

ACC

10000/142/953

0403

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

10000/142/953

PROPERTY CONTROL
DEC. 1943 - JAN. 1944

FOLIO	IN	FILE	TO/FROM
1	Mudalio:	Draft giving functions of Property Controller.	

MEMODCCAO20 Jan 44

Proclamation No. 6, which deals with the powers and responsibilities of the Controller of Property, gives the Controller no power to protect property of the French Government or of French Nationals. Although the benefits of the Proclamation may be, and in certain areas have been extended to the United Nations and their Nationals by Provincial Orders this device cannot be used to reach French Properties.

Colonel UPJOHN has given me copies of telegrams from AFHQ instructing HQ AMG (rear) to take the necessary steps to have Proclamation 6 made applicable to French properties. The Italian Government is taking parallel action.

Attached hereto are the following documents :-

- (a) Copies of telegrams from AFHQ directing the extension of Proclamation 6 to French properties.
- (b) Proposed Proclamation No. 15 for the signature of General Alexander and for subsequent posting throughout all occupied territory.
- (c) The General Order giving effect to Proclamation No. 15, for your signature after Proclamation No. 15 has been signed.

You will notice that the proposed General Order refers not only to French properties but to United Nations properties as well. It seemed advisable to include both categories in one Order rather than to multiply the number of Orders needlessly.

It is regretted that such a complicated series of documents must be executed to bring such a simple change into effect. The form in which Proclamation 6 was drafted, however, makes this procedure necessary.

Lucas H. W.
Major, AUS,
Chief Legal Officer.

(COPY)

FARGO 1038

SEARS FOR FARGO-1038

7 December 1943

CONFIDENTIAL

ROUTINE

FREEDOM FOR MGS

FRENCH PROPERTY CABLE THIS HQ SIX EIGHT THREE DATED FIFTEEN NOVEMBER QUOTE
ITALIAN MEASURES FOR SEQUESTRATION OF FRENCH PROPERTY STILL IN FORCE COLON
ITALIAN LAWS ONLY REPEALED UNDER PROCLAMATION NUMBER SIX FOR ALLIED MILITARY
PROPERTY PARTN FROM SEARS FOR FARGO TO FREEDOM FOR MGS CITE FARGO ONE ZERO
EIGHT EIGHT PARTN IN VIEW OF THREE FRENCH PARTICIPATION AND SUGGEST PROPERTY
CONTROL SUB DASH COMMISSION TAKE FRENCH PROPERTY INTO CUSTODY X REQUEST
GUIDANCE END QUOTE DECISION IS URGENTLY REQUEST TO ABOVE.

ADMINISTRATIVE DIRECTORATE

COPY FOR PROPERTY CONTROL
ADMINISTRATIVE DIRECTORATE

6

(COPY)

PBS 3517

CONFIDENTIAL

SEARS FOR ROGERS

FRENCH(FARGO)
JGR 143IBs. No. 6527
THE SENT 201750A
Time Rec'd 301300A
Recedence RoutineEDITED LITERAL TEXT

Ensuing is paraphrase-of-cable received here. Look at your S-3936
of 8 December and C-15 of 15 November. It has now been agreed that
you will protect French property as you do that of Nationals of the
United Nations.

* The original cable was checked at PBS and it was 5
reported that the principal working was in fact
an actual quotation. *PRG*

(COPY)

FARGO 149

FARGO

7 JANUARY 1944

CONFIDENTIAL

ROUTINE

LT. COL.
10050 R.H. Wilmer

FREEDOM FOR MGS (ACTION

FRENCH PROPERTY PD IS YOUR TELEGRAM AUTHORIZING PROTECTION
OF FRENCH PROPERTY TO BE DEEMED TO AUTHORIZE PROTECTION OF PROPERTY OF FRENCH
GOVERNMENT AS WELL AS THAT OF FRENCH NATIONALS PD FENCE PAREN FARGO PAREN
TO FREEDOM FOR MGS PD CITE FARGO ONE FOUR NINE PD YOUR REFERENCE JGR ONE FOUR
THREE DATED TWENTY SEVEN DECEMBER LAST

(COPY)

10 January 1943

CONFIDENTIAL

ROUTINE

TO (ACTION) CG PBS TO FARGO

INFORMATION: NONE

FROM: SIGNED CINC

DATE TIME SIGNED: 081756A
DATE TIME RECD : 091342A

REFERENCE Nr : 25701

CITE: FILMS

ANSWER 6 FARGO 149 IS THAT PROTECTION OF FRENCH GOVERNMENT
PROPERTY IS ALSO AUTHORIZED WITHIN MEANING OF OUR CABLE OF 23 DECEMBER

CONFIDENTIAL

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SECRET

1. Experience during the occupation of Sicily has shown that the treatment of property both public and private on the part of the Armed Forces has left much to be desired. In view of the new status of co-belligerent acquired by the Italian Government, it would be desirable to exercise greater vigilance in this matter, and I suggest therefore that in the forward A.G.O.F. regions there will still be need for a C.P. in order (a) to ensure the proper treatment of Allied Property, (b) to act as trustee for (i) State property occupied by the Armed Forces until such time as Italian officials can be put in possession, (ii) Abandoned property occupied by Armed Forces until curatori can be appointed by the Italian courts.

2. This arrangement is implied in the Instructions issued by Director of Hirings, H.M.A.F., for the Italian campaign, according to which C.P. is regarded as standing in the place of "landlord" in respect of statal, semi-statal and abandoned property, and I have arranged with A.D. Hirings No.4 H.Q. that Allied properties should be added to this list. Hirings instructions provide that copies of all documents, such as advice of occupation, schedules of requisition orders, schedules of delapidations, claims, etc., should be sent to the C.P., who will thus be able to compile a complete history of these properties during our occupation, and if necessary draw attention of Claims and Hirings to any irregularities which may occur. This should help very considerably in the cutting down of subsequent claims.

3. It would be most desirable if similar arrangements could be made with the Claims and Requisitioning authorities of the U.S. Forces, but so far not much progress has been possible in this direction.

4. On the supposition that the views expressed in paras 1 and 2 above are

therefore that in the forward AMGOT regions there will still be need for a C.P. in order (a) to ensure the proper treatment of Allied Property, (b) to act as trustee for (i) State property occupied by the Armed Forces until such time as Italian officials can be put in possession, (ii) Abandoned property occupied by Armed Forces until curatori can be appointed by the Italian courts.

2. This arrangement is implied in the Instructions issued by Director of Hirings, D.N.A.F. for the Italian campaign, according to which C.P. is regarded as standing in the place of "landlord" in respect of statal, semi-statal and abandoned property, and I have arranged with A.D. Hirings No. 4 H.Q. that Allied properties should be added to this list. Hirings instructions provide that copies of all documents, such as advice of occupation, schedules of condition, requisition orders, schedules of delapidations, claims, etc, should be sent to the C.P. who will thus be able to compile a complete history of these properties during our occupation, and if necessary draw attention of Claims and Hirings to any irregularities which may occur. This should help very considerably in the cutting down of subsequent claims.

3. It would be most desirable if similar arrangements could be made with the Claims and Requisitioning authorities of the U.S. Forces, but so far not much progress has been possible in this direction.

4. On the supposition that the views expressed in paras 1 and 2 above are accepted, the duties of the Controller of Property in the various regions and phases of the occupation might be summarised as follows:-

5. Regions administered by forward AMGOT.

(i) Allied Property.

C.P. will carry on as at present. He should discover the location of all Allied properties and take formal custody of them, without waiting for the preparation of inventories, etc. Declarations of Custody should be posted up in prominent places on the properties themselves as soon as possible,

as it has been found by experience that such documents have a beneficial effect in deterring would-be looters.

(ii) Property of Enemy States.

This does NOT include the property of the Italian Government. (a) occupied by the Armed Forces. Custody should be taken by the G.P. and inventories prepared in the usual way. (b) If occupied by the Armed Forces procedure laid down in para 2 above will be followed.

(iii) Property of the Italian Government.

- (a) If occupied by Armed Forces procedure as in para 2 above.
- (b) If not occupied by Armed Forces or AMGOT it should be allowed to remain under the charge of the officials concerned, who should be ordered to prepare schedules of condition and inventories, which should be checked by G.P. where conditions permit.
- (c) Properties occupied by the Armed Forces, procedure indicated in paras 1 and 2 above.

- (c) Property of Fascist Party, unless occupied by Armed Forces, should be taken into custody.

(iv) Property of Semi-statal Institutions.

- (a) If occupied by Armed Forces, procedure indicated in paras 1 and 2 above will be followed.
- (b) If not occupied, these would be left to function in charge of their officials, unless for any reason G.C.A.O. decides that they should be put under control of the G.P. Surplus revenues, if any, would presumably be appointed to meet AMGOT costs.

(v) Private property belonging to enemy subjects.

- (a) If occupied by Armed Forces procedure as in 1 and 2 above.
- (b) If unoccupied custody should be taken in the normal manner.
- (vi) Abandoned private property belonging to Italian subjects.

(iii) Property of the Italian Government.

- (a) If occupied by Armed Forces procedure as in para 2 above.
- (b) If not occupied by Armed Forces or AMGOT it should be allowed to remain under the charge of the officials concerned, who should be ordered to prepare schedules of condition and inventories, which should be checked by C.P. where conditions permit.
- (b) Properties occupied by the Armed Forces, procedure indicated in paras 1 and 2 above.

- (c) Property of Fascist Party, unless occupied by Armed Forces, should be taken into custody.

(iv) Property of Semi-statal Institutions.

- (a) If occupied by Armed Forces, procedure indicated in paras 1 and 2 above will be followed.
- (b) If not occupied, these would be left to function in charge of their officials, unless for any reason C.C.A.O. decides that they should be put under control of the C.P. Surplus revenue, if any, would presumably be appointed to meet AMGOT costs.

(v) Private property belonging to enemy subjects.

- (a) If occupied by Armed Forces procedure as in 1 and 2 above.
 - (b) If unoccupied custody should be taken in the normal manner.
- (vi) Abandoned private property belonging to Italian subjects.
- (a) If occupied by Armed Forces, procedure as in 1 and 2 above.
 - (b) If not occupied arrangements should be made with Italian judicial authorities to appoint a curators.

6. Regions controlled by AMGOT/ACC.

- (a) Before general administration passes into the hands of Italian government, procedure as in para 5.
- (b) After installation of Italian government, C.P.'s duties would be entirely

confined to trusteeship for Allied Properties.

C.P. would hand over to Italian Government (a) state or Semi-statal property which he had taken under his custody, as well as all records of occupation, requisitions, claims, etc, concerning them: (b) All enemy property.

7. When the Italian Government is installed in Rome, complete records should be available showing the disposition made of Allied Properties by the Fascist Government during the war, and C.P.'s principal functions would be to secure the cancellation of all measures of expropriation of Allied property taken by the Fascist government, and the handing back of all Allied property requested, and to make arrangements for the temporary administration of these properties, until such time as their rightful owners are permitted to regain possession. It is of particular importance that complete records of the history of these properties should be compiled, both in respect of the head of Italian control, and of the subsequent vicissitudes under the occupation, in order to provide a basis for the claims which will eventually be brought by the interested parties.

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