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LEGAL S/C OF ACC, REQUISITION OF PROPERTY
SEPT. 1943 - JAN. 1944

13 JAN 1944

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U. S. SECRET~~Requale~~ ~~ALLIEDS~~ ~~CONTROL COMMISSION~~ ~~INCOMING~~

MESSAGE /msr

SVC/RELAY NO.

CLASS: SECRET

PREC : PRIORITY

FROM : FREEDOM SIGNAL CINC CITE FMCS
Reference PBS 4839 of 11 January.

TO : FATIMA FOR JOYCE AND FARGO FOR JOYCE RPT PBS FOR PENCE

M/C NO : 32/12

REF NO: 27581

FILED : Jan 121600A

REC'D : Jan 121959A

Your proposal approved. Transfer documents will be presented by
Mason MacFarlane.

DISTRIBUTION:

2 - AG
1 - Diary
1 - c/s

Reference mentioned
above probably sent
from Naples to Gen. Joyce

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~~Requale~~ ~~British~~ ~~SECRET~~

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WAR DEPARTMENT

The Adjutant General's Office
Washington, 25, D.C.

10

AG 150 (15 Sept 43)OB-S-F-M

CJM/mdd - 2B-939 Pentagon.

27 September 1943

SUBJECT: Claims in territory occupied by
Armed Forces of the United States.: : : : : : : : : :
: S E C R E T :
: Auth: T. A. G. :
: Initials s/LEJ :
: 27 September 1943 :
: : : : : : : : :TO: The Commanding Generals,
Army Ground Forces;
Army Air Forces;
Army Service Forces;
The Commander-in-Chief, Southwest Pacific Area;
The Commanding Generals,
Theaters of Operations;
Defense Commands;
Separate Base Commands;
The Commanding Officers,
Separate Base Commands.

The following views are expressed for your guidance in planning for the processing of claims in territory occupied by the Armed Forces of the United States:

1. Prompt investigation essential. The prompt investigation of all claims for damage to or loss or destruction of property, real or personal public or private, or for personal injury or death, and all accidents and incidents which may give rise thereto, is essential to the orderly administration of a military government, and will prevent later disputes and the presentation of stale or unjustified claims through diplomatic or other channels. The investigation and processing of claims in occupied territory is a responsibility of the theater commander which will usually be exercised through his chief civil affairs officer.

2. Claims in enemy territory occupied by United States Armed Forces. In most cases the population of enemy territory occupied by United States Armed Forces will consist largely of enemy nationals. It is anticipated that claims of inhabitants of occupied enemy territory for damage to or loss or destruction of property, or for personal injury or death, will normally be chargeable to the inhabitants of the country occupied and be paid from funds provided by such inhabitants as a part of the costs of occupation. The provisions of the act of January 2, 1942 (55 Stat. 880; 31 U.S.C. 224d) as amended by the act of April 22, 1943 (Public Law 39, 78th Cong.; 57 Stat. 66), and AR 25-90, and the provisions of the act of July 3 1943 (Public Law 112, 78th Cong.), and AR 25-25, do not apply to claims so chargeable. Such claims will be processed in accordance with regulations to be issued by the theater commander. If the occupation is participated in by forces of allied nations, the regulations issued by the theater commander will conform to such plans as may be agreed upon for the combined

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27 September 1943

operation. Claims arising in occupied enemy territory may be submitted to a Foreign Claims Commission for processing even though not payable under AR 25-90, or to such board, commission or other agency composed in whole or in part of officers of the United States Army, the United States Navy or officers of allied forces, as may be determined by the theater commander. Inclosed is a draft of regulations prepared under direction of The Judge Advocate General, which may be adopted, if approved by the theater commander.

3. Claims in other foreign countries formerly occupied by the enemy and later occupied by United States Armed Forces.

a. General. The expenses of military governments which may be established in foreign countries formerly occupied by the enemy and later occupied by United States or allied forces may or may not be charged to the inhabitants of such country. This will be determined by higher authority.

b. In the event of a determination that the expenses of occupation are not to be charged to the inhabitants of liberated territory, all claims for damage to or loss or destruction of property, or for personal injury or death, caused by United States Army Forces, or individual members thereof, will be considered and allowed and paid, or disallowed, by a Foreign Claims Commission under the provisions of AR 25-90, or AR 25-25, as the case may be. In the event of an allied occupation, it is anticipated that the processing of claims by United States Claims Commissions will be coordinated, as directed by the theater commander, with similar action being taken by claims commissions of the other participating governments. It is essential that claims against the United States, and accidents or incidents which may give rise thereto, be fully investigated by officers of the United States Army and settled by a Foreign Claims Commission composed of an officer or officers of the United States Army, pursuant to the provisions of AR 25-25 and AR 25-90, and that such investigation and settlement be independent of investigation by personnel of allied forces.

c. Claims of all persons not members of United States or allied military forces cognizable under the provisions of AR 25-90 and AR 25-25 should be subject to suspension of payment by general or special order of the military governor for such time as he may direct.

d. In the event that it should be determined that the expenses of the military government are to be charged to the inhabitants of the occupied territory, such claims should be processed in accordance with regulations to be issued by the theater commander, as in the case of enemy territory.

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(Cont'd.)

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e. Local authorities, either administrative or judicial, should not be permitted to process, allow or pay any claims of any character whatever arising in occupied territory within the classes of claims chargeable to the military government, or to the United States or other allied governments. They should be prohibited from paying such claims when disallowed, and from the making of additional payments on claims allowed only in part, by claims commissions of the military government, the United States or any allied claims commissions. This prohibition does not, however, prevent such local authorities from aiding in the investigation of any claim upon the request of a United States or allied claims officer or claims commission.

By order of the Secretary of War:

s/ J.A. ULIO,
Major General.
The Adjutant General.

1 Incl.
Draft of Regulations.

COPIES FURNISHED:

Director, Civil Affairs Division, Office of the Chief of Staff
Divisions of the War Department General Staff
The Judge Advocate General
The Inspector General
Distribution I.

REPRODUCED BY AFHQ, 10 Oct. 1943

WJM
WJM

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Suggested Regulations Relative to Claims for Damage to or Loss or
Destruction of Property or for Personal Injury or Death
Caused by Allied Military Forces in Occupied
Enemy Territory or Occupied Liberated Terri-
tory When Costs of Occupation are Chargeable
to the Inhabitants

1. Meaning of terms used herein. The terms used in these regulations will be given their ordinary meaning in the English common law.

2. Claims Service. There will be established by the military governor of each military government in occupied territory a Claims Service which will be under the Legal Section of the military government unless the military governor shall otherwise direct. The military governor will designate an officer, preferably one with legal training and with experience in the administration of claims, as Chief of the Claims Service and will supply him with such military and other personnel as may be necessary. The Chief of Claims Service will be responsible specifically for:

a. The preparation of regulations, governing claims procedure, for issuance by the military governor, directing necessary cooperation by troops and civilians in the territory subject to the jurisdiction of the military government.

b. The operation of the claims investigating service and cooperation with unit commanders in the conduct of investigations. The investigation of all claims, and of accidents and incidents from which claims may arise, except only claims of military personnel of Allied military forces (including civilian employees thereof) against their own armed forces or government, which claims will be processed and settled in accordance with regulations of the respective allied forces concerned.

c. The establishment and maintenance of a central claims office at the headquarters of the military government. Branch claims offices may be established at other points in the territory of the military government.

The Claims Service will consist of such commissioned and enlisted personnel of any of the Allied military forces, and civilian employees, as may be detailed or provided for such duty by the military governor.

3. Claims Commission for the Military Government. Each military governor will appoint three or more officers of the Allied military forces to serve as members of the claims commission for the territory of the military government, with general jurisdiction. He may also appoint claims commissions consisting of one officer, with such limited jurisdiction, as to territory or amount involved, as he may determine. Insofar as practicable, in appointing claims commissions, the military governor will utilize the services of officers assigned to the claims commissions, or similar agencies, of the Allied forces.

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4. Claims payable. The claims described below will be payable by claims commissions of the military government from the funds of the military government:

a. Damage to or loss or destruction of private property, real or personal located in the occupied territory, or personal injury to or death of persons in the occupied territory, incident to noncombat activities of Allied forces.

b. Damage to or loss or destruction of private property real or personal, located in the occupied territory, or personal injury to or death of persons in the occupied territory, caused by negligence or wrongful or criminal act:

(1) of Allied military personnel, whether or not in the course of their employment;

(2) of civilian employees of the military government or of Allied forces not inhabitants or nationals of the occupied country, whether or not in the course of their employment;

(3) of civilian employees of the military government or of Allied forces who are inhabitants or nationals of the occupied country, if in the course of their employment.

c. Damage to or loss or destruction of private property of, or personal injury to or death of Allied military personnel or civilian employees of the military government or of Allied forces, and damage to or loss or destruction of property, real or personal, of Allied forces, or of the Government of an Allied nation, caused by negligence, or by wrongful or criminal act of any person in the occupied territory who is not a member of Allied military forces or an employee of such forces or of the military government in instances in which the person or persons causing the damage, loss, destruction, injury or death:

(1) cannot be identified, or

(2) if identified, full compensation therefor cannot for any reason be collected from such person or persons, to the extent of any deficiency in the compensation so collectible.

5. Claims not chargeable to the military government.

a. Damage to or loss or destruction of property, or personal injury or death, resulting from action by the enemy or resulting directly or indirectly from any act by Allied military forces engaged in combat.

b. Damage to or loss or destruction of property of an enemy country, or of a municipality, commune, department, district or other political or territorial subdivision thereof.

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c. Damage to or loss or destruction of property, real or personal, located in the occupied territory, or personal injury to or death, of persons in the occupied territory, caused by civilian employees of the military government or of Allied forces who are inhabitants of the occupied country resulting from acts performed outside the course of their employment.

6. Negligent or wrongful act on part of claimants. No claim will be allowed where the damage, loss, destruction, injury or death is proximately caused in whole or in part by negligence or wrongful act on the part of the claimant, his agent, or employee, unless under the law or custom of the country in which the claim arises such negligence or wrongful act is not recognized generally as a bar to recovery on tort claims, in which case such local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act.

7. Claims of subrogees. Settlement will be made solely with the insured, rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. No inquiry will be made into, nor determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount allowed will be made in the name of the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy, or other documentary evidence. The foregoing provisions will be equally applicable in cases of subrogation based other than on insurance.

Claims by subrogees in their own right are not within the scope of these regulations and will not be considered.

8. Elements of damage in case of personal injury and death. Actual and reasonable medical and hospital expenses, reasonable compensation for pain and suffering and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. In computing damages in cases of personal injury or death, local standards will be taken into consideration.

9. Legal principles applicable to claims. Subject to the provisions of these regulations, the principles of the substantive law of the occupied country shall be applicable to the settlement of claims against the military government except insofar as the military governor shall issue regulations providing otherwise. 31

10. Limitations.

a. No claim of a national or inhabitant of the occupied country may be allowed by the claims commission of the military government unless presented in writing within 7 days after the occurrence of the accident or incident

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out of which the claim arises, unless for good cause shown the claims commission shall determine that the period of limitation should be extended by it with respect to the particular claim.

b. No claim of a member of Allied military forces or of a civilian employee thereof may be allowed unless presented in writing within 90 days after the occurrence of the accident or incident out of which the claim arises, unless for good cause shown the claims commission shall determine that the period of limitation should be extended by it with respect to the particular claim.

11. Procedure; Reports of Damage. Immediate responsibility for the investigation of an accident or incident resulting in damage to or loss or destruction of property, or personal injury or death, rests upon the commanding officer of the company or corresponding unit which is most directly involved. In cases of motor vehicle accidents the driver of the vehicle concerned will at once fill out a report (on the form provided for that purpose) and give the injured party his name, the organization of which he is a member, and vehicle number. The member of the military forces involved in any accident or incident from which a claim may arise will immediately report the facts to his commanding officer. Upon receipt of such report, or upon other notice of such accident or incident, the company or corresponding commander will prepare a supplemental narrative statement of the facts. He will obtain or cause to be obtained without delay signed statements in duplicate of all witnesses to the accident who may reasonably be available. He will in any event without delay, and preferably within 48 hours after notice of the accident or incident, forward directly to the proper claims office one signed copy of the report of the member of the military service concerned, the supplemental statement of facts, names and addresses of witnesses, statements of such witnesses as may be available, and a statement of any further details known to him, including approximate cost of repairs to any military vehicle. Upon completion of such preliminary investigation and report, and its dispatch to the proper claims office, the commanding officer will be relieved of further direct responsibility for the investigation of the claim and such responsibility will thereafter rest upon the claims office to which such report is forwarded. The commanding officer will retain the remaining copy of the report for determination of property responsibility and disciplinary and other corrective action to be taken.

12. Claims Office. Each claims office will maintain a detailed registry of all reports of damage and claims received by it. A separate file will be prepared in each case containing a copy of all correspondence, statements of witnesses, reports, diagrams, and other documents. The Claims Officer upon receiving a report or notice of an accident, or upon receiving a claim based upon an accident not previously reported, will obtain all available evidence in the case not already obtained. His investigation should be of the scope and thoroughness outlined in paragraph 8, AR 25-20 (U.S. Army).

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Upon receipt of the investigation of a claim or report of an accident the Claims Officer will prepare a summary report thereon in the form prescribed by the Chief of the Claims Service setting forth the substance of the case and his recommendation regarding its settlement. The report will be forwarded, together with the claim, if any, and the complete file in the case, to the Chief of the Claims Service who will, after checking it as to sufficiency, transmit it to the claims commission for the military government if the claim appears to be properly chargeable to the military government, or to the claims commission for the United States Army or other Allied Army if the claim appears to be chargeable to such Army.

13. Action by Claims Commission. Any report received by the claims commission of the military government prior to the receipt of the related claim will be retained to await receipt thereof. Any claim received by the claims commission of the military government with or after receipt of the related report will be considered in connection with the report, together with such other and additional evidence as the commission may deem pertinent. The claim may be referred by the commission for further investigation by the Claims Officer who made the original investigation, or to such other authorities as may seem appropriate to the commission. Upon final action by the commission on any claim, the commission will notify the Chief of the Claims Service of the action taken. The settlement by the commission is final as to questions of fact and conclusions of law, and shall be conclusive for all purposes.

14. Payment of Claims by Claims Commission. If the claim is allowed in whole or in part, the claims commission will forward the original and one copy of the claim and award to the Chief of the Claims Service, together with its voucher for the payment thereof drawn on the disbursing officer of the military government. The Chief of the Claims Service will thereupon ascertain whether the claimant will accept the amount of the award in full satisfaction and in final settlement of the claim and, if the claim has not been allowed in the full amount claimed, will obtain from the claimant an acceptance agreement and release to that effect. The Chief of the Claims Service will ascertain whether or not the military governor desires the payment of the claim suspended, and if so for what period of time. If payment of the claim is not suspended, or if suspended then upon the expiration of the period of suspension, the Chief of the Claims Service will forward the claim, acceptance agreement, award and voucher to the disbursing officer of the military government, for payment.

15. Local authorities may not administer or pay claims against the military government or an allied government. Local authorities, either administrative or judicial, will not investigate, allow or pay any claim of a character whatever arising in occupied territory within the classes of claims designated herein as chargeable to the military government or to an allied nation. This provision prohibits the payment of such claims disallowed by a claims commission and the making of an additional payment by such local

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authorities on such claims when allowed only in part by a claims commission. This provision will not prevent such local authorities from aiding in the investigation of any claim upon the request of a claims officer or of a claims commission of the military government of an allied military force.

16. Assignment of claims. All transfers and assignments of claims against the military government, or of any interest therein, whether absolute or conditional, shall be null and void, except in cases of assignments by operation of law (as when, by way of illustration only, an administrator or other personal representative is appointed for a deceased person or a receiver for an insolvent), provided that a claims commission may in a meritorious case involving no trafficking or speculation in claims and no fraud, imposition or duress recognize the claim of an assignee.

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- (c). To discuss and select the best method of applying the proposed new application of the existing law.

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The defense the prosecution is adopting is, looking at the evidence, to decide whether the evidence would be taken as prima facie evidence by a jury. The evidence should be taken as prima facie evidence.

6. To fix the standard of liability of the Commission in inquiry.
7. Any other competent business.

0754

100

1. To consider the nature of the terms of reference.

2. To consider the contents of documents containing relevant complaints.

3. (a) To discuss and decide the best method of ascertaining the position affecting the whole theatre.

(b) To consider what witnesses should be examined with particular reference to the 1940 area, and to approve that the first witness to be examined should be Lieut. Colonel Sir Leonard Hooley, Archaeological Advisor to D.C..

4. (a) In regard to 3. (a) above, to approve that S.D. Clancy, M.C. 4 Claims Commission, should signal to his area officers throughout the theatre for immediate reports as to the position of relevant operations in their areas, and in this connection, to approve the terms of the proposed signal.

(b) In regard to 3. (b) above, to approve as regards the 1940 area that the following be examined as witnesses for the purpose of ascertaining what relevant information they can furnish:-

(i) Inspector of Police of Head of the Force.

(ii) The Head of A. B. Police.

(iii) Commanders of the 1940s Force, Royal Air Force, Royal Police and Civil Police.

5. To discuss the procedure to be adopted in taking evidence, to decide whether the evidence should be taken orally, and the method by which it should be recorded.

6. To fix the time and place of the next session of the Commission of Inquiry.

7. Any other competent business.

0930

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(C O R Y)

SUBJECT:- Requisitioning of the NAPLES Museum

C O N F I D E N T I A L

General Sir H.R.L.G. Alexander,
C-in-C.,
15 Army Group

ADHQ Adv Adm Echelon

OTF

30/7/Q

17 Dec 43

Reference attached papers, which I discussed with you.
My opinion in regard to the NAPLES Museum is as follows:-

- (a) It is possible to move the Adv Base Medical Stores, although we shall not get an equally good place elsewhere, and the Service will suffer some inconvenience by the move.
- (b) I am against moving the Medical Stores Depot unless the Genio Civile is moved out first. If we move first they will cause damage which will be attributed to us.

I am not taking any action until you have seen the place yourself, as you expressed an intention to do.

I do not agree with the accusations made by Sir Leonard Woolley and supported by Major-General Lord Rennell in regard to the behaviour of the Allied troops in NAPLES. I do not consider that there is any justification for these statements. The Royal Palace and the Castello Nuovo are both places which have been very severely damaged by bombs. They are exposed to the weather, and all the really serious damage in them has been caused either by the bombing or by the weather. As to ~~other~~ damage, it is difficult to say what has been done by our troops or what by the populace or by the enemy's troops.

On the whole the behaviour of the Allied troops in NAPLES has been very good indeed, and I think it to be a great pity that people should make loose and unsubstantiated statements to the contrary.

(Signed) B. ROBERTSON,

Major General.
Deputy Chief Administrative Officer.

BER/amb

P.S. Since the above was written Gen. MUNCE has personally inspected the University. This building has also been partly bombed, partly burned by the Germans. US troops occupy a portion of it only. There is no apparatus, etc. in this portion. It was used for billets by German troops.

31

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HRP/emb

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(C O P Y)

SECRET AND PERSONAL

Major-General Sir Brian Robertson, Bart.,
Deputy Chief Administrative Officer,
AFHQ Adv Adm Echelon,
C.M.F.

1119/DCAO.

17 Dec 43.

Dear

Thank you for your letter of 12 December.

General Alexander has already passed to me Major-General Lord Rennell's letter of 9 December for my comments. I am sending you a copy of those comments.

As you know, I personally am entirely in sympathy with your desire to ensure the preservation of museums and ancient monuments. I hope that the order which I drafted for ROM, and which is now being issued by the OGS will have a good effect in that city.

On the other hand, I feel that Sir Leonard Woolley's criticisms of the behaviour of the Allied troops are quite unjustified.

I am afraid, moreover, that I am not with you in your attitude towards the military activities in the Market Place and the square opposite the Palace. Those activities will leave no permanent mark behind them. I agree that they make the place unsightly at present, but how many beautiful squares and parks in England and South Africa are being similarly disfigured for military purposes at the present time? NAPIES is the main base of this Army. It is still within 40 miles of the enemy. It is in a terrible mess anyway, and I cannot see that it is being unreasonably treated over these two matters.

Alexander:

As regards the NAPIES Museum, I have advised General

(a) that it is possible to move the Adv Base Medical Stores, although we shall not get an equally good place elsewhere, and the Service will suffer some inconvenience by the move.

(b) that I am against moving the Medical Stores Depot unless the Genio Civile is moved out first. If we move first they will cause damage which will be attributed to us.

General Alexander said that, before asking me to move the Depot, he would like to see the place himself, and he intends taking an early opportunity to do so. Meanwhile, I am issuing warning orders.

Yours

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Yours

B.H. ROBERTSON,

Brigadier M. Lush,
A.M.G.
HQ 15 Army Group

EUR/emb

(C O P V)

SUBJECT: - Requisitioning of Naples Museum

HQ A.M.G.,
15 Army Group,
C.M.F.

AMG/610/24

2 Dec 43

General Officer Commanding in Chief,
Headquarters,
15 Army Group

I attach a minute from Lieut-Colonel Sir Leonard Woolley, Archaeological Adviser to the Director of Civil Affairs at the War Office, on the requisitioning of the Naples Museum for military purposes.

This question is one of considerable importance as the matter of principle in view of what may occur in Rome. As you are aware, both HM Government and the US Government have strong views on the preservation of monuments and the immunity of museums from requisition. The original directions received by AMG on this subject were in the form of a direction from the President of the US to the effect that, on the occupation of towns, museums would be closed and placed out of bounds to troops. The ~~Minister of War~~ Secretary of State for War in London has been questioned on the subject of Monuments and Fine Arts in the House of Commons and he has committed himself to assuring that everything possible is being done.

I am referring Lieut. Colonel Sir Leonard Woolley's note to you, not so much in connection with the Naples Museum itself, as to raise the question of principle. In view of the strong feeling which I believe exists on the subject, I submit for your consideration that the General Officers Commanding Fifth and Eighth Armies receive instructions to ensure that, except in the case of really vital operational necessity, museums and ancient monuments are not to be used for billeting troops and are to be placed out of bounds.

The case of Naples Museum presents some difficulties in that an Italian Department (Civil Engineering Branch) is also in occupation, but from the point of view of propaganda and good repute it is obviously more important that any damage done in the museum should not be attributable to Allied troops, however deplorable such damage might be even if committed by Italians. But the joint occupation of Naples Museum by an Italian Department and by a British unit, will undoubtedly expose us to accusation, if damage is done, that British troops were in occupation at the time and I have no doubt that the damage would be attributed, both by enemy propaganda and by Italians, to the presence of British troops rather than the Italian Department which is also in occupation. Unfortunately, so many cases of looting have taken place by both British and American troops in Naples as not to put the danger of looting, even by an AMG detachment, of museum material in packing cases in the museum, out of the question.

I feel that the only safe course is to follow the strict line which I have suggested above which, in turn, will involve appropriate orders

I attach a minute from Lieut-Colonel Sir Leonard Woolley Archeological Adviser to the Director of Civil Affairs at the War Office, on the requisitioning of the Naples Museum for military purposes.

This question is one of considerable importance as the matter of principle in view of what may occur in NOME. As you are aware, both the Government and the US Government have strong views on the preservation of monuments and the immunity of museums from requisition. The original directions received by AMG on this subject were in the form of a direction from the President of the US to the effect that, on the occupation of towns, museums would be closed and placed out of bounds to troops. The ~~Government's view is that the Secretary of State for War in London has been questioned on the subject of Monuments and Fine Arts in the House of Commons and he has committed himself to assuring that everything possible is being done.~~

I am referring Lieut. Colonel Sir Leonard Woolley's note to you, not so much in connection with the Naples Museum itself, as to raise the question of principle. In view of the strong feeling which I believe exists on the subject, I submit for your consideration that the General Officers Commanding Fifth and Eighth Armies receive instructions to ensure that, except in the case of really vital operational necessity, museums and ancient monuments are not to be used for billeting troops and are to be placed out of bounds.

The case of Naples Museum presents some difficulties in that an Italian Department (Civil Engineering Branch) is also in occupation, but from the point of view of propaganda and good repute it is obviously more important that any damage done in the museum should not be attributable to Allied troops, however deplorable such damage might be even if committed by Italians. But the joint occupation of Naples Museum by an Italian Department and by a British unit, will undoubtedly expose us to accusation, if damage is done, that British troops were in occupation at the time and I have no doubt that the damage would be attributed, both by enemy propaganda and by Italians, to the presence of British troops rather than the Italian Department which is also in occupation. Unfortunately, so many cases of looting have taken place by both British and American troops in Naples as not to put the danger of looting, even by an RAMC detachment, of museum material in packing cases in the museum, out of the question.

I feel that the only safe course is to follow the strict line which I have suggested above which, in turn, will involve appropriate orders being issued by the Armies concerned and by District etc. Commanders.

(Signed) REMELL.

Major General.
Chief Civil Affairs Officer.

JG

SCI

(C O P Y)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP

SUBJECT: - The Commandeering of the Naples Museum
for military purposes

TO: C.C.A.O.

Dec 7. 43

1. On my arrival in Naples on December 1st I found that Major Gardner MPA Officer, Region II, was much perturbed by the fact that the Naples Museum was to be used as a store for British Army medical supplies, and that the soldiers in charge, 30 or 40 in number, were to sleep in the galleries and use the General Courtyard for cooking. I went over the Museum, and arranged an interview with Major-General Perce, who told me that as the Museum was within the area of British Control, the final decision lay with Brigadier Burton-Randall. On December 3rd I saw the Brigadier, who held firmly to his view that the Museum must be occupied, but agreed to meet Major Gardner and myself there the following morning. I inspected the Museum again and saw the Director, Professor Maiuri, and on December 4th met there Brigadier Burton-Randall and the RMC Colonel in charge. The Brigadier would not alter his main decision, but readily agreed to take over as quarters for the men a house belonging to, and communicating with, the Museum which the Museum authorities were willing to hand over. Thus the only soldiers in the Museum at night would be those on guard over the stores. He also undertook to erect barricades where necessary. With this I had to be temporarily content.

2. The position is as follows:-

The greater part of the ground floor is to be utilised for storage and as the galleries are communicating, there is really no section of the ground floor that can be shut off. A large part of the first floor is also to be taken over. A number of the more portable objects, especially the bronze figures, have been removed to pieces of safety outside Naples. But all the stone sculptures remain in situ in the ground floor galleries. Many of these sculptures have been completely sandbagged; others have their lower parts protected by sandbags resting on wooden scaffolding; but their lower parts are exposed; a number of smaller sculptures, either standing free or fixed in the walls are entirely exposed. Pompeian frescoes affixed to the walls of the first floor are protected by coverings of millboard; the majority are stacked without covers, in one gallery, which is accessible. All the smaller objects, including the collection of Greek and Etruscan vases, are in packing cases in the basement, the access to which is from one of the galleries to be occupied by the troops, and the two locked doors to the basement, opening out of an air-raid shelter, could easily be broken open. To wall up these doors is not feasible because a number of the objects require constant attention to prevent their deterioration.

4. Brigadier Burton-Randall's arguments are these:-

(a) The occupation of the Museum is a matter of urgent military necessity. The building is required for the storage of 1000 tons of medical supplies essential to the care of the sick and wounded; for whom the lack of proper facilities is already becoming a scandal.

0762

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- (a) The occupation of the Museum is a matter of urgent military necessity. The building is required for the storage of 1000 tons of medical supplies essential to the care of the sick and wounded; for whom the lack of proper facilities is already becoming a scandal.
- (b) There is no other building which would suit the purpose. (I admit that the Museum is temptingly convenient and that owing to the bombing of Naples convenient buildings are not easily found; but had the Museum been destroyed another building would certainly have been discovered).

(2)

- (c) The RAN unit consists of intelligent & well-behaved men, accustomed to being responsible for valuable material, who would certainly not do wanton damage.
- (d) Now that the unit can be housed in the quarters which I had found for them, the opportunity for looting by night is virtually eliminated.
- (e) The presence of a military guard over the stores constituted a protection rather than a danger for the Museum collections.
- (f) The fact that the unit possesses its own fire-fighting equipment, which would supplement the efforts of the seven Italian fire-watchers, constitutes a further safeguard in the event of the Museum being hit by incendiary bombs.
- (g) The Museum Galleries had been in a filthy condition and had been cleaned by the RAN and would be much better looked after by them.
- (h) Part of the Museum had, before our arrival, been taken over by the Genio Civile. These have offices in the galleries, both on the ground and the first floors, and could not be evicted because their work was essential to the running of the city and no other quarters were available. Some of them even live on the premises.
- (i) The Genio Civile engage casual labour in an office in the Museum; consequently the building is virtually open to the public and is regularly invaded by hundreds of low-class Neapolitans whose presence is much more dangerous than that of British troops.

5. The directives issued from London and Washington to the CA officers insist that museums not emptied of their contents must not be used for military purposes, but should be declared out of bounds for troops or closed, and if necessary put under armed guard.

N.B. Brigadier Buxton-Randall said that he had never heard of such directives, and in any case had no men who could be spared for guard duties.

In view of the widespread interest in the preservation of art monuments and of the peculiar importance attached by the public to the Naples Museum, its military occupation will give rise to agitation, the political results of which are likely to be very serious. I am quite certain that the interests of the Secretary of State for War are deeply involved, and an equally certain that the President of the USA, who is particularly keen on this subject, will require more justification for our action than is given by Brigadier Buxton-Randall's arguments.

On the other hand, I feel that the arguments (h) and (i) above are perfectly valid in the present circumstances; they do not, however, justify our occupation of the museum but rather emphasise our failure to act up to the responsibilities imposed by the general directives. It would not be right to forbid the use of the buildings to our own armed forces and to leave it exposed (as it is) to the dangers of looting and damage by Italians. The proper course

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(3)

6. The incident has brought to light the weakness of the position of the CA officers; at present they can appeal to no ruling which applies to the combatant forces, and can merely oppose their own opinions regarding the treatment of historic monuments to the opinions of the billeting officer, or COs. I suggest that the position would best be regularized by a General Order to the effect that no buildings registered as a historic monument in the short lists printed in the Zone Handbook may be used for military purposes without the special permission of the C-in-C granted in each individual case.

Whether such an exception to the general rule should be made in the present case of the Naples Museum must depend upon a balance on the local difficulties, which are very real, against the political considerations, which I feel to be most serious. But I would again urge that half-measures would not serve any purpose and that we must either accept responsibility for the present deplorable condition, or carry out our directives literally by clearing and closing the building, granting access only to the Museum staff.

(Signed) LEONARD MULLER.

Lt-Colonel GS.
Archaeological
Adviser to the
DCA.

RAC

25

(C O P Y)

LENY V IRAR RE8819 IMPORTANT SIGS NO 3304

FROM 15 ARMY GROUP 151120A

TO: FLAMBO SMO/DIST/ACTION

QQI 08206

AQ114

FOR D24C FROM ADJUTANT (.) FOLLOWING SIGNAL RECEIVED FROM COMMANDER IN CHIEF
ADDRESSED 15 ARMY GROUP NO13671 OF 14 DEC. QUOTE.

IT HAS BEEN REPORTED THAT IN CERTAIN INSTANCES TROOPS HAVE BEEN
UNNECESSARILY BILLETED IN ITALY IN PLACES THAT ARE CLASSIFIED AS NATIONAL
MONUMENTS.

WHILE IT IS POSSIBLE THAT UPON OCCASION SUCH A STEP MAY
BE TEMPORARILY UNAVOIDABLE IT IS DESIRED THAT WE DO EVERYTHING POSSIBLE
TO PRESERVE SUCH INSTITUTIONS TO THE UTMOST OF OUR ABILITY. WHEN ONLY
CASES REPORTED TO ME SO FAR AFFECT THE BASE SECTION AT NAPLES AND I
WILL ISSUE DIRECTLY THE NECESSARY INSTRUCTIONS TO TAKE CARE OF THAT
PARTICULAR SITUATION. HOWEVER IT IS POSSIBLE THAT THIS SAME THING MAY
OCCUR LATER IN THE CAMPAIGN PARTICULARLY WHEN WE GET TO ROME. I

NOTE THAT YOU WILL WARN YOUR ARMY COMMANDERS ACCORDINGLY. UNQUOTE. 25
IN VIEW OF PERSONAL WORDING OF SIGNAL HAVE CONSULTED MA TO GOC AND I
XROPOS TAKING ACTION AS FROM EQ 15 ARMY GROUP TO ISSUE APPROPRIATE
INSTRUCTIONS TO PBS AND 2 DISTRICT UNLESS DCAG PREFERRED ACTION TO BE TAKEN
FROM FLAMBO. SPECIFIC REFERENCE TO BASE SECTION NAPLES WOULD BE OMITTED
IN VIEW OF ACTION DIRECT FROM AFHQ. DO YOU AGREE

SBC/TOR/141305A AM.

BT ***

REF 8819 15 151120 298

AQ114 15 13671 14 MA TO GOC 15

APPROPRIATE CO I-4E PBS AND 2 DCAG ***

Q41 GR203

AQ114

FOR DDC FROM JALIBUTP (.) FOLLOWING SIGNAL RECEIVED FROM COMMANDER IN CHIEF
ADRESSED 15 ARMO GROUP No13671 OF 14 DEC. QUOTE.

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SIC/TOR/141305A RM.

BT +++

REF 8819 15 151120 208

AQ114 15 13671 14 MA TO GOC 15

APPROPRIATE CC FSE PBS AND 2 DCAO +++

SENT III++

B

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee.

ART/gmf

27 December 1943.

In reply
refer to: ACC/1/200.

SUBJECT: Prof. DeAngelis' Automobile.

TO : Capt. H. Armand de Masi,
Liaison Officer,
Allied Control Commission,
Palazzo del Governo, Bari.

With regard to the attached authorization and correspondence, the writer has today interviewed Minister of Justice de Santis who stated that Dott. Proff. deAngelis' automobile has been placed at his disposal and is awaiting collection from the RR CC at their garage at Santo Spirito (?) Bari.

A. R. THACKER, Major
Legal Subcommittee, ACC.

PS Hope you were able to find out something about the ticket for me when it is available. May have the pleasure of seeing you in a few days if etc.

✓X/

200

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ALLIED CONTROL COMMISSION
Legal Subcommittee.

ART/gar

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Aug.
A. R. THACKERAY, Major
Legal Subcommittee, ACC.

24

PS Hope you were able to find out something about the billet for me when it is available. May have the pleasure of seeing you in a few days if OK. *Aug.*

-41

Ref: 0280 200

ALLIED CONTROL COMMISSION
LIAISON OFFICE

Bari, 5 Dec., 1943.

SUBJECT: Women's Prison at Trani.
TO: Maj. Trackaroh, Legal Sub-Commission, ACC, Brindisi.
FROM: AGCLO, Bari.

1. With reference to your telephoned request of 30 Nov., 1943, regarding the Women's Prison at Trani, the undersigned yesterday made a trip to Trani and Barletta and ascertained the following facts:
2. The Mother Superior and Director of the prison did not know the names of the officers who looked over the place with a view to taking it over for military use.
3. The British Captain at Trani military HQ referred me to the Town Major of the 151st Sub-area at Barletta, who now has jurisdiction over Trani. This officer, Maj. Angell (B) stated he had received a communication from HQ, 2d District, concerning the non-requisitioning of the prison. This evidently followed my communication to HQ, 2d District, concerning this.
4. He stated he would not authorize requisitioning of the prison unless he received authority to do so from the ACC. He disclaimed knowledge of the officers who presented themselves at the prison.

Harmand Demasi

H. ARMAND DEMASI,
Capt., Spec. Res., AUS
LIAISON OFFICER

PALAZZO DEL GOVERNO
BARI

23

now let a copy for Legal Sub. Com.

15 JANUARY 1944.
ACO/20/

SUBJECT: REQUISITIONED ACCOMMODATION.

TO—— DEPUTY CHIEF ADMINISTRATIVE OFFICER
AFHQ ADV ADM SCHEDULE, G.M.F.

FROM—— CHIEF LIAISON OFFICER
ALLIED CONTROL COMMISSION.

File

Replying to your 30/12/42 dated 3 January 1944,
the buildings in question have now been vacated by
the Italian Customs Authorities.

E B Marn

LT. COL.
for CHIEF LIAISON OFFICER.
ALLIED CONTROL COMMISSION.

Copies to——DISTWO (3) Rev.

22

525

120 41
Subject: REQUESTED ACCOMMODATION.

AFHQ Adv Adm Echelon,
CMF.

5 JAN 1944

TO: H.Q. A.C.C. (BRINDISI)
=====

30/12/42

3 Jan 44.

1. Certain buildings are required on the quay at Brindisi for storing cargo handling gear and for the repair of cranes.
2. The buildings in question are at present occupied by Italian Customs Authorities, who have demanded alternate accommodation before they will vacate.
3. It is requested that you take steps immediately in accordance with para 3(a) of AFHQ Adm Memo No 95 to obtain possession of these buildings.

AG
for
Major General,
Deputy Chief Administrative Officer.

Copy to: Distwo.
Q(Mov)

21

130

U.S. CONFIDENTIAL EQUALS BRITISH CONFIDENTIAL

1430

ALLIED FORCE HEADQUARTERS
APO 512File 988
31 Dec 1943

ADMINISTRATIVE MEMORANDUM)

NUMBER

95

27 December 1943

PAYMENTS IN ITALIAN TERRITORY

1. The following instructions regarding payment by the military forces for goods and services in Italian territory will be observed.

2. It is important that the U.S. and British forces should, where possible, act in unison. Coordination of executive action, based on policies prescribed from time to time by this headquarters will be effected. Commanding officers will insure that competitive buying between the forces does not occur and that there is adequate coordination over the prices to be paid. Appropriate methods of financial control and economy in expending Allied Military lire and other currencies in Italian Territory must be observed for military purposes.

3. a. Wherever practicable, arrangements are to be made in conjunction with Allied Military Government or Allied Control Commission local representatives for the Italian Government to make available for Allied use naval, military and air installations, power stations, oil refineries, public utility services, ports and harbors, transport and inter-communication facilities and equipment, and other local resources and services that are required.

b. Where any goods or services are provided under arrangements with the Italian Government no payment from military funds will be made without authority from this headquarters unless the need for some immediate payment is operationally essential and temporary financing cannot be arranged through the local Allied Military Government or Allied Control Commission representative on behalf of the Italian Government.

c. Wherever the policy in paragraph 3 a. above cannot be implemented, action will be taken as follows.

4. Privately-owned Goods.

a. Goods should not be seized or requisitioned without payment unless strictly required for military purposes, the test being whether, if payment had to be made, the charge would be admissible against public funds. Requisitioning will be confined to authorized officers of the procuring services. In all cases where payment is not made, accurate records must be maintained of the articles requisitioned, including the date, place, identification of article, and name of owner. 20

b. Consumable goods, of which continuous and regular supply is

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AFHQ ADM MEMO NO 95
(Cont'd)

required by the Allied Forces and can only be maintained in return for payment, may be requisitioned and paid for under properly approved requisitioning arrangements or purchased under local purchase arrangements. However, it is the policy of this headquarters that only known surpluses, as determined by the Allied Force Local Resources (Italian) Board, will be purchased locally. Under present circumstances, the only articles falling under this category are perishable fruits and vegetables known to be in surplus. Small day to day requirements or spare parts may also be purchased. Where local purchases are made, it is essential to insure that excessive prices are not paid, in order to reduce the tendency towards inflation and to curb profiteering. Where excessive prices are demanded under local purchase arrangements, goods authorized to be purchased will be requisitioned and fair prices paid, these being fixed in cooperation with the local Allied Military Government or Allied Control Commission representative. If such goods are concealed because the individual owners hope to secure blackmarket prices, they will be sought out. The local authorities are instructed to cooperate to the fullest extent in finding them, as it is essential to do everything possible to prevent soaring prices.

c. Durable goods which are unlikely to be in continuous, rapid, production in the occupied territory, or which the owners will be unable to replace locally or will not need to replace at present, will be requisitioned or seized by authorized officers without payment under properly approved arrangements pending further instructions. Such goods as motor and other transport vehicles, heavy plant and machinery, constructional materials, structural steel, railway plant and war material would be treated in this way. In requisitioning motor vehicles (particularly passenger), the injunction in paragraph 4 a. above should be strictly observed. Unnecessary requisitioning of motor transport seriously disorganizes essential civilian communication.

d. In instances where durable goods are in continuous production, they will normally be requisitioned without payment and the question of financing the firm's further operations will be handled as prescribed in paragraph 6 d. below.

e. It is impossible to define with exactness which privately-owned goods should, or should not, be paid for from military funds. The method of treatment will have to be resolved on commonsense lines for each class of goods, bearing in mind the principles set out in paragraph 4 b, c, and d above and the following considerations:

(1) The forces should not use manpower unnecessarily in negotiating prices, contracts and agreements for goods which can be secured in adequate quantities without immediate payment.

(2) Excess unnecessary payment for goods leads to inflation. However, it is recognized that there will be cases where cash payments

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AFHQ ADM MEMO NO 95
(Cont'd)

31 DEC 1943

for small day to day requirements will be the most effective method of getting access to available local supplies.

(5) Important, or long-term contractual commitments for goods should not be entered into by the forces without reference of the case with recommendations to this headquarters.

5. Privately-Owned Real Estate (Land and Buildings).

This class of property, including accommodation and furnishings thereof, required for military purposes will be occupied without payment of rent or other recompense. The owner should be advised that both the determination of the rate to be paid and the payment thereof are the responsibility of the Italian authorities. Military authorities will not pay for machinery, equipment and plant installed in workshops, factories, etc., which it is essential to take over and operate. The operation of workshops and factories by the military should be avoided wherever reasonably possible in order to conserve military manpower.

6. Services Performed by Private Persons and Firms.

a. Labor employed by the Allied Forces will be paid fair wages, the same rates and same conditions of employment being observed by each force in the same localities. The rates of wages will be determined in consultation with appropriate Allied Military Government or Allied Control Commission Officials and the local military financial representatives. Inflated wages will not be paid.

b. Contracts may be made where necessary (by competitive tender, wherever possible) for ordinary military services such as repairs to clothing, equipment and vehicles, laundry, bread-making, small manufacturing services, and minor works services. Important, or long-term contracts or agreements should not, at present, be entered into without authority from this headquarters. Examples are storage of petrol and use of cold storage plants.

c. Contracts should not be made, or expenditure incurred from military funds, for services, e.g., repairs to roads and bridges, which the State or local authorities should arrange and pay for. Such work will, of course, have to be undertaken under military arrangements when it is operationally essential and it is impracticable to arrange for the Italian Authorities to undertake it, but in all such cases Allied Military Government or Allied Control Commission officials should be consulted when possible.

d. Where private firms are required to turn over their whole output, or the greater part of it, regularly to the military forces but the factories are not taken over and run by the military, reference will be made to the Italian Authorities and to representatives of the Allied

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U.S. CONFIDENTIAL EQUALS BRITISH CONFIDENTIALAFHQ ADM MEMO NO 95
(Cont'd)

Military Government or Allied Control Commission and the local military financial representatives as to arrangements for financing the continued operation of such firms. At present contracts should not be made for buying the products of such firms.

7. Services Performed by Municipal Authorities and Public Utility Concerns.

At present no payments should be made by the military forces for such services as removal of refuse, supply of gas, water and electricity, use of port facilities, non-State-owned telephones, telegraphs, or railways. The method of dealing with the financing of such services should be explored with the Allied Control Commission or Allied Military Government and the local military financial representatives, bearing in mind paragraph 3 above.

8. Goods and Services Provided by State-Owned and Parastatal Concerns.

Payment may not be made from military funds for any goods taken over which are owned by the State or parastatal concerns or for any services provided by State-owned organizations, e.g., railway traffic. The methods of financing those State Services which the Allied Forces must utilize, is being considered by the Allied Control Commission, and they will arrange any temporary financing which may be necessary until a final decision is taken. Where it is necessary for parastatal concerns to produce goods or perform services for Allied military purposes, the method by which the cost of production shall be recovered may vary with the particular case or class of case and the arrangements under which the concern continues to operate. In particular cases proposals for financing the continued operation of such firms should be worked out in conjunction with the Allied Control Commission or the Allied Military Government and the local military financial representatives.

9. Claims for Damages, Traffic Accidents, etc.

Payments will not be made in respect of these claims. Separate instructions are being issued about Workmen's Compensation for Industrial Accidents.

10. General.

These instructions are intended as a guide to what may be paid from military funds in the interim period until the policy outlined in paragraph 3 can be fully implemented. It is impossible to make provisions now for every type of case and it is recognized that many individual cases will have to be considered on their individual merits.

By command of General EISENHOWER:

(G 686.2-5 GDS-AGM)

T. J. DAVIS

Brigadier General, United States Army
Adjutant General

DISTRIBUTION:

U.S. CONFIDENTIAL EQUALS BRITISH CONFIDENTIAL

EXTRACT

GENERAL ROUTINE ORDERS (British Army)

10 December 1943.

PART II. QUARTERMASTER GENERAL'S BRANCH

663. Billeting in Italian Territory.

1. The Allied Forces are entitled to resort to billeting in Italian territory. Billeting is the process by which military personnel is provided with lodging or shelter by requiring a community to furnish this. It is distinct from the requisitioning of buildings, in that it enables the inhabitants to remain in occupation and to provide the lodging or shelter out of the space ordinarily occupied by the household.

2. Application for Billets.

(a) On arrival in a town or village the O.C. unit will apply in writing, giving the number of officers, other ranks, etc. requiring billets, to the British Town Major, U.S. Billeting Officer, Civil Affairs Officer or Podesta (Mayor), who will give particulars of the billets available, and where necessary, issue billeting orders (biglietto d'alloggio) to the billetors.

(b) In those exceptional cases where, owing to troops arriving at night or for some other reason, it is impossible to follow the above procedure before taking temporary accommodation, the O.C. unit will advise the appropriate officer referred to above at the earliest possible moment and regularize the position.

3. Selection of Billets.

(a) Troops will not be billeted in places of worship, convents, or buildings classified as historical monuments, or on women living alone.

(b) Unless absolutely unavoidable, troops should not be billeted in town halls or buildings used for trade, industry or agriculture. When the use of such buildings cannot be avoided, arrangements will be made to prevent interference with the civil administration or undertaking, and for the safe custody of documents and chattels.

4. Additional Accommodation.

Although normally the requisitioning procedure should be followed to obtain the additional premises mentioned below, O.C. units may in exceptional circumstances obtain accommodation for the following in the manner prescribed ~~in~~ above:-

(a) an officer's mess or an office:

(b) a non-commissioned officer's mess:

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1. The Allied Forces are entitled to resort to billeting in Italian territory. Billeting is the process by which military personnel is provided with lodging or shelter by requiring a community to furnish this. It is distinct from the requisitioning of buildings, in that it enables the inhabitants to remain in occupation and to provide the lodging or shelter out of the space ordinarily occupied by the household.

2. Application for Billets.

(a) On arrival in a town or village the O.C. unit will apply in writing, giving the number of officers, other ranks, etc. requiring billets, to the British Town Major, U.S. Billeting Officer, Civil Affairs Officer or Podesta(Mayor), who will give particulars of the billets available, and where necessary, issue billeting orders (biglietto d'alloggio) to the billetors.

(b) In those exceptional cases where, owing to troops arriving at night or for some other reason, it is impossible to follow the above procedure before taking temporary accommodation, the O.C. unit will advise the appropriate officer referred to above at the earliest possible moment and regularize the position.

3. Selection of Billets.

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(a) an officer's mess or an office:

(b) a non-commissioned officer's mess:

(c) a dining room, recreation room, or workshop:

(d) a kitchen, cookhouse, storeroom, dispensary, drying room of unit bathroom.

5. Payment for Billets

(a) No payment for billets will be made by the unit, as all payments will be the responsibility of the Podesta or other appropriate Italian authority.

(b) In order that payment to the billetors can be effected by the

Podesta or other appropriate Italian authority, at the end of every 14 days or on departure of the unit, the O.C. will give to the Podesta a statement in following form:-

Name of Billetor	Address of Billetor	Period		Number of:	
		From	To	Officers	Other Ranks Enlisted Men
:	:	:	:	:	:
:	:	:	:	:	:
:	:	:	:	:	:
:	:	:	:	:	:

6. Electric Light, Heating and Water.

(a) Where available the billetee is entitled to bathing and washing facilities and to electric light and heating.

(b) O.C. units will impress on all ranks that fuel to produce electricity and gas, and to pump water, has to be brought from overseas at great risk. The O.C. unit will ensure that the strictest economy is exercised and will take severe disciplinary action against anyone guilty of wastage.

7. Discipline in Billets.

(a) O.C. Units will remind troops about to be billeted that they are entering the homes of the inhabitants, and are to conduct themselves in the way they would wish billetees in their own homes to behave.

(b) An officer will be detailed to make frequent inspections of billets and remedy any cause for complaint.

(c) Fire and P.A.D. precautions will be maintained. O.C. units will take severe disciplinary action against anyone found guilty of making illicit and surreptitious connections to an electric wiring system, as not only is this theft of electricity, but it constitutes a grave danger to life and to the safety of the lighting system in the whole locality.

8. Hygiene in Billets.

Billets will be kept scrupulously clean and steps will be taken to ensure proper ventilation disinfection and sanitation. Each man should be allowed 45 sq. ft. of accommodation.

9. Voluntary Organizations.

Personnel and vehicles of voluntary organizations authorized to accompany the Forces, such as the R^ed Cross, may be billeted in the same manner as those of the Army.

10. Damage to Billets.

(a) O.C. units will take disciplinary action against anyone guilty

6. Electric Light, Heating and Water.

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- (b) O.C. units will impress on all ranks that fuel to produce electricity and gas, and to pump water, has to be brought from overseas at great risk. The O.C. unit will ensure that the strictest economy is exercised and will take severe disciplinary action against anyone guilty of wastage.

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- (c) Fire and P.A.D. precautions will be maintained. O.C. units will take severe disciplinary action against anyone found guilty of making illicit and surreptitious connections to an electric wiring system, as not only is this theft of electricity, but it constitutes a grave danger to life and to the safety of the lighting system in the whole locality.

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10. Damage to Billets.

- (a) O.C. units will take disciplinary action against anyone guilty of causing avoidable damage in billets.
- (b) Billetors should make their claims in respect of such damage to the Podesta; and provided the commanding officer is satisfied that the damage was caused by his troops, he will give to the Podesta a certificate setting out details of the damage so caused. Settlement will be made by the appropriate Italian authority.

6600/Q(Maint).

EXTRACT

GENERAL ROUTINE ORDERS (British Army)

10 December 1943.

PART II. QUARTERMASTER GENERAL'S BRANCH

663. Billeting in Italian Territory.

1. The Allied Forces are entitled to resort to billeting in Italian territory. Billeting is the process by which military personnel is provided with lodging or shelter by requiring a community to furnish this. It is distinct from the requisitioning of buildings, in that it enables the inhabitants to remain in occupation and to provide the lodging or shelter out of the space ordinarily occupied by the household.

2. Application for Billets.

(a) On arrival in a town or village the O.C. unit will apply in writing, giving the number of officers, other ranks, etc. requiring billets, to the British Town Major, U.S. Billeting Officer, Civil Affairs Officer or Podesta (Mayor), who will give particulars of the billets available, and where necessary, issue billeting orders (biglietto d'alloggio) to the billetees.

(b) In those exceptional cases where, owing to troops arriving at night or for some other reason, it is impossible to follow the above procedure before taking temporary accommodation, the O.C. unit will advise the appropriate officer referred to above at the earliest possible moment and regularize the position.

3. Selection of Billets.

(a) Troops will not be billeted in places of worship, convents, or buildings classified as historical monuments, or on women living alone.

(b) Unless absolutely unavoidable, troops should not be billeted in town halls or buildings used for trade, industry or agriculture. When the use of such buildings cannot be avoided, arrangements will be made to prevent interference with the civil administration or undertaking, and for the custody of documents and chattels.

4. Additional Accommodation.

Although normally the requisitioning procedure should be followed to obtain the additional premises mentioned below, O.C. units may in exceptional circumstances obtain accommodation for the following in the manner prescribed ~~but~~ above:

- (a) an officer's mess or an office;
- (b) a non-commissioned officer's mess;

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(b) In those exceptional cases where, owing to troops arriving at night or for some other reason, it is impossible to follow the above procedure before taking temporary accommodation, the O.C. unit will advise the appropriate officer referred to above at the earliest possible moment and regularise the position.

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- (a) an officer's mess or an office;
- (b) a non-commissioned officer's mess;
- (c) a dining room, recreation room, or workshop;
- (d) a kitchen, cookhouse, storeroom, dispensary, drying room of unit bathroom.

5. Payment for Billets

(a) No payment for billets will be made by the unit, as all payments will be the responsibility of the Podesta or other appropriate Italian authority.

(b) In order that payment to the billetees can be effected by the

Podesta or other appropriate Italian authority, at the end of every 14 days or on departure of the unit, the O.C. will give to the Podesta a statement in following form:-

Name of Billetor	Address of Billetor	Period		Number of:	
		From	To	Officers	Other Ranks
:	:	:	:	:	: Billeted Men
:	:	:	:	:	:
:	:	:	:	:	:
:	:	:	:	:	:

6. Electric Light, Heating and Water.

(a) Where available the billetes is entitled to heating and washing facilities and to electric light and heating.

(b) O.C. units will insure on all units that fuel to produce electricity and gas, and to pump water, has to be brought from overseas at great risk. The O.C. unit will ensure that the strictest economy is exercised and will take severe disciplinary action against anyone guilty of wastage.

7. Discipline in Billets.

(a) O.C. Units will remind troops about to be billeted that they are entering the homes of the inhabitants, and are to conduct themselves in the way they would wish billetes in their own homes to behave.

(b) An officer will be detailed to make frequent inspections of billets and remedy any cause for complaint.

(c) Fire and P.A.D. precautions will be maintained. O.C. units will take severe disciplinary action against anyone found guilty of making ill oit and surreptitious connections to an electric wiring system, as not only is this theft of electricity, but it constitutes a grave danger to life and to the safety of the lighting system in the whole locality.

8. Hygiene in Billets.

Billets will be kept scrupulously clean and steps will be taken to ensure proper ventilation, disinfection and sanitation. Each man should be allowed 45 sq. ft. of accommodation.

9. Voluntary Organisations.

Personnel and vehicles of voluntary organisations authorized to accompany the Forces, such as the R. & C. Cross, may be billeted in the same manner as those of the Army.

10. Damage to Billets.

(a) O.C. units will take disciplinary action against anyone guilty of causing avoidable damage in billets.

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(a) Where available the billetes is entitled to bathing and washing facilities and to electric light and heating.

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8. Hygiene in Billets.

Billets will be kept scrupulously clean and steps will be taken to ensure proper ventilation, disinfection and sanitation. Each man should be allowed 45 sq. ft. of accommodation.

9. Voluntary Organisations.

Personnel and vehicles of voluntary organisations authorized to accompany the Forces, such as the Red Cross, may be billeted in the same manner as those of the Army.

10. Damage to Billets.

(a) O.C. units will take disciplinary action against anyone guilty of causing avoidable damage in billets.

(b) Billetes should make their claim in respect of such damage to the Podesta; and provided the commanding officer is satisfied that the damage was caused by his troops, he will give to the Podesta a certificate setting out details of the damage so caused. Settlement will be made by the appropriate Italian authority.

5600/2 (Paint).

SUBJECT : Copyright - Palmaro Radio Station

REF: 405/3/158

FROM : H.Q. No. 4 Hirlinga Directorate.

TO : Psychological Warfare Branch (AMHQ)
Sicily.

1. Reference your JM/33/1/2 dated 16 Oct. 43 obly just received, it is quite clear from paragraphs 125 and 150 of Chapter IV of the Manual of Military Law (amendments) No. 12 that "appliances adapted for the transmission of news by land, sea or air" are directly susceptible of military use and may be seized.

2. A stipulation is made that such appliances must be restored at the conclusion of peace and indemnities must be paid for them, though by whom will depend upon the terms of the peace treaty. Furthermore some receipt must be given as evidence of the seizure to enable the owner to substantiate his claim at a later date.

3. The above references would apply to the radio station as such and the appliances and equipment therein. Those having been seized, full particulars should be sent to A.D. Orleans and Hirlinga (Sicily) Catania, including date of entry, brief particulars of the condition of the premises when taken over, and inventory of the equipment and information as to the ownership, i.e. whether State, parastatal, or private.

4. The question specifically raised by you as to the payment of copyright fees is one outside the jurisdiction of this Department but the following expression of opinion may be helpful:-

(1) The "new management" were not parties to the 1922 agreement and are thus not bound by it. Furthermore the intervention of war has doubtless prevented the original parties implementing its terms and therefore the contract would not appear to arise.

(2) It is understood that in addition to the premises and equipment, you have taken over the "stock in trade" i.e. musical scores, lays etc. These would seem to be necessary material for the functioning of the station within the ordinary wave lengths, i.e. transmitting to the local national population continued radio programmes of the material (suitably chosen) to which they have been used. It is thought therefore that they can be regarded as a military necessity in that they are the material with which you work and are capable of seizure as the station itself.

(3) Therefore, provided that there is no unnecessary or wanton destruction, there would seem to be no claim open to private owners, be they copyright holders or otherwise, except for ultimate restoration of physical property (if any).

Mica

13 Nov. 43

Lieut. Colonel
A.D. Hirlinga.

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2. A stipulation is made that such evidence must be restored at the conclusion of peace and in full payment must be paid for them, through by whom will depend upon the terms of the peace treaty. Furthermore some receipt must be given as evidence of the seizure to enable the owner to substantiate his claim at a later date.

3. The above references would apply to the radio station as such and the appliances and equipment therein. Those having been seized, full particulars should be sent to U.S. Claims and Holdings (Sicily) Catania, including date of entry, brief particulars of the condition of the premises when taken over, and inventory of the equipment and information as to the ownership, i.e. whether state, municipal, or private.

4. The question specifically raised by you as to the extent of copyright fees is one outside the jurisdiction of this department but the following expression of opinion may be helpful.

(1) The "new management" were not parties to the 1937 agreement and are thus not bound by it. Furthermore the intervention of any one doubtless prevented the original parties implementing its terms and therefore the contract would not appear to arise.

(2) It is understood that in addition to the premises and equipment, you have taken over the "stock in trade" i.e. musical scores, plays etc. These would seem to be necessary material for the functioning of the station within the ordinary wave lengths, i.e. transmitting to the local national population continued radio programmes of the material (suitably chosen) to which they have been used. It is thought therefore that they can be regarded as a material necessity in that they are the material with which you work and is capable of seizure as the station itself.

(3) Therefore, provided that there is no unnecessary or wanton destruction, there would seem to be no claim open to private owners, be they copyright holders or otherwise, except for ultimate restoration of physical property (if any).

Field
15 Nov. 43

Lieut. Colonel
J.S. Holdings.

(53)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LOCAL SUBCOMMISSION

12/1/43

10 December 1943.

In reply
refer to: ACS/14/200.

SUBJECT: Copyright in respect of performances at Radio Bari.

TO : Public Relations Officer.

In my view the use by the P.W.B. of musical scores, gramophones, records, etc., found on the premises of Radio Bari, for broadcasting purposes can be justified as a military necessity for the use of radio stations for propaganda in war a well established use of warfare and such propaganda must naturally be accompanied by interspersed items of music and so on.

This use involves, however, not merely the use of the actual scores and records but that of the copyright in such scores and records; and of course the copyright will in nearly every case be owned by private individuals (some of them without doubt nationals of the United Kingdom - though the position in law in the same whether the owner be an ally or enemy national). It is plain on principle that the owners of the copyright are entitled to payment of royalties in respect of the use by P.W.B. of their copyright, and the only question that arises is as to time and mode of payment.

It does not appear practical at the moment to make any payments in respect of copyright royalties owing to the difficulty of finding the

SUBJECT: Copyright in respect of performances at Radio Bari.

TO : Public Relations Officer.

In my view the use by the P.R.O. of musical scores, gramophone records, etc., found on the premises of Radio Bari, for broadcasting purposes can be justified as a military necessity for the use of radio stations for propaganda in now a well established area of warfare and such propaganda must naturally be accompanied by interspersed items of music and so on.

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It does not appear practical at the moment to make any payments in respect of copyright royalties owing to the difficulty of finding the owner of the copyright. He is, as will be appreciated, quite a different person from the actual owner of the score or gramophone record; he is normally the author or his assignee, and save in exceptional cases it will not be possible at the present juncture to trace the owner of the copyright without presenting inquiries in other countries - a burden which can hardly be undertaken at the moment by P.R.O.

In my opinion, P.W.B. should keep a careful record of every piece reproduced, showing the dates and number of times of reproduction and giving all necessary particulars, i.e. title of the piece, publishers, authors and so on.

G. E. UNGER, Colonel
Chief Legal Officer, AIB.

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DOV
LAWSON, Colonel
Chief Legal Officer, AOD.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

HPC/nms

In reply
refer to: ACC/L/200.

11 December 1943

SUBJECT: Request of P.W.B. for opinion covering whether they should pay copyright fees for orchestrations and musical scores secured from any commercial publishing firm.

TO : Chief Legal Officer.

P.W.B. is willing to concede that the material in question is private property but they hesitate to pay copyright fees to a broker, the publishing firm, if the actual owners are either residing out of liberated Italy or if the owners are possibly German nationals or enemy sympathizers.

It may be the case that the broker is the actual copyright owner. If this is so, is it necessary to pay the broker even though he would hold the fees in escrow for the benefit of another party?

Would it be preferable to requisition the music in order to have a Claims Commission determine the issue at a later date?

P.W.B. has requested the opinion for the reason that it hopes to pursue any policy recommended by the Allied Control Commission.

Your opinion ACC/L/200 is acknowledged and appreciated. **11**

Harry P. Cain
HARRY P. CAIN, Major
P.R.O. for A.C.C.

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Your opinion ACC/L/200 is acknowledged and appreciated. **11**

Harry P. Cain
HARRY P. CAIN, Major
P.R.O. for A.C.C.

2 copies

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Subcommittee.

CAU/gmf

34 December 1943.

In reply
refer to: 400/1/200.

SUBJECT: Copyright Fees - Radio Dept.

TO : Public Relations Officer, A.C.C.

1. In my view no money payment should be made by F.W.B. for use of copyright but they should formally requisition the use of musical scores, etc. and give a receipt in the usual way. At a later stage payment will be made by Claims and Hirings or a Commission as the case may be.

In making out receipts, however, care will be required and there appear to be two possible cases:

(1) Where the legal owner of the copyright is present to accept a receipt. The legal owner will be either the author or his assignee (possibly the broker may be the legal assignee). If a person or company claims as an assignee, then before giving a receipt F.W.B. should satisfy themselves by production of the assignment; if this is not forthcoming or there is any doubt as to the validity of the document of assignment, then the receipt (as a warning to Claims and Hirings) should be endorsed-

"X & Co. who claim to be the assignees of A owners of the copyright in....."

(c) Where the person from whom the music is requisitioned does

In reply
refer to: 100/1/200.

SUBJECT: Copyright Recs - Radio Bari.

TO : Public Relations Officer, A.C.C.

1. In my view no money payment should be made by P.M.B. for use of copyright but they should formally requisition the use of musical scores, etc. and give a receipt in the usual way. At a later stage payment will be made by Claims and hirings or a Commission as the case may be.

In making out receipts, however, care will be required and there appear to be two possible cases:

(1) Where the legal owner of the copyright is present to accept a receipt. The legal owner will be either the author or his assignee (possibly the broker may be the legal assignee). If a person or company claims as an assignee, then before giving a receipt P.M.B. should satisfy themselves by production of the assignment; if this is not forthcoming 10 or there is any doubt as to the validity of the document of assignment, then the receipt (as a warning to Claims and hirings) should be endorsed-

"X & Co. who claim to be the assignees of A owners of the copyright in....."

(2) Where the person from whom the music is requisitioned does not claim to be the owner of the copyright but only a broker or agent. In this case many things may have happened to terminate the agency and in my opinion no payment could safely be made even by Claims & hirings without a very full investigation of the position and I think that the receipt given should be in some such limited form as follows:

X & Co. This is to acknowledge that P.W.B. have requisitioned the following music for reproduction and that the owners of the copyright are as follows:

<u>Music</u>	<u>Owner of Copyright</u>
.....	

G. R. USTUN, Colonel
Chief Legal Officer, AGO.

0796

G. R. URBAN, Colonel
Chief Legal Officer, M3.

MEMORANDUM
ATTEND COMMISSION
Legal Subcommittee

CHU/jmc

15 December 1943

In reply
refer to: AGO/1/200.

SUBJECT: Copyright. Radio Bari.

TO : Public Relations Officer, A.C.C.

Pardon to the opinion which I have expressed in the above matter I think that the following, though not affecting my opinion on the law, should be added.

These opinions presented on the footing that P.W.B. were necessarily running Bari Radio Station but there now appears to be some ground for thinking that the Italians are now capable of running this station themselves and the moment they are in a position to do so it is of course in accordance with general policy that they should do so and that P.W.B. should merely control the program.

Assuming therefore that in a short time the Italians will be running the station with merely program control by P.W.B., it follows that P.W.B. will cease to requisition any music or copyright for it and be the duty of the Italian Government to run such part of the program under their own arrangements with regard to copyright.

In reply
refer to: 4007/200.

SUBJECT: Copyright. Radio Bari.
TO : Public Relations Officer, A.C.G.

Further to the opinions which I have expressed in the above
matter I think that the following, though not affecting my opinion on
the law, should be added.

These opinions presented on the footing that P.W.B. were
necessarily running Bari Radio Station but there now appears to be some
ground for thinking that the Italians are now capable of running this
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G. R. H. JAMES, Colonel
Chief Legal Officer, A.C.G.

10 December 1943.

PAGE 17. IN THE MIDDLE OF THE LINE

661. Billeting in Italian Territory.

1. The Allied Forces are entitled to resort to billeting in Italian territory. Billeting is the process by which military personnel is provided with lodging or shelter by requiring a community to furnish this. It is distinct from the requisitioning of buildings, in that it enables the inhabitants to remain in occupation and to provide the lodging or shelter out of the space ordinarily occupied by the household.

2. Application for Billets.

(a) On arrival in a town or village the G.I. unit will apply in writing, giving the number of officers, other ranks, etc. requiring billets, to the British Town Major, U.S. Billeting Officer, Civil Affairs Officer or Podesta (Mayor), who will give particulars of the billets available, and where necessary, issue billeting orders (biglietto d'alloggio) to the billets.

(b) In those exceptional cases where, owing to troops arriving at night or for some other reason, it is impossible to follow the above procedure before taking temporary accommodation, the G.I. unit will advise the appropriate officer referred to above at the earliest possible moment and regularize the position.

3. Selection of Billets.

(a) Troops will not be billeted in places of worship, courtyards, or buildings classified as historical monuments, or in women living alone.

(b) Unless absolutely unavoidable, troops should not be billeted in town halls or buildings used for trade, industry or agriculture. When the use of such buildings cannot be avoided, arrangements will be made to prevent interference with the civil administration or undertaking, and for the safety of documents and effects.

4. Additional Accommodation.

Although normally the requisitioning procedure should be followed to obtain the additional provision mentioned below, G.I. units may in exceptional circumstances obtain accommodation for the following in the manner prescribed below:-

- (a) an officer's mess or an office;
- (b) a non-commissioned officer's mess;

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2. Application for Billets.

(a) On arrival in a town or village the G.I. unit will apply in writing, giving the number of officers, other ranks, etc. requiring billets, to the British Town Mayor, U.S. Billeting Officer, Civil Affairs Officer or Podesta (Mayor), who will give particulars of the billets available, and where necessary, issue billeting orders (billette d'alloggio) to the billeting.

(b) In those exceptional cases where, owing to troops arriving at night or for some other reason, it is impossible to follow the above procedure before taking temporary accommodation, the G.I. unit will advise the appropriate officer referred to above at the earliest possible moment and regularize the position.

3. Selection of Billets.

(a) Groups will not be billeted in places of worship, courtyards, or buildings classified as historical monuments, or on women living alone.

(b) Places absolutely unsuitable, troops should not be billeted in town halls or buildings used for trade, industry or agriculture. When the use of such buildings cannot be avoided, arrangements will be made to prevent interference with the civil administration or undertaking, and for the safe custody of documents and objects.

4. Additional Accommodation.

Although normally the requisitioning procedure should be followed to obtain the additional premises mentioned below, G.I. units may in exceptional circumstances obtain accommodation for the following in the manner prescribed in 2 above:-

- (a) an officer's mess or an office;
- (b) a non-accommodated officer's mess;
- (c) a dining room, recreation room, or workshop;
- (d) a kitchen, washhouse, storeroom, dispensary, drying room of unit bathroom.

5. Payment for Billets

(a) No payment for billets will be made by the unit, as all payments will be the responsibility of the Podesta or other appropriate Italian authority.

(b) In order that payment to the billeting can be effected by the

6. Electric Light, Heating and Water.

(a) There available the billets is entitled to heating and washing facilities and to electric light and heating.

(b) G.O. units will insure on all runs that fuel to produce electricity and gas, and to pump water, has to be brought from overseas at great risk. The G.O. unit will ensure that the strictest economy is observed and will take severe disciplinary action against anyone guilty of mis-
 beg.

7. Discipline in Billets.

(a) G.O. units will remind troops about to be billeted that they are entering the homes of the inhabitants, and are to conduct themselves in the way they would wish inmates in their own homes to behave.

(b) An officer will be detailed to make frequent inspections of billets and report any cause for complaint.

(c) Fire and P.A.B. precautions will be maintained. G.O. units will take severe disciplinary action against anyone found guilty of making fire and surreptitious connections to an electric wiring system, as not only is this theft of electricity, but it constitutes a grave danger to life and to the safety of the lighting system in the whole locality.

8. Hygiene in Billets.

Billets will be kept scrupulously clean and steps will be taken to ensure proper ventilation, disinfection and sanitation. Baths can should be allowed 45 sq. ft. of accommodation.

9. Voluntary Organizations.

Parasol and variables of voluntary organizations authorized to accompany the force, such as the R.C. Cross, may be billeted in the same manner as those of the Army.

10. Damage to Billets.

(a) G.O. units will take disciplinary action against anyone guilty of causing avoidable damage in billets.

(b) Billets should make their claim in respect of such damage to the Podesta, and provided the commanding officer is satisfied that the damage was caused by his troops, he will give to the Podesta a certificate setting out details of the damage so caused. Settlement will be made by the appropriate Italian authority.

(Sec/9/10/10/10).

200

Major Tsekrah

Is it correct that a car requisitioned in Brindisi may not be moved to Salerno when the move takes place?

I would have called on you personally to enquire as the matter is somewhat urgent, but I understand you have gone to Bari.

My office is in Room 6 and I would greatly appreciate it if you would look in when you have a moment to spare

17.12.43

740

P. M. Kunn
for R. M. FOSTER s/for
AIR COMMODORE
AIR DIVISION
ALLIED CONTROL COMMISSION 5

Major Backrah

can/gmf

MEMORANDUM
ATTN: COMINT, COMINTS, DEN
Legal Subcomission

12 December 1943

To reply
refer to: 100/1/200.

SUBJECT: Memorandum.

TO : Brigadier General Taylor.

I have been consulted more than once as to the propriety of moving requisitioned goods, e.g. furniture, motor cars, from Brindley to Salerno.

Legally, I see no objection whatever but the following considerations should be borne in mind:

- (1) There is a legal obligation to return the property to its owner at the end of the war (Art 22 & 23 Annex to Hague Convention 1907).
- (2) Apart from the above, if property is removed to Salerno, it is unlikely that it will be returned to the owner in Brindley who will then be able to claim, not merely compensation for use and deterioration, but the whole value of the requisitioned property.

It would seem proper therefore, with a view to carrying out our legal obligations or reducing the claims that will be made, to require of members of the Commission that all articles being removed should be notified to the Secretary, Adjutant General's Department or other proper authority and a list carefully preserved and a copy filed with the local

In reply
refer to: 104/1/100.

SUBJECT: Regulations.

TO : Brigadier General Taylor.

I have been consulted more than once as to the propriety of moving residential goods, e.g. furniture, motor cars, from Belmar to Salento.

Legally, I see no objection whatever but the following considerations should be borne in mind:

- (1) There is a legal obligation to return the property to its owner at the end of the war (Art 22 & 23 Annex to Hague Convention 1907).
- (2) Apart from the above, if property is removed to Salento, it is unlikely that it will be returned to the owner in Belmar who will then be able to claim, not merely compensation for loss and devaluations, but the whole value of the requisitioned property.

It would seem proper therefore, with a view to carrying out our legal obligations or retaining the claims that will be made, to require of members of the Commission that all articles being removed should be notified to the Secretary, Adjutant General's Department or other proper authority and a list carefully preserved and a copy filed with the local requisitioning authority.

S. E. URBON, Colonel
Chief Legal Officer, AGO.

Ref: 0289

ALLIED CONTROL COMMISSION
LIAISON OFFICE

COMMISSIONE ALLEATA DI CONTROLLO
UFFICIO DI COLLEGAMENTO

Bari, 6 Dec., 1943.

SUBJECT: Women's Prison at Trani.

TO: Maj. Thackeray, Legal Sub-Commission, ACC, Brindisi.

FROM: ACCO, Bari.

1. The attached with further reference to previous correspondence forwarded to you yesterday in the matter of the women's prison at Trani.

H. Armand de Masi
H. ARMAND de MASI,
Capt., Spec. Res., AUS

LIAISON OFFICER
PALAZZO DEL GOVERNO
BARI

(69)

2 3 4

SUBJECT: Requisitioning of Womens
Prison - TRAMI

URGENT

HQ. No. 2 District, CEF
Ext. 12903
1027/4

2 Dec. 43

Allied Control Commission,
Liaison Office - RARI

1. Reference your 0251 dated 30 Nov. 43.
2. 151 Sub Area report that it is NOT the intention to requisition the Womens Prison, TRAMI.
3. Confusion may have arisen from a purely routine visit of the Town Major in doing a survey of accommodation.

T.O.O. 1900

Richard May
Major General,
G.O.C. No. 2 District.

(20)

ARMED CONTROL COMMISSION
Legal Subcommission

30 November 1943.

MEMORANDUM:

Judge Testa sent by the Ministry of Justice reports:

British military intends to requisition the building of the prison for women at Trani (Free Italy north of Bari). With the prison is connected an important factory manufacturing clothing. The production would have to be discontinued in case of requisition. Besides that, the Minister would not know where to move the 150 inmates since other prisons are overcrowded. Name of the Director of the institution: MICCONI.

ACTION TAKEN:

2. Called up Capt. DeLuca, Liaison Officer, Bari. He will contact the British military authorities.
2. The Ministry will procure information as to which British Company is involved.

100

30 November 1943.

MEMORANDUM:

Judge Testa sent by the Ministry of Justice reports:

British military intends to requisition the building of the prison for women at Trani (free Italy north of Bari). With the prison is connected an important factory manufacturing clothing. The production would have to be discontinued in case of requisition. Besides that, the Minister would not know where to move the 150 inmates since other prisons are overcrowded. Name of the Director of the institution: MISSOURI.

ACTION TAKEN:

1. Called up Capt. DeLausi, Liaison Officer, Bari. He will contact the British military authorities.
2. The Ministry will procure information as to which British Company is involved.

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