

ACC

10000/142/958

10000/142/958

LAND TRANSACTIONS
OCT. 1943 - JAN. 1944

0519

AMG/H10

NOTES AND GUIDES TO

PUBLIC SAFETY & SECURITY

31

0520

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

AMC/218

LAND TRANSACTIONS.

FOUO	DATE.	REF.	TO/FROM.
1.	29. 10. 43.	3848	FROM : S ARMY AMG REGION 3.
2.	30. 10. 43.	FR 107	TO : S ARMY FOR AMG FOR NUME.
3.	1. 11. 43.	AMC/211/3.	TO : C. L. O. HQ AMG, PHARO.
4.	5. 11. 43.	13016/E	FROM : HQ AMG, FINANCE, SUB-COMMISSION.
5.	10. 11. 43.	FR 177	TO : S ARMY FOR HQ AMG, PHARO.
6.	14. 11. 43.	AMC/204/3.	FROM : Com. Road's minutes of meeting
7.	17. 11. 43.	AMC/302	FROM : C. F. O.

37.

However, a total prohibition on the transfer of lands and buildings, and of interests therein from lands in trust for order of the United States Government, may

Can't it be new money? Initially, no money and money are one institution,

On November 2, 1945, the study unit, consisting of the following members, visited the following places, receiving orders as follows:

1982-83 and continued at 1983-84 and 1984-85.

Researcher knows an of kinds of behavior is interesting
because of its effects on subject. relationship concept, no relationship
exists.

[illegible]

children. In summer my lands or holdings on my beloved
 island, whether by water, rail, stage, carriage or otherwise, were
 the total occupation of the family holidays my social relations
 being an isolated community, as the case of a girl, the fair
 ladies themselves, in a room of 5000 ft. high, shall themselves be affected
 with the various contents of the water and from below of the
 various in case and lands or holdings are affected.

and the "unintended" consequences of the same should be taken into account by the government, which needs to strengthen laws to protect a nation of entrepreneurs, and to boost its innovation for the government benefit.

to the transfer of capital assets between related parties.

References

including cost of the extra labor shall be taken as marginal cost. In this case, the relative marginal cost of labor is

Section 1. In any case of violation, including but not limited to, and including the said prohibition, the following shall be the penalties:

ARTICLE I

ARTICLE I - Prohibition of Violation

Section 1. In any case of violation of the provisions of this article, the following shall be the penalties:

ARTICLE II

ARTICLE II - Prohibition of Violation

Section 1. In any case of violation of the provisions of this article, the following shall be the penalties:

Section 2. In any case of violation of the provisions of this article, the following shall be the penalties:

Section 3. In any case of violation of the provisions of this article, the following shall be the penalties:

ARTICLE III

ARTICLE III - Prohibition of Violation

Section 1. In any case of violation of the provisions of this article, the following shall be the penalties:

ARTICLE IV

ARTICLE IV - Prohibition of Violation

Section 1. In any case of violation of the provisions of this article, the following shall be the penalties:

ARTICLE 17

Section 17

This plan will become operative in such amount of time
thereof within the original period of the northern hemisphere
of the revolution of Mars, which will last on the date of the first
publication thereof.

President,
County of San Diego, California.

Books January, 1964

62

218 *ly*

25 January 1944

23

1. Reference is made to the letter, dated 21 January 1944, your Headquarters, on the above subject (Ref. AMG/218/23) the receipt of which is acknowledged.

Sales over 50.000 Lire	23
Sales for 50.000 lire or under	64
Sales, the price of which is not stated	24
Dowries and Deeds of Gift (almost all under 50.000 lire)	20
Leases for over a year	3
Sale in consideration of annuities	2
Dissolution of Partnership	1
Exchange of land	1
No consent required.	1

DOUGLAS N. BATSON,
1st Lt., C.M.P.,
Actg. Asst. Adj. Gen.

See
back

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee.

GRU/gmf

15 January 1944.

In reply
refer to: ACC/L/207

SUBJECT: Financial and Land Transactions.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

Ref your AMG/206/153 I was misinformed in stating that Region 2 had issued a general order dealing with matter and I received a draft from AMG HQ Naples this morning dealing with this Region. I am anxious that they should both be the same if possible and I venture to resubmit a draft which combines, I hope, the better points of both. You will observe that AMG HQ propose to license leases up to a rental value of 5,000 lire without consent.

If you prefer to stick to your own draft I suggest Sec. 2 of Art. 2 should be omitted; surely this is a matter for a directive to SCAGOs; there may be particular circumstances in any given case which might lead the SCAGO to withhold his consent and he is rather tied down by this Section and might be compelled to give his consent where if his judgment were unfettered he would decline.

Also (as I pointed out yesterday) Art. 5 would require to be amended to limit its operation to territory north of the Mason-Dixon line. In any event I suggest the respective DCCAGOs should sign the order for their respective territories.

Will you please take this matter up with AMG HQ at Naples (Col. Wilmer)

G. R. U. JOHN
G. R. U. JOHN, Colonel
Chief Legal Officer, AMG.

Copy to: AMG HQ (Legal Subcommittee).

Encl Draft General Order

In reply
refer to: AGC/L4/207

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Copy to: AMG HQ (Legal Subcommittee).

Encl Draft General Order

G. R. V. JOHN

G. R. V. JOHN, Colonel
Chief Legal Officer, AMG.

See with

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ARTICLE I

ARTICLE I

ALLIED MILITARY GOVERNMENTARTICLE ITransactions in Lands and BuildingsSECTION 1

No transfer of any lands or buildings or any interest therein, on the mainland of Italy occupied by the Allied Forces, 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. No lease of any such lands or buildings or any interest therein for a term longer than one year, if the yearly rental, or the value of other considerations, in whatever form, yearly to be received, or in the case of a free tenancy, the fair yearly value thereof, shall be in excess of 500 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 2SECTION 3

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

ARTICLE IIARTICLE III

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 IIIARTICLE IV

This Order will become effective within in each province or part thereof on the day of its first publication therein.

SUBJECT: Legal TransactionsJAG
HQ ACP
CMT

23

RCLO, ANG Region 3

ANG/218/23
21 Jan 44

1. Referring to your 3/6002/1 of 15 Jan 44, I am most grateful for your detailed statement of the procedures which have been followed in Region 3 concerning legal transactions. Certainly you have ample justification for having done as you have done.
2. The present situation is that a General Order is about to be signed by the JAGCAG in which transactions involving not more than \$1,50,000 are to be permitted without restriction. For any transaction involving a larger sum the consent of the JAGCAG will be required. It is realized that the licensing of any class of transactions will inevitably add to the burdens on the Legal Officers, but the policy having been decided there seemed no alternative procedure available. A supplementary directive to JAGCAG's defining their responsibilities in granting and denying licenses will be issued at the same time that the General Order is distributed.
3. For the present there will be no objection to the continued application in Region 3 of the general rule which you describe in your paragraph 11.

(signed H. A. Howell)

Major, AUC,
Chief Legal Officer.

H

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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, GSC, 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 purposes 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

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. Scofield, Colonel, GSC, 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 purposes 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 may determine.

ARTICLE V

Effective Date

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

Dated: January 1944.

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

SUBJECT: Land Transactions

AMC/218/220
21 Jan 44

TO: DCCAO

1. Attached hereto is the text of a proposed General Order by which the existent prohibition on land transactions is substantially modified. The text has been agreed to by ACC and AMG HQ (Rear) and will be published in identical terms, save for the final section, in Regions 1 and 2. The financial aspects of the ordered have been considered and approved by the CFO.
2. If you approve the Order would you please sign it and I shall see to its publication at the earliest possible moment.

Ward Huns

Major, AUS.,
Chief Legal Officer.

21 22

ALLIED 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 Stanley Nash, C.B.E., M.C., Brigadier, 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 purposes 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 existing prohibition against leases of land, buildings or interests therein for a term longer than one year.

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

Now, therefore, I, Maurice Stanley Bush, C.D.R., U.S.C., Brigadier, 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.

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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 operative in each Province or part thereof within the occupied territory north of the northern boundaries of the Provinces of Salerno, Potenza and Bari on the date of its first publication therein.

(sgd.) M. S. Lusk

Brigadier,
Deputy Chief Civil Affairs Officer.

Dated: 22 January, 1944

SUBJECT: Land Transactions

NOLO, AEC Region 4

19
AEC
NOLO
NOLO

AWO/112/19
11 Jan 54

-15
Reference your NOLO/112/1 of 17 Jan 54, a general order suspending the moratorium on transfers in certain types of cases and providing for the granting of approval in others is being prepared and will be forwarded to you in the near future. Meanwhile, no transfers should be allowed.

(Signed) *Charles H. Hark*

Major, AEC,
Chief Legal Officer.

11

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20 JAN 1944

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.O. 394, U.S. Army

GAB/gda
3/6002/L/

15 January 1944.

Subject: Monthly Report for December 1943.

To : AMG HQ. 15th Army Group, CMF.

1. Reference is made to letter from your headquarters to R.C.S.O., Region III, 11 January 1944, subject as above (AMG/235/10), and particularly to paragraph 4 thereof dealing with consents to the transfer of land.

2. The question of granting consents to the transfer of land appears to have been first mentioned in a Report sent by the Regional Legal Officer, Region III, AMG (then Lt. Col. Shields) to the Chief Legal Officer, AMGOT Sicily, under date of 22 October 1943, on the Legal Division of Region III up to that date. In paragraph 14 of that Report Col. Shields mentions that applications were being received for consents to the transfer of land and he adds "I have advised the RCOAO that it is proper for him as an officer empowered by the CCAO under Proclamation No. 5 Article III Section I to give consent " on my advice to such transactions as are approved "

3. In a letter dated 29 October 1943 (Ref: AMG/201/1) the Chief Legal Officer of AMG 15th Army Group (then Lt. Col. Rowe), commenting on the Report mentioned in para. 2 above, says " Para. 14. The action taken by you is approved. It is hoped to issue a directive on the subject of land transactions at an early date ". jC

4. In the meantime a message was sent from 5th Army to AMGOT 15th Army Group on 29 October 1943 (Ref. 3848) asking for authority to lift the ban on land transactions or for a direction on policy on that question to be sent. On 30 October 1943 AMGOT 15th Army Group replied by message (Ref. 357) as follows "Cite FA 107. Reference your 3848 of 29 October. Until "banks reopened without limitations on withdrawals you may lift " ban on land transactions up to maximum amount of 50,000 lire.

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5. On 11 November 1943 the Chief Financial Officer AMG 15th Army Group Main sent the following message (Ref. 866)

See ^{en} _{in} (c70)

to AMG 5th Army "Cite FA/177. "Reference FA/107 of 30 Oct. "Defer total withdrawal of restrictions unless already permitted. Will discuss at meeting on 15th November."

6. The meeting referred to in para. 5 above appears to have taken place on 22 November 1943. A copy of the minutes of this meeting was sent by the Senior Legal Officer, AMG 5th Army to the Chief Legal Officer, AMG 15th Army Group under date 25 November 1943 (Ref. Amgot 3/6094/L).

7. There is nothing in the minutes of the meeting referred to in para. 5 above to suggest that consents to the transfer of land were not to be given; in fact the whole tenor of the minutes is how applications for consent should be considered without placing an undue burden on the Legal Division. The minutes referred to conclude "In the meantime urgent cases will be considered by the Financial and Legal Divisions who will advise the RCAO to grant or refuse consent."

8. The records in this Division show that between 2 November 1943 and 16 December 1943 consent was given to six sales varying in price from 16,000 lire to 300,000 lire (in one case the price is not stated) and to one mortgage for 70,000 lire. In addition Col. Shields informed 27 other applicants that consent would be granted if the deed was forwarded for endorsement and it was accompanied by a certificate from a Notary that the purchase or other price being paid represented the value of the land. In the case of the larger purchases the certificate was to state that the transferees were not fascists.

9. Lt. Col. Shields has been interviewed on this subject and has stated that he has no recollection of advising your headquarters that no licenses to transfer land were being granted in this region. On the contrary he remembers the facts stated above.

10. The report on the work of the Legal Division during December 1943 indicated the changes in procedure which had been made since Region III became a separate entity. No consent has been granted since that date.

11. Since the report mentioned in para. 10 was prepared it has been decided by the Regional Civil Affairs Officer that no consent will be given except in cases of gifts, on marriage or where real hardship will be caused if it is not given. (including those whose

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11. Since the report mentioned in para. 10 was prepared it has been decided by the Regional Civil Affairs Officer that no consent will be given except in cases of gifts, on marriage or where real hardship will be caused if it is not given. In pursuance of this decision applicants (including those whose applications have already been received) are being asked to state the circumstances in which the proposed transfer arises and, unless it is a transfer by way of gift on marriage, to give details of their means and to show how they will be benefited.

16 11

12. In view of the situation relating to the authority of the Regional Civil Affairs Officer, Region III, to consent in writing to transfers of real estate as set forth in the foregoing paragraphs, it is requested that this headquarters be advised as soon as possible whether requests for such transfers shall continue to be considered and acted upon.

For the Regional Civil Affairs Officer:

Douglas W. Batson
DOUGLAS W. BATSON,
1st Lt., CMP,
Actg. Asst. Adj. Gen.

be advised as soon as possible whether requests for such transfers shall continue to be considered and acted upon.

For the Regional Civil Affairs Officer:

Douglas W. Batson
DOUGLAS W. BATSON,
1st Lt., CMP,
Actg. Asst. Adj. Gen.

16

HGW/Qd

19 JAN 1944

HEADQUARTERS REGION 4 MAIN
ALLIED MILITARY GOVERNMENT
A.P.O. 394

TO : C.L.O., A.M.G., ~~A.P.O.~~ H.Q.A.F.I.
FROM : R.C.L.O., Region 4
SUBJECT : Transfers of Land
DATE : 17 January, 1944
REFERENCE : R4/LE/1

Reference Proclamation 5, Article III, Section 1, it is understood that the D.C.C.A.O. has delegated to S.C.A.O., A.M.G., 5th Army, authority to give the necessary consent to transfers of land, etc. I can find in my files no similar delegation of authority, either to the R.C.A.O. or to S.C.A.Os. of this Region. It is suggested that this is a matter with which any S.C.A.O. of a province should be empowered to deal without reference to higher authority. May I, please, have instructions in the matter from your H.Q?

H.G. Willmer

H.G. WILLMER, K.C.
Colonel,
R.C.L.O., Region 4

COPY.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission

GRU/gmf

5 January 1944.

In reply refer to: ACC/L/303.

TO: Chief Legal Officer, 15th Army Group, HQ AMG.

Referring to our conversation yesterday -

1. In reply to your AMG/218/11 dated 29 Dec. 43 the policy of ACC is to permit transactions up to 50,000 Lire without license and above that amount with license.

The granting of a license must depend on the facts of each particular case but the following facts are of especial importance (a) whether the transaction appears to be bona fide for full value (b) whether it appears to be an attempt at a flight from the Lire (c) whether any fascist is involved.

2. In reply to your AMG/206/114 dated 3 January 44 I can assure you that over and over again has the Minister of Justice had impressed upon him the noneffectiveness of new decrees in occupied territory and this has been done both in conference and in writing. I shall not relax my efforts in this direction. In fact so far as Decree 18B is concerned you stated to Major Thackrah on 24 Dec. that you were proposing to republish this decree in 15th Army Group territory.

3. In reply to your letter relating to proposed General Order 10 I entirely approve same.

4. The Financial Subcommission desires to have Decree No. 21/B relating to Taxation on Turnover republished in occupied territory as soon as possible but substituting in Article 3 "February" for "January" and I am recommending this to D.C.C.A.O., A.M.G. HQ. Will you please consider this and let me know your reaction.

5. I am also recommending D.C.C.A.O., A.M.G. HQ to republish Decree 16/B. So far as Title 2 is concerned this has been requested by Communications Subcommission.

6. Ref. your AMG/206/11 dated 1 Jan. 44 I am taking the matter of the Foggia Court of Appeal up with the Italian Government; their proposed decree seems to me to be unnecessary. I shall be glad if you will do nothing further until you hear from me again.

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SIGNED. A.R. THACKRAH, Major,
for G. R. UPJOHN, Colonel,
 Chief Legal Officer, ACC.

SUBJECT: Land Transfers.

H.Q., A.M.G.,
15 Army Group,
C.M.F.

TO: S.L.O.,
H.Q., A.M.G. 8 Army.

AMG/218/13.
29.Dec. 43.

We return to you herewith the applications for permission to transfer land in Campobasso submitted by the L.O. in that Province.

Permission is being denied in all cases in accordance with the policy expressed in our letter to you AMG/218/10 of 28.Dec.43.

Ward Ford

Major, A.U.S.,
Chief Legal Officer.

28 DEC 1943

Campobasso, 24 Dec. 1943

SUBJECT: Applications for transfer of property
 TO: Senior Legal Officer, Hq. 8th Army
 FROM: Shirley R. Marsh, Capt.

1.- I am enclosing herewith two applications for transfer of property. These applications have been submitted to the proper officers for approval, which are noted thereon. These transfers, in accordance with Proclamation 5, Art. III, Section 1, must be submitted to the Chief Civil Affairs Officer or any officer empowered by him.

2.- We shall appreciate your action and reply.

Shirley R. Marsh
 SHIRLEY R. MARSH, Capt.
 LEGAL OFFICER, A.M.G. Reg. IV
 CAMPOBASSO PROVINCE.

1st Ind.
To: C. A. O. 1943 15 Army Group
1. Forwarded
Edwin J. Mercer
 EDWIN J. MERCER, Maj. Gen.
 SENIOR LEGAL OFFICER, A.M.G. 8th ARMY

Subject: Land Transactions.

AMG Hq.,
15 Army Group,
C.I.F.

Ref. AMG/218/
29 December 43.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BREITENBURG.

Before we take definite steps to establish a general policy on land transfers, both in areas where Proclamation 5 has been posted and in those where it has not, we should be grateful for a statement of A.C.C. policy in this matter.

2. The specific questions that concern us are: (a) whether it is considered desirable that a complete prohibition should be enforced without exception; (b) whether transfers in which the consideration does not exceed L. 50,000 may be concluded, either with or without special approval; and (c) whether transfers in which the consideration exceeds L. 50,000 should be permitted in exceptional cases.

David H. H.

Major, A.C.C.,
Chief Legal Officer.

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Subject:- Land Transfers.

AMG Hq.,
15 Army Group,
C.S.F.

Ref. CG/218/D
28 December 43.

S.L.C.,
AMG Hq., Eighth Army.

We return to you herewith the application for permission to transfer land La Campobasso submitted by the L.O. in that Province.

The policy which is being presently enforced throughout the whole of the 15th Army Group area is for the prohibition established by Article Three of Proclamation 3 to be enforced in all circumstances. The U.S.A.C. accordingly, is not granting permission to transfer real estate in any cases.

When a different policy is established you will be informed.

Lead file. How

MDWH/SS.

Mark De W. Howe, Major, AUS,
Chief Legal Officer.

Ref:
21 Dec. 1943

SUBJECT: Application for transfer of property

TO: Senior Legal Officer, Hq. 8th Army

FROM: Shirley R. Marsh, Capt.

1.- I am enclosing herewith an application for transfer of property.- This application has been submitted to the Procuratore del Re and his approval is noted thereon. This transfer, in accordance with Proclamation 5, Art. III, Sec. I, must be submitted to the Chief Civil Affairs Officer or an officer empowered by him.

2.- We shall appreciate your action and reply.

Shirley R. Marsh
SHIRLEY R. MARSH, Capt.
LEGAL OFFICER, A.M.G., Reg. IV
CAMPOBASSO PROVINCE

1st Endorsement.
To: C.I.O. A.M.G. Hq. 1st Army Group.

1. Forwarded

2. Should we require such applications to be submitted in English?

Edwin J. Mercer
EDWIN J. MERCER, Maj. 1st Lt.
SENIOR LEGAL OFFICER, A.M.G., 8th Army.

9

Subject: Land Transactions.

H.Q. A.M.G.,
15 Army Group,
C.M.G.

8

Chief Finance Officer.

AG/218/8.
10.Nov.43.

Reference para 2 of your minute AG/302/ dated 17.November.43, I will take up the matter you mention with the Senior Legal Officer, Region III, when I see him in the near future.

2. Reference para 3 of your minute, it is impossible to say from the information given whether the Town Major referred to has committed an offence under Military Law for which he should be charged. The general position is that Army personnel are not subject to the Proclamations and Orders made by, or with, the authority of the Military Governor, as these are addressed to the inhabitants of the occupied territory and Army Orders have to be made in the usual manner. If, however, an officer, knowing of the terms of the Proclamation, aids and abets an Italian to break it by entering into a forbidden transaction with him, it might well be that a charge of conduct prejudicial to good order and military discipline might be substantiated under Section 40 of the Army Act. Further, if an officer used his position to extort property by compelling the sale to him at a fictitious price, that officer could certainly be charged with an offence under the Army Act but the evidence would have to be quite clear.

3. The fact that there is a tax on land transactions and that Army personnel, not being subject to local taxes, would be taking a considerable advantage of their position if they entered into land transactions, makes it very desirable that purchases of immoveable property should not take place. If the C.C.A.O. approves I suggest that a memorandum be sent to A.F.H.Q. on the subject with a request that General Routine Orders be published both in the American and British armies, forbidding such transactions and requiring a report to be made by any officers who have already entered into such a transaction.

HER/JC.

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

SUBJECT:- Land Transactions.

R.Q., A.M.G.,
15 Army Group,
C.M.F.

Chief Legal Officer.

AMG/392/

17th November 1943

I understand from Colonel Guido Jung, Acting Minister of Finance in the Badoglio Government, that there are no absolute instructions on transfers of property by Italians in Italy. The imposition of a 60% tax on any profit arising from the sale of real estate results in a considerable restriction on transfers of property, owing to the fact that the margin of profit left after the tax has been paid is too meagre and out of proportion to the speculative risk incurred. He added that all transactions of land would have to be inspected at the local Mortgage Office, who would see to it that the tax was imposed.

I should be most grateful if you would take up the matter during your forthcoming visit to Naples and ascertain the volume of business in the area of Naples and if in fact this tax is being applied and having its expected deterrent effect.

The C.C.A.O. informed me yesterday that he had heard of a case where a Town Major (British) had purchased a villa in Sicily at what was evidently a penal price (some weeks ago I learned of this case, quite unofficially, from the officer concerned). The C.C.A.O. wishes to pursue the case and to take action against the officer under Article III, Proclamation 5. You will remember that Co. Capt. Benson intimated that a parallel case existed in Calabria.

A. P. Graftrey Smith

A. P. GRAFTREY SMITH,
Colonel,
Chief Finance Officer.

APGE/SCH

EXTRACT FROM
MINUTES OF
MEETING HELD
AT AMA, 15 PM
ON 15 Nov 43.
SEE AMC/204/3.
dtd 14. NW.43.

2. LAND TRANSACTIONS.

It is pointed out by Lieut. Colonel Howe that under Proclamation 5, all land transactions were frozen except so far as permission might be given by the C.C.A.C. C.C.A.C. had, at a meeting of S.D.A.C.'s in Palermo, approved land transactions up to 50,000 lire and this approval was recorded in the minutes of such meeting, but no directive had ever been issued. Lieut. Colonel Howe pointed out that it was necessary that a directive should be issued to cover this and also to cover all "family" transactions in land. This was a minimum. Lieut. Colonel Chandler and Colonel Upjohn agreed. The matter of freezing land transactions altogether was then considered and Brigadier Haulen's letter 13016/F dated 5. Nov. 43 to Colonel Griffiths-Smith (File AM/218/4) was discussed. Lieut. Colonel Howe mentioned that in his opinion the freezing of land transactions would tend to stop inflation rather than to promote it. He also pointed out that Proclamation 5, which also dealt with the closing of banks, was not being posted in all places and that in places where it was not posted, there was no legal rule against land transactions. Colonel Upjohn stated that he would go into the whole question on his return to Palermo. (File AM/218).

Copied
SECURITY MESSAGE

TO: SEC ARMY FOR AND FOR BRIGHT.

FROM: WILSON FROM AND FROM CPO.

Orig's No. 7A/171.

10 Nov 43.

SECRET (.) REF AT 7A/107 OF 30 OCT (.) DEFER TOTAL WITHDRAWAL
OF RESTRICTIONS UNLESS ALREADY PERMITTED (.) WILL DISCUSS AT
MEETING ON 15 NOVEMBER

If this message is liable to
interception it should be sent
IN CIPHER.

PRIORITY.....

T.O.O:
T.H.I:
T.O.R:

.....Colonel.

See 7A/171

CP

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
FINANCE SUB-COMMISSION

13016/P

5 November 1943

Subject:- Land Transactions

To:- Col A.P. Grafftey-Smith,
CFC, AMG 15 Army Group.

With reference to your Fa 107 of 30 October to AMG 5th 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.

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

Copy to:- Legal Sub-Commission (File AMG/4097/L)

*Col Grafftey Smith
this copy for Legal?*

BB

See 4097/L

*JP
7/11*

SUBJECT:- Land Transactions.

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

SECRET

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.
INTER/3CH

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

Encl.

PAE

3

TELEGRAM OUT.

Legal Div.

TO : 5 ARMY FOR AMB FOR HUNG.
FROM : FILPOT FROM AMBOT FROM CMO.

Orig's No. PA 107

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.

PRIORITY: *Urgent*

A. K. Haffey Smith
Colonel.

TWO :
THI :
TOR ::

Legal *see B*

COPY.

RESTRICTED.

BR CIPHER MESSAGE
IN

TO NO. 09941
GT 13

FROM : 5 ARMY AMG REGION 3
TO : 15 ARMY GROUP FOR AMGT
ORIG NO. 3848

TOO : 1330A/29
TOR : 0300A/30

FROM HUME.

MANY APPLICATIONS BEING RECEIVED TO CONSENT LAND TRANSACTIONS UNDER PROCLAMATION 5 ARTICLE 3. INSUFFICIENT STAFF OR FACILITIES TO EXAMINE PROPERLY INTO EACH CASE WHICH IS ESSENTIAL TO AVOID CONSENT TO FRAUDULENT TRANSACTIONS. AS BANKS NOW OPENING QUESTIONING OF CONVEYANCE OF LAND IN SECURITY OF LOANS WILL ARISE. REQUEST AUTHORITY TO LIFT BAN ON LAND TRANSACTIONS OR DIRECTION ON POLICY THIS QUESTION AS SENT.

ALGT 4 ACTION.

SMC. Q415A/30
TT. Q450A/30 IU.

0560