

Before carrying out appropriation the procedure will follow on the model of Art. 71. and afterwards that of the Law of June 25th. 1865 No. 2359. - and the declaration of urgency of the work will have the value of a declaration of public utility.

Art. 5.

All the acts compiled in applications of the present decree will be exempt from

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The Ministers, Secretaries of State for War, Arms and Munitions will take the necessary measures for issuing orders for its application.

/NE

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Agreement between the British Government and the Italian Government,

on the subject of British Military Graves in Italy.

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If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being repatriated shall only take place after preliminary agreement between the two Governments concerned.

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The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

If, with a view to assembling isolated graves, the Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being repatriated shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 896 of the 23rd June 1918 and to provide at its own charges for the laying out of the said graves and cemeteries.

The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorised to provide for the laying out of British military graves in cemeteries belonging to the Italian State which contain the graves of the British Army as well as graves of the soldiers of the Allied Armies. When the Imperial War Graves Commission considers it desirable that a common system of laying out should be adopted for a mixed cemetery, it shall submit its proposals to the competent Italian authority.

ARTICLE 5. Authority for the erection of a monument commemorative of a feat of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a Committee charged with the duty of maintaining official relations with the Italian authorities, and authorised to exercise in the Commission's name the rights accorded to the latter by the present Agreement.

/s/

COPY

OFFICIAL GAZETTE OF THE KINGDOM OF ITALY

Year 1918.

Rome - Thursday July 11th.

No. 163

No. 896. of the official record of laws and decrees of the Kingdom contains the following decree.

THOMAS OF SAVOY, DUKE OF GENOVA
Lieutenant General to His Majesty
VITTORIO EMANUELE III

by the Grace of God and the Will of the Nation
KING OF ITALY

In virtue of the authority delegated to us ;

In view of the wording of the sanitary law of August 1st. 1907 No. 636. the police regulations affecting burials of July 25th 1892 No. 448.

In view of the law of June 25th, 1865, No. 2359, article 71, etc. with the consent of the Council of Ministers;

On the proposition of the Minister Secretary of State for War, acting Minister of Arms and Munitions and in accordance with those of the Interior, Finance and the Treasury;

Have decreed and decree:

Art. 1.

The State acquire at its expense the ground which may eventually be required for the burial of the troops of the Allied Armies, who may die from wounds or disease during the war.

Art. 2.

Are also a charge to the State, the expenses for the occupations, delimitation and maintenance in perpetuity of ground used for military cemeteries, vide para. 1.

The maintenance of such cemeteries may nevertheless be confided to the Communes on whose territories they are situated, or any other regularly constituted Association, if so requested.

The conditions relative thereto will be arranged between the Commune or Association and Military Authorities.

Art. 3.

The site for each cemetery in the locality selected by the Military Authority interested will be approved by a Decree of the Prefect, with the consent of the Municipal Council and after a favourable report of the Provincial Medical Officer and the Medical Officer of the Council. No further formality will be required.

Art. 4.

Before carrying out expropriation the procedure will follow on the model of Art. 71. and afterwards that of the Law of June 25th. 1865 No. 2359. - and the declaration of urgency of the work will have the value of a declaration of public utility.

Art. 5.

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Art. 5.

All the acts compiled in applications of the present decree will be exempt from stamp duty and will not be subject to the registration taxes or any duties contemplated by the laws at present in force.

Art. 6.

With regard to any matters not disposed of in the present decree there will be observed the regulation relative to cemeteries in the sanitary laws and in the Police regulations affecting burial places July 25th. 1892 No. 448.

Art. 7.

All cost of acquisition and of work carried out for the arranging of the cemeteries will be paid for out of funds provided by the chapter 100 fixed by the Minister of War, Arms and Munitions for the period 1917-1918. ~~and in subsequent periods~~

Art. 8.

With regard to the cost of maintenance this shall be defrayed from funds allotted in para 75. of the Budget of the Minister of War, Arms and Munitions for the period 1917-1918 and in corresponding articles for subsequent period.

Art. 9.

The present decree which will be presented by Parliament to be converted into Law, will take effect the day following the publication of the Official Gazette of the Kingdom.

The Ministers, Secretaries of State for War, Arms and Munitions will take the necessary measures for issuing orders for its application.

/ME

WE ORDER that the present decrees furnished with the Seal of the State be inserted in the Official Record of Laws and Decrees of the Kingdom of Italy, calling on all concerned to carry it out and have it carried out.
GIVEN in ROME the 23rd. June 1918.

THOMAS OF SAVOY
Orlando - Nitti - Zupelli.

Seen
The Keeper of Seal: Sacchi.

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Agreement between the British Government and the Italian Government,
on the subject of British Military Graves in Italy.

The British Government and the Italian Government, animated by a common desire to honour the memory of British soldiers who have fallen in the field of battle in Italian territory, have agreed as follows:

ARTICLE 1. The Imperial War Graves Commission, incorporated by Royal Charter of the 10th May 1917, is recognised by the Italian Government as the sole official organisation charged with the care of British military graves in Italy.

ARTICLE 2. Isolated graves of British soldiers as well as those situated in cemeteries which it is decided not to maintain in perpetuity shall be removed and transferred into other military cemeteries.

The Imperial War Graves Commission shall decide which cemeteries are to be maintained.

The Italian Government shall give the necessary instructions to the Prefectoral and Municipal authorities to ensure the grant of the necessary authorisations for the exhumation and transport of bodies to the military cemeteries.

If, with a view to assembling isolated graves, the Imperial War Graves Commission should consider it necessary to form new cemeteries, the Commission shall formulate its request to the Italian Government.

ARTICLE 3. The exhumation of the bodies of British soldiers for the purpose of being repatriated shall only take place after preliminary agreement between the two Governments concerned.

ARTICLE 4. At the request of the British Government, the Italian Government recognises the right of the Imperial War Graves Commission to ensure the maintenance of the British graves and cemeteries, in accordance with the provisions of the Vice-regal Decree No. 896 of the 23rd June 1918 and to provide at its own charges for the laying out of the said Graves and cemeteries.

The Imperial War Graves Commission is accordingly authorised to close British military cemeteries, to lay them out on a system approved by itself, to erect in them sepulchral monuments, to make plantations in them, to enact regulations governing visits to the cemeteries and to select the persons to take charge of them.

The Commission is further authorised to

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

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ARTICLE 5. Authority for the erection of a monument commemorative of a feat of arms of the British Army or of one of its units shall only be accorded with the concurrence of the Imperial Commission.

ARTICLE 6. The Imperial Commission shall be represented in Italy by a Committee charged with the duty of maintaining official relations with the Italian authorities, and authorised to exercise in the Commission's name the rights accorded to the latter by the present Agreement.

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The Committee may, in the name of the Commission and within the limits of the powers delegated to it, take all measures which it considers necessary for the achievement of its objects.

ARTICLE 7. The Committee shall be composed of 16 members (4 honorary members and 12 official members) half Italian and half British. The Italian members shall be proposed by the Italian Government and, in like manner as their British colleagues, appointed by the Imperial Commission.

The proposal of the Italian members shall take place through the diplomatic channel.

The Italian honorary members shall be chosen from persons who have won distinction in the Army, the Navy, in Letters, Science and the Arts.

The Italian official members shall be chosen by virtue of their administrative functions and shall be: a General Officer of the General Staff, a Senior Officer of the Military Engineers (Général Militaire), a Senior Officer of the Army Medical Service (Santé Militaire), an official of the Public Health Service, an official of the Ministry of the Interior, the sixth shall be a Magistrate.

The honorary members and the Magistrate shall be appointed for three years and their appointments shall be capable of renewal.

The official members shall be appointed at the moment they assume office and shall cease to form part of the Committee the day they lose the qualification to which they owe their appointment.

The Imperial Commission shall select the Secretary-General of the Mixed Committee.

ARTICLE 8. In exercising the rights conferred by the present Agreement the Imperial War Graves Commission shall conform strictly to Italian laws and regulations.

In witness whereof, the Undersigned, duly authorized to that effect, have drawn up the present Agreement, and have affixed thereto their seals.

Done at Rome, in duplicate, the 11th May 1922.

(L.S.) RONALD GRAHAM

(L.S.) VINCENZO SOYACONO

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(I.S.) RONALD GRAMIAN

(I.S.) VINCENZO LOIACONO

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HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.
+++++

Ref: 168/25/CA.

25th May 1944.

SUBJECT: Representative of the Imperial War Graves Commission.

TO : Vice President,
Administrative Section.

1. I am writing to introduce Lieut.Colonel D.J. McDOUGALL who is in charge of the Imperial War Graves Commission's work in this theatre. His work will bring him into contact with the Italian authorities and he will probably wish to make special arrangements with regard to the acquisition of cemetery sites with the Italian Government.
2. I should be glad if the Interior Sub-Commission and the Chief Legal Officer could give him every facility in getting in touch with the Italian Government and in advising him in every way.

M. S. Lush.
Brigadier,
Executive Commissioner.

MSL/JG.

LEGAL SUB COMMISSION
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SUBJECT: Military Cemeteries.

Rear Headquarters,
Allied Control Commission,
APO 394,
Admin. Section.

Claims Commission and
Hirings Directorate (Br.),
H.Q., A.A.I. (Admin. Ech.).
CH/41/H/42.
2 May 44.

1. Reference even number dated 18 Apr 44.
2. A.D.C.R. & E. (Med. Pool) has received a cable from D.D.C.R. & E. (Mid. East) that the proposal to acquire the cemeteries in Sicily should be delayed.
3. It is understood that further instructions are likely to be received shortly. In the meantime will you please take no further action in regard to previous above-mentioned memorandum on this subject.

LEGAL SUBCOMMISSION

CL

Chief Counsel

Copy to:- A.D.C.R. (Med. Pool).
A.D. Claims and Hirings, SICILY.

Italian

CL RKS

J. V. Keith

Lieut. Colonel.
for Colonel.
D.D. Claims and Hirings.

11/5/44 N. Ad. J. 8

MINISTRY OF PARDON AND JUSTICE
DIREZIONE GENERALE AFFARI CIVILI E NOTARIATO

Salerno, 29 April 1944

Ref. no. 21103
Reply to letter ACC/4131/L
dated 23 inst.

SUBJECT : Military graveyards.

ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

In reply to note recently submitted by your Legal Sub-Commission, we beg to inform you as follows:

a) In regards to the land area offered gratuitously by the Catania Commune, and already planned for use as a military graveyard, a decision by the "Giunta Municipale" of Catania is required whereby said organ shall grant the donation of the land involved to the Imperial War Graves (Art. 131, no.4, of the Consolidated Text, dated 4 February 1915, no.148 and Art. 3 of R. Law-Decree, dated 4 April 1944. no.111)/

Said decision, shall afterwards be submitted to the "Giunta Provinciale Amministrativa" for approval, according to the provisions set forth in Articles 217, no.1, no.64 letter B, of the above mentioned Consolidated Text). No.2 Royal Decree dated 30 December 1923, no.2839 and, as the party involved is a judicial body, an authorisation by the Government is also required, according to the provisions set forth in Art. 17 of the Civil Code and Art. 22 of general provisions preceding it.

The authorisation is to be requested in accordance with Art.5 of provisions fixing the execution of Civil Laws (Royal Decree dated 30 March 1942, no.318), and our Government will be, of course, very glad to grant it, as a token of respect to the memory of the generous soldiers who fell for the cause of liberty.

After having obtained both the approval and the authorisation, the donation deed can be drawn up. In said deed the Imperial War Graves shall formally accept the donation. Thereafter the deed of donation shall be duly entered in the "Register of unmovable Property".

b) As regards to a land situated in Syracuse and offered as a donation by the Imperial War Graves, it will be sufficient to re-

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War Graves (Art. 131, no.4, of the Consolidated Text, dated 4 February 1915, no.148 and Art. 3 of R. Law-Decree, dated 4 April 1944, no.111)/

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After having obtained both the approval and the authorisation, the donation deed can be drawn up. In said deed the Imperial War Graves shall formally accept the donation. Thereafter the deed of donation shall be duly entered in the "Register of unmovable Property".

b) As regards to a land situated in Syracuse and offered as a donation by its owner Mr. Luigi Carpinteri, it will be sufficient to request and obtain the Government's authorisation, before drawing up the deed (according to the above mentioned Article 17 of the Civil Code and 22 of the General Provisions preceding it.).

Even in this case the donation deed shall be entered in the "Register of unmovable Property" and shall contain a statement whereby the recipient declares to accept the donation.

If a sale is arranged instead of a donation, the same regulations apply as above, to wit: Government authorisation, decision by the Communal organ and entering of the deed at the Register of unmovable property.

Further we think it advisable to suggest that for any eventual transfer of land property, not being used but intended to be used as military graveyards, the Imperial War Graves shall also observe the regulations concerning public sanitation. (Art.338 and sequence set forth in Consolidated Text dated 27 July 1934, no.1265) and police regulations set forth in "Regolamento" dated 25 July 1892 no.448 concerning deceased persons.

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale Affari Civili e Notariato

Salerno, 29 aprile 1944

Prot. No 21103

Risposta al fon ACC/4131/L
del 23 corrente

OGGETTO = Cimiteri Militari.

On.le COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione Legale

Posta Militare 394

In risposta alla gradita nota di coteste On.le Commissione, si ha il pregio di comunicare:

a) per il terreno offerto gratuitamente dal comune di Catania, e già adibito a cimitero militare, occorrerà anzitutto che la Giunta Municipale di Catania deliberi la donazione da fare all'Imperial War Graves (art. 131, n. 4 del Testo Unico 4 febbraio 1915, n. 148 ed art. 3 del R. decreto-legge 4 aprile 1944, n. 111).

Tale deliberazione dev'essere, quindi, sottoposta all'approvazione della Giunta Provinciale Amministrativa, giusta il disposto degli art. 217, n. 1 - Testo Unico sopracitato -, e 64 lett. b) n. 2 R. decreto 30 dicembre 1923, n. 2839. E trattandosi di acquisto da parte di una persona giuridica, occorrerà inoltre l'autorizzazione governativa, giusta il disposto degli art. 17 Codice Civile e 22 delle disposizioni sulla legge in generale.

L'autorizzazione va chiesta a mente dell'art. 5 delle disposizioni per l'attuazione del Codice Civile (R. decreto 30 marzo 1942, n. 318); e il nostro Governo sarà, certo, ben lieto di concederla, in omaggio alla memoria dei Genovesi, che sono caduti per la causa della libertà.

Conseguita tali approvazione ed autorizzazione, si potrà procedere alla stipulazione del regito di donazione, nel quale l'Imperial War Graves dichiarerà esplicitamente di accettare la donazione stessa.

In ultimo, l'atto di donazione dovrà essere trascritto nei registri immobiliari.

b) per il terreno sito in Siracusa, ed offerto in donazione dal proprietario Sig. Luigi Carpinieri, basterà, prima di stipulare il relativo regito notarile, chiedere ad ottenere l'autorizzazione governativa, di cui si sovvenzionati art. 17 Codice Civile e 22 delle preleggi.

Anche in questo caso l'atto di donazione dovrà essere sottoposto alla formalità della trascrizione ipotecaria, e contenere la dichiarazione di accettazione del donatario.

Se anziché di donazione si trattasse di vendita, verrebbero le medesime norme sopra indicate circa l'autorizzazione governativa, la deliberazione dell'organo comunale, e la trascrizione dell'atto nei registri immobiliari.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

23 April 1944

ACC/4131/L

SUBJECT : Military Cemeteries .

TO : H.E. The Minister of Justice .

1. Certain sites have been chosen in Italy and Sicily and are already in use as permanent military Cemeteries. Further sites will doubtless be required .

2. The director of Hirings, C.M.F. desires that these sites be now formally acquired in favour of the Imperial War Graves Commission.

3. We are advised that in two cases the sites are being offered free of cost.

- a) in the case of Catania, the site is being offered free of cost by the Comune.
- b) in the case of Siracusa, the site is being offered free of cost by the owner, Signor Luigi Carpinteri.

4. In other cases it will no doubt be necessary to purchase.

5. It is now desired to know what procedure it will be necessary to follow in the cases of (a) voluntary transfer and (b) purchase. Also the director of Hirings desires to know what particulars must be furnished by him in order that this matter may proceed .

6. Would your excellency be good enough to let this Sub-Commission have the answers on these points.

Copy
A. R. ~~General~~, Major
Officer i/c Italian Branch
for Chief Legal Officer .

Copy to: Admin Sec.
(File 3/6.R/AS.)

*This file cancelled
And incorporated into ACC 4131/L*

4131
SUBJECT: Military Cemeteries.

Ref: CH/41/V/42.

From: Hirings Directorate (Br.),
H.Q., A.A.I. (Adm. Ech.).

To: Rear Headquarters,
Allied Control Commission,
A.P.O. 394,
Admin. Section.

1. Reference your 3/6B/AS dated 19 Mar 44.
2. A.D.G.R. & E. (Med. Pool) has notified this Headquarters that D.D.G.R. & E. desires that the acquisition of the cemeteries in Sicily, at Catania and Syracuse, be proceeded with on the lines of your above-mentioned memorandum.
3. The sites in question have been requisitioned in accordance with the War Office memorandum BM/247/AG13 dated 11 Dec 43 addressed to C.H.Q., Middle East in order to give title to the land. In the case of Catania the site is being offered free of cost by the commune, and in the case of Syracuse the owner, Signor Luigi Carpinteri, has also offered the land free of charge.
4. Will you please say what information you will require to enable the decree to be passed to provide for expropriation.
5. A.D.G.R. & E. state that by the time the decree has been passed an I.W.C.C. representative may have arrived who can complete the matter, or if not, Adv. H.Q., G.R. & E. is competent to sign any document required on behalf of I.W.C.C.

Field.
18 Apr 44.

J.N. Keith
Lieut. Colonel.
A.D. Hirings.

Copy to: - A.D.G.R. & E. (Med. Pool).
A.D. Claims and Hirings, SICILY.

4131
HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

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3/6B/AS

19 March 1944.

SUBJECT: Military Cemeteries.

TO : HQ Hirings Directorate, CMF.

In further reference to my 3/6B/AS dated 17 March 44 you should note that the only persons who can expropriate property are the Italian Government, however temporary you may think their status, and it is not therefore entirely accurate to talk of "expropriation proceedings".

The proper procedure is for you to approach through A.C.C. the Italian Government and ask them to pass a decree providing for expropriation of certain sites whether in occupied or non-occupied territory and to arrange for compensation for dispossessed persons.

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STANSGATE
VP Adm Sec.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

(A)

3/63/AS

17 Mar 44

SUBJECT : Military Cemeteries.

TO : HQ Hirings Directorate, CMF.

1 Reference your CH/41/N/42 dated 10 Mar 44.

2 The present Italian Government is competent to be a party to the expropriation proceedings referred to.

STANSGATE,
VP Adm Sec.

Copy to: Legal Sub Commission.

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14 MAR Recd
SUBJECT: Military Cemeteries. 881 (1A)

Ref: CH/41/H/42.

From: H.Q., Hirings Directorate,
C.M.F.

To: H.Q., A.C.C.,
NAPLES.

1. Certain sites have been chosen in Italy and Sicily and are already in use as permanent military cemeteries.
2. The preliminary procedure for acquiring these sites is by requisition, but ultimately the land will be expropriated by the Italian Government in favour of the Imperial War Graves Commission.
3. Could you please say whether the present Italian Government is competent to be a party to these expropriation proceedings in view of its apparently somewhat temporary status.

L. N. Keith

Field.
10 Mar 44.

Lieut. Colonel.
A.D. Hirings.

Copy to:- A.D.G.R. & E. (Med. Pool), A.C.M.F. (Conversation
A.D.G.R. & E. - A.D. Hirings of even date refers).

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