

ACC

10000/142/1011

10000/142/1011

REALTY TRANSFERS
DEC. 1943 - JAN. 1944

HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Subordination

CHU/gmf

15 January 1944.

In reply
refer to: ACC/14/207.

SUBJECT: Land Transfers, etc.

TO : D.C.L.O., AMG HQ.

I enclose copies of two letters I am sending to 15th Army Group.

1. As to restrictions on transfers of land, etc. This speaks for itself and answers Major Grossman's query on the telephone today. Will you take it up in due course with Major Howe who is moving his HQ fairly near to you on Monday (17 Jan.).

2. As to making laws published in the Official Gazette the law of occupied territory. This is a little more difficult, but I think the enclosed correspondence makes the position fairly plain.

We negatived Major Howe's suggestion of seeing all draft decrees and autographing them and my suggestion is that we ask the Italian Government to leave a blank space on each Gazette and have printed in this a list of the decrees which are to become the law of occupied territory; alternatively we could have a printed slip pasted into each copy indicating which decrees are to be applied. The work of addressing the copies would be so far as Region 1 & 2 are concerned be too heavy for us and we should have to ask the Government to undertake that. I hope the whole matter is academic so far as we are concerned but I am so disheartened by these constant delays that we may just as well be prepared to take advantage of this system.

3. Majors Hammond and Palmieri have completed their work and return tomorrow afternoon.

4. I received your letter re telephoning you at lunch time today but the call is not repeat yet through.

5. Gen. MacFarlane is momentarily expected.

6. Some time ago we asked Major Howe, then CIO Region 2, to inquire into the character and suitability of Giacomo VITA, a magistrate at Potenza who was put forward by the Minister to be his representative at SALERNO. We have heard nothing but Major Howe yesterday said he thought he had seen some letter when over at Region 2 naming this man. No letter has yet arrived here and I signalled you today in case it has been sent to you. If we are to repudiate

SUBJECT: Land Transfers, etc.

TO : D.C.L.O., MG HQ.

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7. Please inform Major Grossman that Capt. Albright of the Labour Sub-Commission has complete information as to the Labour laws of Italy and he is believed to be in Naples at present.

C. R. URQUHART, Colonel
Chief Legal Officer, ACC.

7.

542

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Subcommittee.

CMW/gmf

15 January 1944.

In reply
refer to: ACC/1/207

SUBJECT: Mineral and Land Transactions.

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

Ref your MG/206/133 I was misinformed in stating that Region 2 had issued a general order dealing with matter and I received a draft from MG HQ Naples this morning dealing with this Region. I am anxious that they should both be the same if possible and I venture to resubmit a draft which combines, I hope, the better points of both. You will observe that MG HQ propose to license leases up to a rental value of 5,000 lire without consent.

If you prefer to stick to your own draft I suggest Sec. 2 of Art. 3 should be omitted; surely this is a matter for a directive to DOAs; there may be particular circumstances in any given case which might lead the DOA to withhold his consent and he is rather tied down by this Section and might be compelled to give his consent where if his judgment were unfettered he would decline.

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

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

C. R. URBAN, Colonel
Chief Legal Officer, AG.

Copy to: MG HQ (Legal Subcommittee).

Encl. to 15AG: Draft Law Order on Land

in reply
refer to: 100/1/207

SUBJECT: Financial and Land Transactions.

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

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

If you prefer to stick to your own draft I suggest Sec. 2 of Art. 3 should be omitted; surely this is a matter for a directive to HQ AG; there may be particular circumstances in any given case which might lead the AGO to withhold his consent and he is rather tied down by this Section and might be compelled to give his consent where if his judgment were unfettered he would decline.

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

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

C. R. HUTTON, Colonel
Chief Legal Officer, HQ AG.

Copy to: HQ AG (Legal Subcommission).

Encl. to 15 AG: Draft for Order on Land Transactions

1743

DRAFT

COPY

ALLIED MILITARY GOVERNMENTARTICLE ITransactions in Lands and BuildingsSECTION 1

No transfer of any lands or buildings or any interest therein, on the mainland of Italy occupied by the Allied Forces, whether by sale, gift, mortgage, charge or otherwise, when the total consideration for the transfer including any consideration passing in related transactions or, in the case of a gift, the fair value thereof, is in excess of 50,000 Lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated. No lease of any such lands or buildings or any interest therein for a term longer than one year, if the yearly rental, or the value of other considerations, in whatever form, yearly to be received, or in the case of a free tenancy, the fair yearly value thereof, shall be in excess of 5000 Lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated.

SECTION 2SECTION 2

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

ARTICLE IIPENALTIES

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

ARTICLE IIIEFFECTIVE DATE

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

Copy to 15 AG in H. Atley
of 16 Jan

207

SECTION 2

passing in related transactions or, in the case of a gift, the fair value thereof, is in excess of 50,000 Lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated. No lease of any such lands or buildings or any interest therein for a term longer than one year, if the yearly rental, or the value of other considerations, in whatever form, yearly to be received, or in the case of a free tenancy, the fair yearly value thereof, shall be in excess of 5000 Lire, shall hereafter be effected without the written consent of the Senior Civil Affairs Officer of the Province in which such lands or buildings are situated.

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of 15

(To be added to letter from Col. Upjohn to D.C.L.O. HQ AMG AOC/L/207 of 15 Jan. 1944).

To be added to para No. 4 - "Have since spoken to you".

To be added to para No. 5 - "Has arrived".

P.S. Property Control

On drafting a letter to 15 Army Group for transmission to Gen. Alexander for his signature to an authority I find that the only signals sent to me were paraphrases of signals received by PENCE (WARGO) (HARLES) and sent to Sears for Rogers. I feel Gen. Alexander ought to see true copies of the signals to and from Freedom MES so will you please take this up direct with Howe in view of his move on Monday.

(s) GRU

Encl. copy of letter to CLO WAG 206/1
of 10 Jan (the letter is
recovered territory)
Provel. No 15

Copy letter from howe to ACC, 10 Jan
AMG 233/9 (Howe report
is accompanied.)

Copy of letter to CLO WAG 207/1, 15 Jan
Financial transactions
that are order of m. transactions

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(a) GRU

Encl. copy of letter to CLO W-AG 206/1
of 15 Jan (see. Leg. H. in
Securities Security)

Encl. No 15

copy letter from boy Howe to ACC, 10 Jan

AK 6 233/9 (Hue Leg. H.
is recognized.)

Copy of letter to CLO W-AG 207/1, 15 Jan

Financial Transactions

Dist-Gen order of payment. Transacting

203

Subject: - Land Transactions.

AMG HQ
15 Army Group,
C.M.F.

Ref. AMG/218/11
29 December 43.

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

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

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

Ward J. W. H. H.

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

*50,000 without consent
after 50,000 permit when
a) not a direct transfer*

*b) a flight from the
c) a union value*

d) Permit to buy & sell of R

325

3

U. S. SECRET
 Equals British SECRET

- OUTGO

GRU/Ad

(300)

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DEC

DEC

SECRET

ROUTINE

FATIMA

SEARS

ITALIAN GOVERNMENT WANT TO KNOW WHETHER SECTION ONE OF ARTICLE III OF
 PROCLAMATION FIVE HAS WORKED SUCCESSFULLY IN PRACTICE PD TO SEARS FOR
FARCO FOR SUMMER FROM FATIMA FROM UPJOHN SIGNED JOYCE PD WILL YOU
 PLEASE FIND OUT AND LET ME KNOW AS SOON AS POSSIBLE CAN FIRST CMA HOW
 MANY APPLICATIONS IN SICILY FOR CONSENT TO TRANSFERS HAVE BEEN REFUSED
 AND HOW MANY ALLOWED SINCE SECOND CMA WHETHER THIS SECTION IN FACT
 PREVENTED SPECULATION AND RISE IN PRICE OF LAND

AUTHENTICATED:

ROBERT R. DOE
 Major, A.G.D.
 Secretary of the Commission

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col Upjohn

(43)

U. S. SECRET
 Equals British SECRET

4

HEADQUARTERS
ARMED CONTROL COMMISSION

CABLE - OUTGOING

8 December 1943.

CLASS : SECRET
 INFO : ROUTINE
 TO : SENES
 FROM : FATIMA
 GNY

Italian Government want to know whether Section 1 of Art III of
 Proclamation 5 has worked successfully in practice PD TO SENES FOR
 PARCO FOR WILDER FROM FATIMA FROM USUALLY SIGNED JOURNAL PD WILL YOU
 please find out and let me know as soon as possible

(1) How many applications in Sicily for consent to transactions
 have been refused and how many allowed

(2) Whether this Section in fact prevented speculation and rise
 in price of land PD

CLASS : ENEMY
 FROM : HONORARY
 TO : SENIOR
 FROM : PATRICK
 CNY

Italian Government want to know whether Section 1 of Art III of
 Proclamation 5 has worked successfully in practice PD TO SENIOR FOR
 PAREO FOR HONORARY FROM PATRICK FROM HONORARY SENIOR JUNE PD WILL YOU
 please find out and let me know as soon as possible

(1) How many applications in Sicily for consent to transfers
 have been refused and how many allowed

(2) Whether this Section in fact prevented speculation and rise
 in price of land PD

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