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Classified E.O. 12356 Section 3.3/RND No. 785016

ACC

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SUBCOMMISSION OF ACC
DEC. 1943 - JAN. 1944

341
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gaf

19 January 1944.

In reply
refer to: ACC/1/341.

SUBJECT: Italian Laws Affecting Agriculture.

TO : Agriculture Subcommittee, A.C.C.

Ref your letter dated 6 Dec. 43 (no reference), which unfortunately became mislaid during the move of H.Q., I suggest that you contact the Ministry of Agriculture who will have a complete list of the relevant laws. It would be an impossible task for this Subcommittee to make a research over an indefinite period of years in the past to pick out any laws which had any relevance to agriculture.

In particular the Minister can give a very much better and more practical picture of the official methods of control in Italy.

I repeat what I stated at Tizi-Ouzou - that, if you require advice on any particular points we shall be happy to help you.

G. R. URJEN, Colonel
Chief Legal Officer, ACC.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Agriculture Sub-Commission
AFC 512

6 December 1943.

SUBJECT: Italian Laws Affecting Agriculture.

TO : Legal Sub-Commission, HQ, AMG.
THRU: Economic Directorate, HQ, AMG.

1. This Sub-Commission requires to be well informed on Italian laws and Statutes concerning Agriculture. Full knowledge on this subject is necessary to provide a background for study of Agriculture generally. It is particularly necessary at the moment for a picture of the official methods of control in Italy; the need is urgent for simplification and strengthening of the system so that production may be maximised. Full information would also provide much help on detail such as variations in permitted seed and sustenance retentions on the part of farmers and other persons connected with Agriculture.

2. It is understood that Legal Sub-Commission has good contacts with Italian lawyers and other who would assist in the provision of the necessary material.

3. It is requested that Legal Sub-Commission prepare a precis of Italian Agriculture Law. Request for such a precis was made two months ago in Tizi Ouzou; facilities for its preparation should be better now that HQ, A.M.G. is in Italian territory.

W.A. Haytman
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Major,
Actg. Director
Agric. Sub-Comm.

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W.A. HARTMAN
Major,
Actg. Director
Agris. Sub-Comm.

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MEMORANDUM
ATTORNEY GENERAL
AGRICULTURE AND FORESTRY
44-218

6 December 1945

SUBJECT: Foreign Land Allotment Act

TO : Legal and Economic Divisions, AG, AGS
FROM : Economic Division, AG, AGS

1. This memorandum reports to the Attorney General the results of a study of the Foreign Land Allotment Act, 48 Stat. 1064, as amended. The study was conducted by the Economic Division of the Department of Agriculture and the Legal Division of the Department of the Interior. It is particularly concerned with the effect of the Act on the acquisition of land by foreign citizens in the United States. The study shows that the Act has been interpreted in a manner which is inconsistent with the intent of the Congress. It is recommended that the Act be amended to conform to the intent of the Congress.

2. It is recommended that the Legal and Economic Divisions of the Department of the Interior be authorized to conduct a study of the effect of the Act on the acquisition of land by foreign citizens in the United States. It is also recommended that the Economic Division of the Department of Agriculture be authorized to conduct a study of the effect of the Act on the acquisition of land by foreign citizens in the United States.

3. It is recommended that the Legal and Economic Divisions of the Department of the Interior be authorized to conduct a study of the effect of the Act on the acquisition of land by foreign citizens in the United States. It is also recommended that the Economic Division of the Department of Agriculture be authorized to conduct a study of the effect of the Act on the acquisition of land by foreign citizens in the United States.

W.A. RICHARDS
Major
AGS, Division
AGS, Division

HEADQUARTERS
ARMED FORCES COMMISSION
Legal Subordination

15 January 1944.

In reply
refer to: AGC/1/237.

SUBJECT: Land Transfers, etc.

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

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

1. As to restrictions on transfers of land, etc. This speaks for itself and answers Major General's query on the telephone today. Will you take it up in due course with Major General 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 regretted Major General's suggestion of seeing all draft decrees and authorizing them and my suggestion in 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 Gazette indicating which decrees are to be applied. The work of addressing the copies would be 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 cleared up 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 Hurreford and Rainaldi 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 not yet through.

5. Gen. MacFarlane is momentarily expected.

6. Some time ago we asked Major General, then CIG Region 2, to inquire into the character and suitability of Giuseppe VITA a magistrate at Potenza who was put forward by the Minister to be his representative at 31.12.40. We have heard nothing but Major General yesterday said he thought he had seen some letter that over at Region 2 during this war. No letter has yet arrived here as yet. If we are to repudiate

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URGENT: Land Transfer, etc.

TO: D.C.L.O., AND MO.

I enclose to you two letters I am sending to 19th Army Group.

1. As to restrictions on transfers of land, etc. This applies for itself and answers Major General's query on the telephone today. Will you take it up in due course with Major Ross who is moving his 10. fairly near to you on Monday (17 Nov.).
2. As to selling land published in the Official Gazette the use of occupied territory. This is a little more difficult, but I think the enclosed correspondence makes the position fairly plain.

The negative Major Ross's suggestion of needing all land's decisions and integrating 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 houses which are to become the use of occupied territory. Alternatively we could have a printed ally printed into each Gazette indicating which houses are to be applied. The work of integrating the copies would be far as Region 1 & 2 are concerned by too long for us and we should have to ask the Government to undertake that. I have the shade matter in confidence as far as we are concerned but I am so embarrassed by these constant delays that we may just as well be prepared to take advantage of this system.

3. Major Harcourt and Richard have completed their work and return tomorrow afternoon.

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

5. Gen. Macfarlane is momentarily occupied.

6. Some time ago we asked Major Ross, then C.O. Region 2, to inquire into the character and suitability of Chinese with a representative of Italian who was put forward by the Minister to be his representative at 10/10/50. We have heard nothing but Major Ross yesterday said he thought he had seen some letter then over at Region 2 during this war. No letter has yet arrived here as I signalled you today in case it has been sent to you. If we are to republish this man it is most urgent that we do so at once.

7. Please inform Major General that Capt. Alright of the Labour Sub-committee has completed information as to the Labour Laws of Italy and he is believed to be in Naples at present.

S. P. VIGOR, Colonel
Chief Legal Officer, AOC.

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(To be added to letter from Col. Byjohn to D.C.I.O. HQ AEG AGO/1/207 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 us were paraphrases of signals received by PERCH (PARCO) (MAYLES) and sent to Sears for Rogers. I feel Gen. Alexander ought to see true copies of the signals to and from Freedom HOS so will you please take this up direct with Howe in view of his move on Monday.

(s) GUN

2057

C O P Y

HEAD QUARTERS
NORTH AFRICAN THEATER OF OPERATIONS
Office of the Theater Judge Advocate
UNITED STATES ARMY
ATO 534

30 December 1943

MEMORANDUM FOR: Military Government Section, AFHQ.

Subject: Payment of certain claims in Italian territory.

1. By Administrative Memorandum No. 72, Headquarters, AFHQ, there was established a Joint Claims Committee, the purpose of which is to coordinate the procedures of the British and United States with reference to the adjustment of claims in Italian territory.

2. Certain categories of claims have already been taken care of, that is, claims for rents and dilapidations of real estate; claims for the taking of certain kinds of movables and claims for death, injury or sickness of employees.

This memorandum is limited to those claims which would (1) as affecting the United States, fall in the category covered by the United States Foreign Claims Act if that act were applied to enemy occupied territory, and (2) as affecting the British, fall within the jurisdiction of the British Claims Commission.

3. It has heretofore been announced as an AFHQ policy that claims as herein contemplated would not be paid either by the British or United States forces but that such claims would be investigated, examined as to their legal sufficiency, and those which are meritorious would be approved and passed to the Italian Government for payment.

4. The British and United States Claims Services are now operating in Italian territory. Investigations are being made and reports received at the office occupied jointly by the heads of the British and United States Claims services in Naples.

5. It is now necessary to consummate the necessary arrangements with the Allied Military Government, the Allied Control Commission and the Italian Government, whereby the claims approved by the British and United States Claims Services may be passed to the Italian authorities for payment.

The arrangements which the Joint Claims Committee recommend are as follows:

- a. That the Allied Military Government Section, AFHQ, approve the inclusion in the Italian budget, in the same manner in which other items are now included, of an estimated number of lire to cover the item of claims approved by the British and United States Claims Services.

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a. That the Allied Military Government Section, AFHQ, approve the inclusion in the Italian budget, in the same manner in which other items are now included, of an estimated number of lire to cover the item of claims approved by the British and United States Claims Services.

b. That the Allied Military Government Section, AFHQ, authorize the Allied Military Government in occupied territory, and the Allied Control Commission, to take such action as will accomplish the object set forth above.

c. That to facilitate the prompt settlement of approved claims by the Italian authorities, such authorities establish at the headquarters of the British and American Claims Services office a paying office with such personnel as the Italian authorities may desire.

6. The two members of the Joint Claims Committee propose to visit Italy on or about 11 January 1944 for the purpose of making final arrangements for the disposition of the claims referred to in this memorandum.

7. The purpose of this memorandum is to secure concurrence in the above proposals before the departure of the Joint Committee in order that reference of the matter back to Allied Force Headquarters by those in the field will not be necessary.

JOINT CLAIMS COMMITTEE

By /s/ Adam Richmond, Brig. Gen. USA

By /s/ E.R. Cawdron, Colonel, WPOC

1st Ind.

WGS, AFHQ 5 Jan. 1944

To: Allied Control Commission.

The foregoing is approved and is referred to ACC for such action as may be proper to facilitate the Joint Claims Committee.

A.T. MAXWELL,
Colonel

Acting Chief, Military Government Section.

By /s/ E.R. Cawdron, Colonel, VFCC

1st Ind.

MGCS, AFHQ 5 Jan. 1944

To: Allied Control Commission.

The foregoing is approved and is referred to ACC for such action as may be proper to facilitate the Joint Claims Committee.

A.T. MAXWELL,
Colonel

Acting Chief, Military Government Section.

GRU/drr

In reply
refer to: ACC/L/341

3 January 1944

Subject: Bronte Estate

From: Hq. Allied Control Commission, Legal Sub-Commission

To: ACC Administrative Director

1. Before answering the letter dated 11 December 1943 (which I received yesterday from the Controller of Property) dealing with the Bronte Estate in detail you should be informed of the latest developments in relation to the powers of the Property Controller after the restoration of territory to the Italian Government.

2. On 24 December I was at AFHQ in connection with the approval of the documents relating to the restoration of territory to the Italian Government (these documents have not yet been disclosed to the Italian Government) and the question of Property Control was raised in view of the fact that MGS have received many applications from United Nations owners for permission to send representatives to look after their interests. General Holmes, Colonel Maxwell, Lt. Col. Fairman and the writer were present at this discussion and it was agreed that this was objectionable in principle and that it was therefore desirable that the Property Controller should have executive powers. It was however a matter of some doubt whether by a Decree or Decree Law (as distinct from a statute passed by Parliament) effective powers could be conferred on the Controller in accordance with Italian Law and it was decided that in any event that the matter is of sufficient importance to ask for a directive from the C.C.S. on the subject. Lt. Col. Fairman suggested incorporating an Italian Corporation controlled by the Controller to carry out his functions but this appeared to have some disadvantages. Accordingly the writer was asked to obtain the views of the Italian Government on the best way of obtaining the desired result at his next meeting with them (7th January) and to prepare memorandum for MGS on which to base a signal to CCS asking for a directive. It was agreed that the restoration of territory could not be held up for this matter as it would obviously take some time.

3. In these circumstances it appears that the Controller of Property will be without executive powers at the commencement of the restoration but I do not think this need worry him unduly as far as custody is concerned as I am sure the Italian Government will concur in his retaining custody of United Nations property after the restoration

(I shall raise this with them on 7th January) and the only difficulty is created by his inability to raise money for preservation of the property. It would I think be an advantage if Lt. Col. Harris would come to the mainland in a few days time to discuss this important matter.

As to the Bronte Estate:

In view of the expressed difficulty of proving discrimination I am entirely against taking the action suggested in para 6(a) or (b) and it cannot be made the term of restoration of territory to undertake legislation affecting private property of a particular owner. The matter will however be taken up both with the Minister of Foreign Affairs and of Justice this week as an urgent matter and I hope that this may solve the difficulty.

G. R. UPJOHN
Colonel.
Chief Legal Officer

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U. S. RESTRICTED
Equals British RESTRICTED

- INCOMING

31 DEC 1943

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26/31

RESTRICTED

PMS 3729

ROUTINE

DEC 301320A

PMS PENCE (FARGO) FROM CFJ CITE JGR 200

DEC 311555A

FATED FOR MCSWEENEY

341

No report received from you regarding interior matters. Expedite and note they are required weekly and in detail. Contact Col. Upjohn earliest.

DISTRIBUTION:

- 2 - AG
- 1 - diary
- 1 - Maj. McSweney (action)

1 Col Upjohn

U. S. RESTRICTED
Equals British RESTRICTED

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