

ACC

10000/141/847

10000/141/847

MARRIAGE REGULATIONS
DEC. 1944 - AUG. 1946

AC/50/LG

MARRIAGE REGULATIONS

U.S. Civil Affairs Sect.

23-27 DEC 1946

CAS 9/July 46

Ex OB 17/July.

RETURN TO
ARCHIVES
16 OCT 1947

DATE	PAGE
17 July. V.P., C.A. Section. (9) Your remarks at (8) noted, & it is agreed that in light of your comments and the information furnished by H.M. Consul and Sig. Nica, this brand will deal with future cases of this nature, a copy has been taken of folio 17 as you suggest. R.C. Swill, M. J. (G-110), for Exo (B). <i>File returned to S/C Last night supplied to CRS</i> 18 July	17 507

MINUTE SHEET NO. 3

DATE	PAGE
1 July	6
CAS	"
1. Ref. your instructions at p. 11, please see the papers at p. 12-12B.	12-12B.
2. If the 2 soldiers produced the Camlar "nulla osta", then it seems the Ital. authorities were quite wrong in demanding birth certificates: & we could write the M/Intenar & ask him to see it doesn't happen again.	
3. However, the soldiers can may have gone thru some other kind of British ceremony, e.g. I believe D J A G has authority to celebrate a British civil marriage. It is also quite likely that the soldiers went thru no British ceremony at all & so had nothing to show to the Ital. authority.	
4. I do not think we should approach to Ital. Govt. in the matter until we have all the facts.	
5. Letter to AFHQ for signature please, at p. 13.	
	<i>Edmund Hill</i> Payi L. G. S/C.
12 July	7
CAS	
Reference above minute & conversation with Capt Vella this morning, the letter to AFHQ has been redrafted & is re-submitted herewith at p. 13. Letter to M/Intenar also at p. 14, for signature, please. 06	13
	<i>Edmund Hill</i> L. G. S/C. Major

papers at post

2. If the 2 soldiers produced the Camdun "mella osta", then it seems the Ital. authorities were quite wrong in demanding birth certificates: & we could write the H/Intenar & ask him to see it doesn't happen again.

3. However, the soldiers ~~can~~ may have gone thru some other kind of British ceremony, e.g. I believe D.J.A.G. has authority to celebrate a British civil marriage. It is also quite likely that the soldiers went thru no British ceremony at all & so had nothing to show to the Ital. auth. inty.

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Clifford D. Payne
L.G. S/C.

CAS

⑦

12 July

Reference above minute & conversation with Capt Vella this morning; the letter to AFHQ has been redrafted & is re-submitted herewith at p. 13. Letter to H/Intenar also at p. 14, for signature, please. OG

13

Clifford D. Payne
L.G. S/C.

8.

Ex. Office (B)

17 July

15

17

Ref. p. 15. Please see action taken at p. 17. It is considered that the question of the marriage of British personnel in the country is one for your branch not this Section. This ~~Section~~ Section is not in possession of all the AFHQ Sup & D's fact cards on the subject. I suggest you obtain the copies of 17 x extract 15-153 from this file. The L.G. S/C closes next week. Normally it is a question of sending together AFHQ files & those of the British Consul. M. C. 17/7

(2)

Director:

1. Reference your Minute on letter (1).
2. I have consulted Legal on points involved and an advised position as follows:

(a) A proposed decree dealing with marriages between British soldiers and Italian women in Italy was not proceeded with on the decision of AFHQ.

(b) In the result existing Italian law on the subject prevails.

(c) This requires a declaration from the man indicating that there is no legal impediment to his proposed marriage (i.e. under Italian law).

(d) The law does not require the Italian official to call for the production of the permit mentioned in the letter and there is no legal obligation upon such official to ~~do so~~ as the absence thereof does not invalidate the ceremony.

(e) In view of (d) I suggest CA's attention be drawn to position and they be asked whether the contents of their letter and particularly the request as expressed in para 4 thereof be conveyed to the Ministry of Interior.

13 Dec. 44

(3)

1615 11:11 For your comment pl.

4

Minutes No 2 and 3 noted. What is desired is that Italian officials be made aware of the fact that Allied soldiers should have consent before there marriage is solemnized. While there is no legal obligation in the matter on the part of Italian officials AFHQ hope that by drawing their attention to this requirement Allied soldiers will be prevented from marrying without having first obtained permission. This might avoid a breach of Army regulations by an Allied Soldier. For your perusal there is attached a copy of AFHQ letter of 5 Dec.

224244

505

5.

C.A. Section

Legal Government S.C.

Please see folio 2 & 3.

27 Dec.

J. K. May
C.A. Section

MINUTE SHEET NO. 1

PAGE

DATE

Rea. 1 To that good please ✓

404

ALLIED FORCE HEADQUARTERS
G-5 Section
AFO 512

NOT Legal 18
165
W. 8 AUG 1946

G-5: 953.61

✓ August 1946

SUBJECT: Marriages - Italians with British.

TO : Chief Commissioner,
Allied Commission,
(Attn: Civil Affairs Section)
APO 794.

Reference A3/50/IG, 12 July 1946.

1. Pte GAVIN W.D. handed in both his birth certificate and a Consular "No impediment" (Nulla Osta) to Dvr. Marriage Registry, Municipio, NAPLES. Dvr. RAUT has returned UK and no confirmation is available in his case.

2. In that, the practice of appropriating British Certificate is invariable, according to the British Consul at NAPLES, may representations be made to the Municipio NAPLES that if a NULLA OSTA is produced, birth certificate must not be retained.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. Mable
A. L. MABLE
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

wait a fly
from him they
intend

See folio 14
TLV

~~JVV~~
~~CPE~~

14/5

703

9156

HEADQUARTERS ALLIED COMMISSION
APO 794
CIVIL AFFAIRS SECTION

AG/50 /LG

16 July 1946.

SUBJECT : Marriage of ex Pte. RAFFERTY.

TO : DAG CHQ, CMF

3059116 Pte RAFFERTY, T.A. -AGC
Monica Liliana GIULIATTINI

1. Reference is made to your 6153/421/14 of 9 July.
2. It appears that the marriage solemnized as described in your para 2 is entirely valid according to British Law but that such a ceremony is not, of itself, recognized by Italian Law. It seems that what Rafferty now wants is that his marriage should be validated under Italian law.
3. A simple letter to the Italian Government stating the facts of the marriage would not, it appears, be sufficient for this purpose. It is understood the Italian authorities would need the ceremony to be properly documented before they could register it.
4. It is understood that the proper procedure for the purpose of having the marriage recognized and registered under Italian Law is as follows:-
 - a. Rafferty should obtain from Somerset House the certificate of registration there of his marriage upon AF 43B if he has not already done so. This he can obtain by production of the certificate upon AF 43A which the Chaplain should have delivered to him upon celebrating the marriage at Areszo;
 - b. AF 43B should be produced to the nearest British Consulate to Areszo who should be asked to endorse with his certificate that this is a marriage valid according to British Law. This new Rafferty could do through his mother-in-law at Areszo.
 - c. AF 43B so endorsed should then be presented to the Marriage Office of the Commune where it would be registered.
5. It is suggested that Rafferty be advised to take action according to para 4 above.

For the Chief Commissioner:

MC
M. GARR
Brigadier
VP CA Section

OGH/an.

702

9127

To Major Williams:

Reference letter HQ 31R dated 9 July 46, marriage Pte R. Rafferty with Monica Lilliana Giugliattini which took place on 22 Jan 46 at Sforzocosta Macerata, Italy according to the Rites and Ceremonies of the Roman Catholic Church, a British Catholic Chaplain officiating.

I talked with Comm. Cellini, head of the Marriage Section of the Comune of Rome to seek information on the marriage procedures according to the Italian Law. Comm. Cellini said there are two kinds of matrimony in Italy: (1) the purely religious marriage according to the requirements of the Church. This marriage is not binding as far as civil law is concerned. Then there the Marriage "Concordatario" (2) which is in accordance with the terms of the Concordat between the Vatican and the Italian Govt. The marriage is performed in Church and the priest is acting as Civil Official. The marriage certificate of the Church is then sent to the Municipio for registration. Before the marriage the two parties have to go through a preliminary procedure at the Marriage Canonical Office, where they must prove they are in possession of the prescribed requirements.

As to the case in question, which I applied to Comm. Cellini, at first he thought that the British Catholic Chaplain may have been delegated to solemnize the marriage by the Italian Parish, but then after having consulted with some one more versed in this particular field he called me back and said he believes that the marriage in question was a military marriage. In this case the marriage is not registered in Italy but in the country of origin of the soldier. In other words it is a British marriage. In the marriage certificate it is expressly said that the marriage will be registered in the country of origin of the soldier.

16/7/46

Nice

701

1. I telephoned Mr. Neville Terry, the British Vice Consul and told him the facts as stated to us at 15A.
2. He said this was a military marriage in the field and the procedure was:
 - a. the celebrating chaplain mailed out AF 43A in triplicate - one copy to the parties; one to the military authorities and one to Somerset House. On the receipt of the form by Somerset House, the marriage certificate is issued to the soldier on AF 43B;
 - b. This makes the marriage valid according to the British Law. The Foreign Marriage Act does not require in this case that the marriage be registered with the Italian civil authorities.
3. It was agreed therefore that R. Rafferty is validly married according to British Law. He is not however validly married according to Italian law. The religious ceremony under Foreign Marriage Act is not - by itself - recognised by the Italian Law. As the Raffertys seem to want their marriage validated according to Italian Law the course advised by Mr. Terry is this:

Send the marriage certificate (AF 43A) to the mother-in-law in Arezzo:

Church, a British Catholic Chaplain officiating.

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As to the case in question: which I explained to Comm. Cellini, at first he thought that the British Catholic Chaplain may have been delegated to officiate solemnize the marriage by the Italian Parish, but then after having consulted with some one more versed in this particular field he called me back and said he believes that the marriage in question was a military marriage. In this case the marriage is not registered in Italy but in the country of origin of the soldier. In other words it is a British marriage. In the marriage certificate it is expressly said that the marriage will be registered in the country of origin of the soldier.

16/7/46

Nice

701

1. I telephoned Mr. Neville Terry, the British Vice Consul and told him the facts as stated to us at 154.
2. He said this was a military marriage in the field and the procedure was:-
 - a. the celebrating chaplain makes out AF 43A in triplicate - one copy to the parties; one to the military authorities and one to Somerset House. On the receipt of the form by Somerset House, the marriage certificate is issued to the soldier on AF 43B;
 - b. This makes the marriage valid according to the British Law. The Foreign Marriage Act does not require in this case that the marriage be registered with the Italian civil authorities.
3. It was agreed therefore that RAFFERTY is validly married according to British Law. He is not however validly married according to Italian Law. The religious ceremony under Foreign Marriage Act is not - by itself - recognised by the Italian Law. As the Raffertys seem to want their marriage validated according to Italian Law the course advised by Mr. Terry is this:
 - a. Send the marriage certificate (AF 43B) to the mother-in-law in Arezzo;
 - b. The mother-in-law to produce it to the nearest British Consulate;
 - c. The Consul endorses it with his certificate that the marriage is valid according to British Law;
 - d. The marriage certificate then to be presented to the marriage office of the Comune which would then register it.

4. The Vice Consul did not think a mere letter to the Italian Govt. as suggested by GHQ will be effective and would certainly require proper documentation, as above.

16/7/46.

CGR WILLIAMS

Major

Local Govt S/C

CGR/an

Tel. No: ROME 489081, Ext. 592

Subject: Marriages - Anglo-Italian.

Headquarters,
Allied Commission (ITALY),
C.M.F.

Ref: G-1(B)/421/OR.

12 July 46.

V.P., Civil Affairs Section (2).

15 LUG 1946

15 JUL 1946

3059116 Pte. RAFFERTY, T.A. - A.C.C.

1. Attached are copies of G.H.Q. C.M.F. letter reference 6153/
421/A4 dated 9 July 46.

2. Will you please pass on to the Italian Authorities the
contents of para 2 of the above quoted G.H.Q. C.M.F. letter.

/av.

R. S. Smith Major.
G-1 (B)
H.Q., Allied Commission.

700



Freedom 101

Subject:- Marriage.

GHQ CMF

6153/421/A4

9 Jul 46.

HQ Allied Commission.

3059116 Pte RAFFERTY, T.A. - ACC
Monica Liliana GIUGLIATTINI

1. The attached copy letter from the A/n soldier, forwarded to this GHQ by the War Office, is enclosed.

2. It is requested that you will pass the following information to the Italian authorities for transmission to Arezzo.

The marriage of Thomas Anderson Rafferty (3059116 Pte ACC) and Monica Liliana GIUGLIATTINI took place on 22 Jan 46 at the Church of San Giuseppe, SFORZACOSTA, Macerta, Italy, according to the Rites and Ceremonies of the Roman Catholic Church in accordance with Sec. 22 of the Foreign Marriage Act. 1892.

The Marriage was solemnized by Rev. D.J. MADDEN (CF)(RG).

/s/ ???????? Major
for J.L.C. Napier,
Brigadier,
DAG.

699



15A

9431

COPY

Mr. T. RAFFERTY
C/o Mrs Cunningham, J.
24 Cardross Road,
Brexburn,
W. Lothian,
SCOTLAND.

Dear Sir,

I would like very much, if it is possible to let the Italian Council of Arezzo know about the marriage of me and my Italian wife, Liliana Giugliattini of LA FEDERICA No. 12, S. CROCE AREZZO. Reference No. is 45 Book 40 of GHQ., 2nd Echelon CMF on 22/1/46. As the mother of my wife has told them and they say that GHQ CMF has told them nothing about it.

Your obedient servant

/sgd) Mr. T. RAFFERTY



15B

9431

HEADQUARTERS ALLIED COMMISSION
APO 794
CIVIL AFFAIRS SECTION

12 July 1946

10/50/14

SUBJECT : Marriages of British Soldiers.
TO : Ministry of the Interior
Italian Government
R O M E

1. It is desired to draw the attention of the Ministry to certain difficulties that have arisen in the case of British soldiers marrying Italian girls.
2. It is understood that British soldier named Pte. GAVIN, W. recently applied to the Naples Municipio to be married according to the Italian law. He was informed that unless he produced his birth certificate and a copy in Italian the Italian civil marriage could not be performed. The soldier produced his birth certificate; it was kept by the authorities in the Municipio; he was informed it would not be returned to him.
3. A similar case arose in January 1946 when a soldier named Dvr. RAUT, H., presented himself to the same Municipio to be married.
4. The above mentioned requirements of the authorities at Naples placed the two soldiers in question in considerable difficulty as the birth certificates in their possession, which they were obliged to deposit in the Municipio, are required by them for other purposes also.
5. It is understood that the Italian law does not normally require the deposit of birth certificate in the case of a British soldier.
6. The Ministry are requested to be good enough to investigate the two cases mentioned above and to inform this Hq whether the authorities at Naples have acted correctly. If they did not, it is requested that dispositions may be given for preventing the repetition of such cases.

For the Chief Commissioner.

M. CARR
Brigadier
VP CA Section

CGM/an

697

*for reply
in MIA (OS) file
01483 date
July 47*

665

HEADQUARTERS ALLIED COMMISSION
APO 794
CIVIL AFFAIRS SECTION

AG/50/LB

12 July 1946

SUBJECT : Marriages - Italians with British.
TO : AFHQ, G-5 Section

1. Reference is made to your G-5 : 955.61 of 7 June and enclosed copy letter from 3 District.
2. Investigations have been made and it appears that Italian law does require the production and deposit of the birth certificates of both the parties to an Italian civil marriage. If one of the parties is a British subject, however, the production of the Consular certificate of "nulla osta" (in English, no impediment) is accepted in lieu of the birth certificates. This certificate states that, the two parties having gone through the formalities required by British law for enabling them to be married at the Consulate, the Consul certifies that according to British law there is no obstacle to the celebration of their marriage.
3. It is not clear whether either Pte GAVIN or Dvr RAUT obtained the Consular "nulla osta". They may have gone through some other form of British marriage ceremony or possibly have contented themselves with the Italian ceremony only.
4. In order to enable this HQ to carry the matter further with the Italian Government, any information please be obtained on this point.

For the Chief Commissioner.

M. GARR
Brigadier
VP CA Section

OGG/an

696

666

To Major Williams

8/7/46

Dr. Bossa of the Ministry of the Interior said that, while normally under the Italian law for marriages the birth certificate of the parties must be produced and deposited, another procedure is followed as regards British subjects who intend to marry in Italy.

The interested party has to call at the Comune of Rome, IV Reparto Stato Civile (Comm. Cellini - Tel. 685001) and get some printed forms which have to be filled out and after having been visased by the British Consulate submitted to the Comune.

Dr. Bossa understands that these printed forms have been prepared in agreement with the British Consulate in order to obviate the necessity of having birth certificates sent from England. The statements contained in these forms, visased by the British Consulate will substitute the birth certificate. The Italian party to the marriage has to produce her or his birth certificate.

N i c e

8/7/46

Note of Interview:

1. Consequent upon above report by Dr. Nice, I telephoned Neville Terry, H.M. Vice Consul, this morning and afterwards saw him at the British Consulate, Piazza di Spagna, at 1530 hours. He explained the procedure which should be followed by a British soldier wishing to contract marriage with an Italian, as follows:

- a. under Italian law, the soldier must produce a certificate of "no impediment" (nulla osta) from the British Consulate;
- b. application for this must be made through the Consulate of the district in which the parties are residing;
- c. 21 full days notice of marriage is to be posted at the Consulate;
- d. evidence of British nationality is also to be produced by the soldier. This can be a birth certificate, but a passport will be accepted or a certificate from the soldier's CO that according Army records the applicant is a British subject.

2. If the 21 days notice of marriage expired without any objections having been lodged and if the Consul is satisfied that the documents are in order, he issues his "nulla osta". Mr. Neville Terry gave me the annexed specimen form of nulla osta and annexed Notes of Procedure, filed at folio 12-a and 12-b.

3. The above is the procedure prescribed by the Foreign Marriage Act of 1892, which also requires that the marriage must be registered with the Italian civil authorities for it to acquire validity under British law. The Vice Consul said he believed that the consular nulla osta was all that the Italian authorities required and that they did not demand the soldier's birth certificate as well. He pointed

695

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Nice

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3. The above is the procedure prescribed by the Foreign Marriage Act of 1892, which also requires that the marriage must be registered with the Italian civil authorities for it to acquire validity under British law. The Vice Consul said he believed that the consular nulla osta was all that the Italian authorities required and that they did not demand the soldier's birth certificate as well. He pointed out, however, that he was only concerned to fulfill the requirements of the British law, he could not speak with knowledge on the requirements of the Italian law.

4. The Vice Consul added that in the last month or so the Italian authorities in his district had asked him to endorse on the back of the "nulla osta" the soldier's "generalita", i.e. his full name, date and place of birth and the full name of his father and mother. I gather that this has been done regularly now by the Consulate here in Rome.

5. The Vice Consul thought that this endorsement takes the place of the production of any birth certificate. However, it is a purely local & unofficial arrangement: there is no general agreement between the two Governments.

8-7-46.

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12A NULLA OSTA PER MATRIMONIO

(1) _____

and

(2) _____

having gone through the formalities required by British Law for enabling them to be married at the British Embassy (Consular Section) at Rome, _____

avendo adempiute le formalità volute dalle Leggi della Gran Bretagna per essere abilitati ad unirsi in matrimonio in questa Ambasciata Britannica (Sezione Consolare) in Roma, _____

I, _____, His Majesty's Consul at Rome upon the evidence before me hereby certify that according to British Law there is no obstacle to the celebration of their marriage.

lo sottoscritto,

Consule di S. M. Britannica in Roma, in base agli atti che mi sono stati prodotti, certifico colla presente che giusta le Leggi Britanniche NULLA OSTA alla celebrazione del

Given at the British Embassy (Consular Section) at Rome on the _____ day of _____ 19 _____

loro matrimonio. 694

Dalla R. Ambasciata Britannica (Sezione Consolare) in Roma.

li 19

(2)

and

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Given at the British Embassy (Consular Section) at Rome on

the

day of 19

li

Signature

(2)

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lo sottoscritto,

Console di S. M. Britannica in Roma, in base agli atti che mi sono stati prodotti, certifico colla presente che giusta le Leggi Britanniche NULLA OSTA alla celebrazione del loro matrimonio.

Dalla R. Ambasciata Britannica (Sezione Consolare) in Roma.

19

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MARRIAGES IN ITALY IN ACCORDANCE WITH
ITALIAN LAW

NOTES FOR GENERAL GUIDANCE ON PROCEDURE FOR OBTAINING CONSULAR
CERTIFICATES OF "NO IMPEDIMENT".

1. Both the Italian marriage authorities and the British consular authorities should be approached at the earliest possible time. First steps can be taken at a British Consulate as early as three months before the date set for the marriage.
2. In order to acquire validity in Italian law, a marriage must be registered with the Italian civil authorities. If the ceremony is to be a religious one only, it should be made clear at the outset that it is to be registered with the civil authorities, whose requirements in each case should be ascertained by the parties.
3. A religious marriage cannot be recognized by a British consular officer until it is registered by the Italian civil authorities. For instance, the wife cannot, without showing evidence of such registration, claim a British travel document.
4. Under Italian law, a foreigner wishing to marry must produce a certificate of "No Impediment" (Nulla Osta), issued by his Consul. Application for this certificate may be made (by post if personal attendance is impossible) as early as three months before the marriage is to take place (see paragraph 12 below).
5. As a general rule applications can only be dealt with by the Consuls of the districts in which the parties are residing; information may however be obtained by personal enquiry at any convenient Consulate. Consular districts are at present as follows:-

H.B.M. Consul-General, Naples (Superintending Officer for
Campania, Puglia, Lucania,
Calabria and Sicily).

With Consulates at Bari
(immediate Bari district)
and Palermo (Sicily)

H.B.M. Consul-General, Milan (For Lombardy, Emilia and the
3 Venetias, viz: Trieste
Venice and Bolzano regions).

H.B.M. Consul-General, Genoa (for Liguria).

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2. In order to acquire validity in Italian law, a marriage must be registered with the Italian civil authorities. If the ceremony is to be a religious one only, it should be made clear at the outset that it is to be registered with the civil authorities, whose requirements in each case should be ascertained by the parties.
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With Consulates at Bari,
(immediate Bari district)
and Palermo (Sicily)

H.B.M. Consul-General, Milan

(for Lombardy, Emilia and the
3 Venetians, viz: Trieste
Venice and Bolzano regions).

H.B.M. Consul-General, Genoa

(for Liguria).

H.B.M. Consul, Turin

(for Piedmont).

H.B.M. Consul, Rome

(for Lazio, Abruzzi and Sardinia).

H.B.M. Consul, Florence

(for Tuscany, Marche and Umbria).

6. If.....

- 2 -

6. If both parties reside in the same consular district, one party only (who must be present) need apply. If resident in different districts, each party must apply separately to the Consul of the district in which he, she, or she, is resident.
7. The application is made for the purpose of posting a notice of marriage at the Consulate, with a view to obtaining, in due course, a certificate of "No Impediment".
8. If both parties are British, notice of marriage may be posted after seven full days' residence in the district of the Consulate accepting it. If then remains posted for fourteen full days, after which the certificate of "No Impediment" may be issued. Twenty-one full days in all.
9. If one party is British, but the other is a foreigner, the residential qualification is twenty-one full days in either case, with a further twenty-one days' posting. Forty-two days in all before a certificate can be issued.
10. The written consent of the parents or guardians must be produced in the case of a party to a marriage who is under twenty-one years of age.
11. The following, where appropriate, should be submitted when making application:
 - (a) Evidence of British nationality (birth certificate, passport or certificate from Commanding Officer that, according to records applicant is a British subject).
 - (b) Permission to marry given by Commanding Officer.
 - (c) Full names, nationality, dates of birth and addresses of both parties. The address should include names of localities and province; length of residence in the district should also be stated.
 - (d) If personal attendance is impossible, valid reasons should be given so that acceptance of notice by post may be considered. This is only done exceptionally and involves obtaining authority from the Foreign Office in each case.
12. If you have not already supplied particulars in 11 above, you should do so on receipt of these forms and send the other party to your marriage, if not resident in the same Consular district, to send to the Consul of that district any of the information under (a), (b) and (c) that may be applicable, in addition to that under (d).

ALLIED CONTROL COMMISSION
INTERMEMORANDUM

SUBJECT:

FILE No.

TO : Local Govt. S.C.

5th July 1946.

Please see attached. The matter should probably be taken up with the Ministry of the Interior. Will you do so & advise A.F.M.C. I do not know where the original letter went but it has now turned up in P.N.S.C. & it really is not a matter for them.

J. Leakey Maj
C.A. Section 692

08898
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

P. HEALTH

11A

G-5: 953.61

27 June 1946

SUBJECT: Marriages - Italians with British.

TO : Chief Commissioner,
Allied Commission,
(Attn: Public Health Sub Commission)
APO 794.

Reference G-5: 953.61 of 7 Jun 46.

Please advise when a reply may be expected to the above
referenced letter.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. Hamblen
A. L. HAMBLEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5.

PUBLIC HEALTH
SUB-COMMISSION

691

RECEIVED

TIME

1-4
9-25



9400

ALLIED FORCES HEADQUARTERS
G-5 Section
APO 512

PH-HEALTH II B

8827

For Major Reakes.

G-5: 953.61

1 July 1946

SUBJECT: Marriages - Italians with British.

TO : Chief Commissioner,
Allied Commission,
(Attn: Public Health Sub-Commission)
APO 794.

Reference: AC/3006/PH, 29 June 46.

1. Copy of our letter of 7 Jun 46 forwarded for appropriate action.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. Hambleton
A. L. HAMBLETON
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

Incls:
Ltr G-5:953.61, 7 Jun and incl.

690



9400

C O P Y

SUBJECT: Complaints.

3 District
Tel: 10055
445A

21 May 46

CHQ CMF

6024866 Pte GAVIN, W.D.
HQ Army Welfare Services CHQ

Reference conversation Manning - Croft.

1. A report has been received at this HQ that the Italian Authorities at Marraige Registry Municipio Naples have appropriated the birth certificates of British soldiers who have registered to marry Italian Nationals.

2. In the case of the above named soldier:-

(a) he was assured that without a birth certificate and a copy in Italian the form of marriage and Registration would not be performed.

(b) The Municipio Authorities appropriated his birth certificate and refused to return it. By way of compromise they offered an Italian copy for the sum of 100 Lire.

(c) The soldier's father was refused a further copy from Somerset House when they heard that the original was in the hands of the Municipio.

(d) The soldier is now in possession of his birth certificate through his own private enterprise.

3. A similar occurrence is known to have been encountered by 2334575 Dvr PAUT, E.P. 11 L of C Signals in January 46. This OR has since reverted to UK on Release having obtained his birth certificate through his own ingenuity.

4. In view of the above information, and the fact that a considerable number of British soldiers are marrying Italian nationals every week, it is felt that this matter should be thoroughly investigated.

(Signed) _____ Lieut Colonel,
for Maj Gen, Comd.

TSO/RGC





50/C

29 OCT 1945 Mod. 100
Roma 16 ottobre 1945

Ministero dell'Interno
Dir. Gen. le Amm. ne Civile

Alla Commissione Allea-
ta-Sottocommissione Go-
verno Locale R O M A

Divisione 2^a Sez. 1^a
Prot. N. 5900-27-6 Allegato

Superiore del
D. N. 90

Oggetto: Trasmissione atti di matrimoni celebrati
a Mogadiscio.

*Transmittal of records of marriages
made in Mogadiscio*

Si accusa ricevuta degli atti di matrimo-
nio in oggetto trasmessi da codesta Sottocommissio-
ne con nota AC 50/24 dell'8.10.45, atti che sono
stati inviati, per competenza, al Ministero di Gra-
zia e Giustizia.

9

PEL MINISTRO

[Signature]

We hereby acknowledge receipt
of the marriage documents transmitted
to us with your letter AC 50/24.
Said documents have been delivered
to the Ministry of Grace and Justice.

687

CL

7520

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/50/LG.

Tel: 478F08

SUBJECT: Marriage records from MOGADISHU, SOMALIA. 8 October 1945.

TO : The Ministry of the Interior.

The enclosed entries relate the marriages in MOGADISHU between the outbreak of war and 28 August 1945 and are forwarded to the Ministry of the Interior for disposal.

Kindly acknowledge receipt.

CRW

RALPH R. TEMPLE,
Major,
Director,
Local Government Sub-Commission.

CC/R/1e

Encls. as above

0 0 8
HAWAIIAN ISLANDS COMMISSION
AND
LOCAL GOVERNMENT AND COMMISSION

10/30/45

Tel : 478706

SUBJECT : Marriage records from HONOLULU, HAWAII.

8 October 1945

TO : Hq. H.A. COMMISSION (O.A. Branch), PO Box 4000, S IMAI

7
Reference is made to your HQ/1741/562/CA of 26 September and
enclosures. The latter have been forwarded to the Ministry of the Interior
of the Italian Government for disposal.

CGW
RALPH A. SIMPSON,
Major,
Director,
Local Government and Commission.

CGW/CG.

685

587

SUBJECT: Documents.

666/1943

H.Q. Allied Commission, Rome
A.P.O. 394 (2)

Copy to: H.Q. B.M.A. Somalia - ref 9563/81 of 17 Sep. 45.

The attached documents, which are entries relating to marriages celebrated in Mogadishu from the outbreak of war until 28 Aug 45, have been received from H.Q. B.M.A. Somalia.

2. Provided you have no objection, I am directed to request that disposal and distribution of these documents be effected through the appropriate channels.

3. Please acknowledge receipt in due course.

CHIEF CIVIL AFFAIRS STAFF OFFICER.

ASS/AMH



7340146

HEADQUARTERS ALLIED COMMISSION

APO 394

G-1 (B)

REFERENCE : G-1B/421/OR

18 May 1945.

SUBJECT : Marriages - Anglo - Italian

TO : Distribution below

When applications are submitted to this HQ on behalf of a soldier who desires to marry an Italian civilian, the following instructions will be complied with.

- (a) The application will be submitted in duplicate in accordance with GRO 162 of 1944.
- (b) If the parties are of a different religion, GRO 121/45 will be complied with and a certificate to this effect attached to the application.
- (c) A Medical report signed by a doctor will be forwarded in respect of the Italian civilian.
- (d) The date on which it is desired that the marriage will take place must be given.
- (e) The length of time the parties have known each other will be stated.
- (f) It will be stated whether or not the soldier has been separated from his fiancée during the time they have known each other. The form shown overleaf will be completed by a responsible officer and forwarded in duplicate with the application.
- (g) It will be certified that the contents of this H.Q. letter of even number dated 30 Oct 44 forwarding HQ 3 District letter as amended by this H.Q. letter of even number dated 7 Feb 45 have been brought to the attention of the applicant.

It is of importance that these instructions are carried out as failure to do so results in unnecessary delay in dealing with applications.

BY COMMAND OF REAR ADMIRAL STONE

R. J. T. Ritchie

Sir J.E.T. RITCHIE Bt.

Lt. Colonel,

G-1 (B)

/pc.

DISTRIBUTION :

Office of the Executive Commissioner (2)
 Civil Affairs Section HQ 15 Army Group
 V.P. Economic Section (10)
 V.P. Civil Affairs Section (10)
 V.P. Establishments Section (6)
 Director Communications S.C.
 Reg. Comm. Toscana Region
 " " Emilia Region
 " " Piemonte Region
 " " Lombardia Reg.

Reg. Comm. Liguria Region

" " Venetia

SCAO, AMG, HQ Fifth Army

SCAO, AMG, HQ Eighth Army

Liaison Officer Palermo (3)

" " Catania (3)

" " Bari

AMG Naples Command

Liaison Officer Sardegna

AMG Ancona Command

683

5858/LG

6155

50
HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

Letter of Government
S/C 5

AG 291.1/104-P

24 March 1945

SUBJECT: Marriage Laws in Corsica, Italy, Sicily and Sardinia

TO : See Distribution.

9 APR 1945
Rac.
GIS
NAT

The attached translation of the marriage laws in Corsica, Italy, Sicily and Sardinia is furnished for your information and guidance.

BY COMMAND OF LIEUTENANT GENERAL MCARNEY:

1 Incl
Translation of
Marriage Laws

/s/ C. W. Christenberry
C. W. CHRISTENBERRY
Colonel, AGD
Adjutant General

DISTRIBUTION:

"X" "W"
2 - COM EIGHTH FLT (for information)

Reproduced by Hq 2675th Regt AICOM (Ovhd)
APO 394, 6 April 1945 *Flu*.

291.1
(24 Mar 45) 1st Ind. FRW/rs1
HEADQUARTERS, 2675TH REGIMENT, ALLIED COMMISSION, (OVERHEAD), APO 394, U. S.
Army, 6 April 1945.

TO: See Distribution.

For the information, guidance and compliance of all personnel whose applications for marriage in this theater are approved.

BY ORDER OF COLONEL PARKIN:

1 Incl:
n/c

F. R. Wehmuth
F. R. WEHMUTH
CWO USA
Asst Adjutant

DISTRIBUTION:

1 - Units this Regt
1 - Sub-Commissions & Sections
Allied Commission

682

5502

SA

Laws Relating to Marriage

Special Provisions for French North and West Africa (Including Corsica).

French Ordinance of 16 April 1943.

Article I - Members of the United States Forces, including members of the Women's Army Corps, are eligible to marry in the territories governed by the French civil and military commander-in-chief, notwithstanding the existence of the provisions of the decree of 12 November 1938, upon presentation of the certificate referred to in Article II hereof."

"Article II - A certificate by the Commander of the United States Forces, or a person designated by him, showing the military and civil status, domicile and, in accordance with United States law, the eligibility of the person to be married will be accepted in lieu of copies of birth certificates or the notary's affidavit set forth in 70 and following articles of the Civil Code, as well as the "Certificat de Coutume" stating that the domiciliary matrimonial requirements are in order."

"Article III - The above regulations are the law."

8. The original of the written approval of marriage granted as herein provided, when presented to the officer of civil status, will permit that official to waive the requirements of French law, except as to publication of banns which may be waived by the Attorney for the Republic in the district where the marriage is to be celebrated. A true copy of said certificate of approval will be filed with the service or other appropriate record of the individual and remain a permanent part thereof.

9. The proposed wife or husband, if not covered by the ordinance quoted above, must comply with the laws of France with reference to marriage. The French law requires as a preliminary to the celebration of marriage (1) the consent of his parents if he is under the age of 21 years; (2) a birth certificate and indorsed thereon the parental consent, if the person is under 21 years of age; (3) or in lieu of the certificate of birth a certificate of identity procured from a Justice of the Peace, which certificate must be approved by the Tribunal of First Instance of the place where the marriage is to be celebrated; and (4) wait ten days during which banns are published.

II. Special Provisions for Italy, Sicily and Sardinia.

Italian Decree of 28 December 1944, No. 430.

ARTICLE I: For the purpose of the celebration of marriage in Italian Territory between foreigners belonging to the United States Forces, subject to military law, land or maritime, or between them and Italian citizens, or foreigners resident in Italian territory, the Catholic chaplains of the said forces shall be deemed to be ministers of the Catholic Religion in the sense of the law of 27 May 1929, No. 847, and the non-Catholic chaplains shall be deemed of the same standing as ministers of the religions admitted by the State, nominated and approved in accordance with Article 3 of the law of 24 June 1929, No. 1159.

Marriage celebrated before the said chaplains shall produce civil effects as of the date of the celebration when it is followed by transcription in the registers of the Italian Vital Statistics Records ("Registri dello Stato Civile") Office pursuant to the provisions contained in the following article.

ARTICLE II: If the parties are both foreigners, the Officer commanding the military formation to which one of them belongs shall, within thirty days of

in accordance with United States law, the eligibility of the person to be married will be accepted in lieu of copies of birth certificates or the notary's affidavit set forth in 70 and following articles of the Civil Code, as well as the "Certificat de Coutume" stating that the domiciliary matrimonial requirements are in order."

"Article III - The above regulations are the law."

8. The original of the written approval of marriage granted as herein provided, when presented to the officer of civil status, will permit that official to waive the requirements of French law, except as to publication of banns which may be waived by the Attorney for the Republic in the district where the marriage is to be celebrated. A true copy of said certificate of approval will be filed with the service or other appropriate record of the individual and remain a permanent part thereof.

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Italian Decree of 28 December 1944, No. 430.

ARTICLE I: For the purpose of the celebration of marriage in Italian Territory between foreigners belonging to the United States Forces, subject to military law, land or maritime, or between them and Italian citizens, or foreigners resident in Italian territory, the Catholic chaplains of the said forces shall be deemed to be ministers of the Catholic Religion in the sense of the law of 27 May 1929, No. 647, and the non-Catholic chaplains shall be deemed of the same standing as ministers of the religions admitted by the State, nominated and approved in accordance with Article 3 of the law of 24 June 1929, No. 1159.

Marriage celebrated before the said chaplains shall produce civil effects as of the date of the celebration when it is followed by transcription in the registers of the Italian Vital Statistics Records ("Registri dello Stato Civile") Office pursuant to the provisions contained in the following article. **681**

ARTICLE II: If the parties are both foreigners, the Officer commanding the military formation to which one of them belong shall, within thirty days of the celebration of the marriage, make request for transcription to the official of the Vital Statistics records ("Ufficiale di Stato Civile") of the commune in the territory of which the said celebration took place.

The request shall be accompanied by:

(1) the marriage certificate, countersigned by the said officer who will certify as to its authenticity. The following information shall result from the marriage certificate.

- (a) The name and surname, the age and profession, the place of birth, the nationality, the domicile or residence of the parties in the State to which they belong;

- (b) the name and surname, the domicile or residence of their parents;
 - (c) the place and date of the celebration of marriage;
 - (d) the name and surname of the chaplain before whom the said marriage was celebrated.
- (2). The translation of the certificate of marriage into the Italian language, bearing the visa of the said officer;
- (3) a declaration in the Italian language or accompanied by a translation into the Italian language, bearing the visa as set out in the preceding paragraph, from which it results that pursuant to the laws to which the applicants are subject, there is no impediment to their marriage. Moreover, it must follow from this declaration that the dispositions of Italian law contained in Articles 85, 86, Nos. 1, 2, and 4 of 87, 88, and 89 of the Civil Code do not constitute an impediment to the marriage.

The declaration mentioned under No. 3 of the preceding paragraph shall be delivered by the General Commanding the North African Theater of Operations or by an officer delegated by him, and also in respect of persons accompanying the Forces of the United States of America or who are in the service of the said forces or are in the employ of the Government of the United States. Such declaration shall contain the indications set out in Sub-Paras (a) and (b) of Para. 1 above.

ARTICLE 3: If one of the parties is an Italian citizen, the celebration of marriage must be preceded by publication, pursuant to Article 93 and following of the Civil Code, at the place of residence of the party who is an Italian citizen. The chaplain before whom the marriage takes place shall read Articles 143, 144 and 145 of the Civil Code to the parties.

The marriage certificate must be compiled immediately after the celebration, written in the Italian language in the form provided for by Articles 107 and 108 of the Civil Code and Articles 126, 128, and 129 of the Royal Decree of 9 July 1939, No. 1238 on Civil Status regulations, and must be transmitted in original to the official of the vital statistics records to whom the request for publication was made, not more than five days after the celebration. In respect of the party who is not an Italian citizen, the declaration indicated in sub-para (3) of the preceding Article must accompany the certificate of marriage.

If the marriage has been celebrated before a Minister of the Catholic religion, the transcription follows according to the prescriptions of Articles 9, 11, 12, 13, 14, and 15 of the law of 27 May 1929, No. 847.

ARTICLE 4: Whenever the persons mentioned in Article 1 intend celebrating marriage before an official of the Italian Vital Statistics records, the declaration prescribed in sub-para (3) of Article 2 of the present law shall take the place of the declaration required under Article 116 of the Civil Code.

Civil Code

ARTICLE 85 - Interdiction because of unsound mind.

No person interdicted for mental incapacity shall contract marriage. Pending the issue for the petition of interdiction, the public attorney may request that the celebration of marriage be suspended. In this case the marriage cannot be celebrated until the time for appeal of the judgment for interdiction.

cants are subject, there is no impediment to their marriage. Moreover, it must follow from this declaration that the dispositions of Italian law contained in Articles 85, 86, Nos. 1, 2, and 4 of 87, 88, and 89 of the Civil Code do not constitute an impediment to the marriage.

The declaration mentioned under No. 3 of the preceding paragraph shall be delivered by the General Commanding the North African Theater of Operations or by an officer delegated by him, and also in respect of persons accompanying the Forces of the United States of America or who are in the service of the said forces or are in the employ of the Government of the United States. Such declaration shall contain the indications set out in Sub-Paras (a) and (b) of Para. 1 above.

ARTICLE 3: If one of the parties is an Italian citizen, the celebration of marriage must be preceded by publication, pursuant to Article 93 and following of the Civil Code, at the place of residence of the party who is an Italian citizen. The chaplain before whom the marriage takes place shall read Articles 113, 114 and 115 of the Civil Code to the parties.

The marriage certificate must be compiled immediately after the celebration, written in the Italian language in the form provided for by Articles 107 and 108 of the Civil Code and Articles 126, 128, and 129 of the Royal Decree of 9 July 1939, No. 1238 on Civil Status regulations, and must be transmitted in original to the official of the vital statistics records to whom the request for publication was made, not more than five days after the celebration. In respect of the party who is not an Italian citizen, the declaration indicated in sub-para (3) of the preceding Article must accompany the certificate of marriage.

If the marriage has been celebrated before a Minister of the Catholic religion, the transcription follows according to the prescriptions of Articles 9, 11, 12, 13, 14, and 15 of the law of 27 May 1929, No. 847.

ARTICLE 4: Whenever the persons mentioned in Article 1 intend celebrating marriage before an official of the Italian Vital Statistics records, the declaration prescribed in sub-para (3) of Article 2 of the present law shall take the place of the declaration required under Article 116 of the Civil Code.

Civil Code

ARTICLE 85 - Interdiction because of unsound mind.

No person interdicted for mental incapacity shall contract marriage. Pending the issue for the petition of interdiction, the public attorney may request that the celebration of marriage be suspended. In this case the marriage cannot be celebrated until the time for appeal of the judgment for interdiction has elapsed.

ARTICLE 86 - Impediments.

No person bound by a previous marriage shall contract marriage.

ARTICLE 87 - Consanguinity, Affinity, Adoption and Fosterage.

Marriage shall not be contracted between the following persons:

1. The ascendants or descendants in the direct line, whether legitimate or natural.

- 538
2. Brothers and sisters whether of the whole or of the half blood.
 3. The collateral relations in the direct line. This impediment applies also in case the marriage from which it springs is declared null.

ARTICLE 88 - Crime.

No person who has been convicted of murder or of attempted murder may contract marriage with the spouse of the victim. If the date has been set for the trial or if the arrest of the person has been ordered, the marriage shall not be celebrated until judgment of acquittal has been rendered.

ARTICLE 89 - Time Limitation on Re-Marriage.

The wife shall not be at liberty to contract another marriage until three hundred days after the dissolution or the annulment of her preceding marriage, unless the marriage has been declared null according to Article 123.

The Sovereign or competent authorities may make exceptions to such prohibition.

This prohibition terminates the day on which the wife gives birth.

ARTICLE 107 - Formalities of celebration.

On the day set for the marriage, the official of vital statistics records shall read off to the intended husband and wife the provisions of Articles 113, 114, and 145 in the presence of two witnesses, who may be related to the parties. He shall receive from each of the parties separately and in succession their declaration of the desire to take each other for husband and wife respectively and he shall then declare that the parties are united in marriage.

The marriage certificate shall be drawn up immediately after the celebration.

ARTICLE 108 - Prohibition of the setting of time limits and conditions.

The declaration of each party that they take each other in marriage shall not be subject to time limits or conditions. If the parties should add a time limit or a condition, the official of vital statistics records shall not proceed with the celebration of the marriage.

If the marriage is celebrated in spite of it, the time limit and conditions shall be disregarded.

ARTICLE 113 - Mutual duties.

Marriage binds the parties to the mutual obligation of cohabitation, fidelity, and support.

ARTICLE 114 - Marital authority.

The husband is the head of the family. The civil status of the wife shall be identified with that of the husband; she takes his surname and is obliged to follow him wherever he chooses to reside.

ARTICLE 145 - Duties of the husband.

ARTICLE 89 - Time limitation on Re-Marriage.

The wife shall not be at liberty to contract another marriage until three hundred days after the dissolution or the annulment of her preceding marriage, unless the marriage has been declared null according to Article 123.

The Sovereign or competent authorities may make exceptions to such prohibition.

This prohibition terminates the day on which the wife gives birth.

ARTICLE 107 - Formalities of celebration.

On the day set for the marriage, the official of vital statistics records shall read off to the intended husband and wife the provisions of Articles 103, 104, and 105 in the presence of two witnesses, who may be related to the parties. He shall receive from each of the parties separately and in succession their declaration of the desire to take each other for husband and wife respectively and he shall then declare that the parties are united in marriage.

The marriage certificate shall be drawn up immediately after the celebration.

ARTICLE 108 - Prohibition of the setting of time limits and conditions.

The declaration of each party that they take each other in marriage shall not be subject to time limits or conditions. If the parties should add a time limit or a condition, the official of vital statistics records shall not proceed with the celebration of the marriage.

If the marriage is celebrated in spite of it, the time limit and conditions shall be disregarded.

ARTICLE 113 - Mutual duties.

Marriage binds the parties to the mutual obligation of cohabitation, fidelity, and support.

ARTICLE 104 - Marital authority.

The husband is the head of the family. The civil status of the wife ~~shall~~ be identified with that of the husband; she takes his surname and is obliged to follow him wherever he chooses to reside.

ARTICLE 115 - Duties of the husband.

The husband is bound to protect his wife, to support her while with him and to furnish her with whatever is required for the convenience of life, in accordance with his means.

The wife shall contribute to the support of the husband if he lacks sufficient means.

Law of 24 June 1929, No. 1159

ARTICLE 3. The appointment of ministers of religions different from the State religion must be notified to the Minister of Justice and Religious Affairs for approval. No civil effects can be recognized for acts performed in the course

of their ministry by such ministers of religion, if their appointment has not received governmental approval.

Royal Decree No. 1238 of 9 July 1939.

ARTICLE 126. The marriage certificate shall indicate:

(1) the name and surname, the age, the citizenship or the status as a subject, the race, the occupation, the place of birth and the residence of the spouses;

(2) the name and surname of their parents;

(3) the consent of the person exercising paternal power or guardianship or the consent of the guardian of the emancipated minor, if such guardian is one of the parents, or the authorization referred by Art. 88, fourth paragraph, of the first book of the civil code.

(4) the date of the banns, or the decree of dispensation (from banns).

(5) the date of the decree granting dispensation from any legal impediments.

(6) the declaration by the spouses that they wish to take each other as husband and wife.

(7) the place where the marriage will be celebrated, in the case provided for by Art. 108 of the first book of the civil code and the reason for the transfer of the official of vital statistics to such place.

(8) the statement by the official of vital statistics that the spouses have been married.

The requirements set out under No. 3, 4, and 5 shall not apply in the case provided for by Art. 99 of the first book of the civil code.

If the spouses at the celebration of the marriage, declare to acknowledge any natural children, such declaration shall be inserted in the marriage certificate and the provisions on the declaration of acknowledgement set out in Art. 33 shall apply.

ARTICLE 128. If the spouse is deaf or deaf and dumb and is able to read, the official of vital statistics shall have him read the Articles Nos. 141, 142, and 143 of the civil code.

If the spouse is deaf and dumb and is able to write, he shall state in writing that he wishes to contract marriage.

ARTICLE 129. If the spouse is deaf or deaf and dumb and is able neither to read nor write, the official of vital statistics shall appoint an interpreter in accordance with the provisions set out in Art. 105, and, after having taken his oath in conformity with the said article, shall through the interpreter question the spouse, obtain the answers from him and shall inform him as to the provisions of the law.

The compliance with such formalities shall be stated in the marriage certificate.

guardianship or the consent of the guardian of the emancipated minor, if such guardian is one of the parents, or the authorization referred by Art. 88, fourth paragraph, of the first book of the civil code.

- (4) the date of the bans, or the decree of dispensation (from bans).
- (5) the date of the decree granting dispensation from any legal impediments.
- (6) the declaration by the spouses that they wish to take each other as husband and wife.
- (7) the place where the marriage will be celebrated, in the case provided for by Art. 108 of the first book of the civil code and the reason for the transfer of the official of vital statistics to such place.
- (8) the statement by the official of vital statistics that the spouses have been married.

The requirements set out under No. 3, 4, and 5 shall not apply in the case provided for by Art. 99 of the first book of the civil code.

If the spouses at the celebration of the marriage, declare to acknowledge any natural children, such declaration shall be inserted in the marriage certificate and the provisions on the declaration of acknowledgement set out in Art. 113 shall apply.

ARTICLE 128. If the spouse is deaf or deaf and dumb and is able to read, the official of vital statistics shall have him read the Articles Nos. 111, 112, and 113 of the civil code.

If the spouse is deaf and dumb and is able to write, he shall state in writing that he wishes to contract marriage.

ARTICLE 129. If the spouse is deaf or deaf and dumb and is able neither to read nor write, the official of vital statistics shall appoint an interpreter in accordance with the provisions set out in Art. 105, and, after having taken his oath in conformity with the said article, shall through the interpreter question the spouse, obtain the answers from him and shall inform him as to the provisions of the law.

The compliance with such formalities shall be stated in the marriage certificate.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

4
19 JAN 1945

Tel: 489081 Ext 358

Ref: 4/36.1/330/AC

19 Jan 45

SUBJECT : Marriage Regulations

TO : AFHQ G-5

Reference your G-5:291.1 of 5 Dec 44.

1. There is forwarded for your information copy letter received from the Ministry of the Interior dated 12 Jan 45 alongwith a translation thereof.

Edward K. Baker Maj
K.R. CRIPPS Col
CSO CA Section

Enclosure

Copy to: Local Government Sub-Commission

679

4759

92

MINISTRY OF INTERIOR

Direction General of Civil Administration

Div 2 Sec 1

Rome 12 Jan 45

File No 15900-2

TO: Allied Commission Civil Affairs Section

SUBJECT : Marriages between soldiers of Allied Forces
and women of Italian nationality.

With regard to the communication of that Hon. Commission contained in letter 4/36.1/CA of 21 Dec 44, this Ministryk with telegraphic circular addressed to the Prefects of the dependent Provinces, has drawn immediately the particular attention of the competent offices of the civil state and of the ministers of religion on the obligation of the previous formal consent of the Allied Military Authorities in the cases of marriage to be celebrated between Allied soldiers and women of Italian nationality.

At the same time it has been pointed out that this obligation is prescribed for purpose of avoiding disciplinary measures against the soldiers concerned and, above all, for the protection of the women in order to prevent hurried marriages without the guarantee of lack of difficulties.

For this purpose it has been ordered that the competent offices must present, upon request of the marriage publications, the regular military permission above mentioned, warning the persons concerned of the responsibility and the risks which they are liable to if they do not comply with the prescribed formalities and warning them that, in case of non authorized marriages, all right to financial assistance from the Allied Military Authorities is excluded.

678

4759

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COPY

MINISTERO DELL'INTERNO

Direzione Generale Amministrazione Civile

Div 2^a Sez 1^a

Roma 12 Gennaio 1945

All'On Commissione
Allegata-Sezione Affari
Civili

OGGETTO: Matrimoni tra militari delle Forze Alleate e donne
di nazionalità italiana.

In relazione a quanto codesta On. Commissione si
è compiaciuta di segnalare con la pregiata lettera del 21
Dicembre u.s. (Ref 4/36.1/CA) questo Ministero non ha man-
cato di far richiamare subito, con circolare telegrafica
diretta ai Prefetti delle Province dipendenti, le partico-
lare attenzione dei competenti uffici di stato civile e
dei ministri di culto sull'obbligo del preventivo assenti-
mento formale delle Autorità delle Forze armate alleate
per i casi di matrimonio da celebrare tra militari, apparte-
nenti ad esse, e le donne di nazionalità italiana.

Con l'occasione si è fatto presente che detto
obbligo è prescritto a scanso di misure disciplinari a ca-
rico dei militari interessati e, soprattutto, a tutela delle
donne, onde evitare matrimoni affrettati senza la garanzia
della mancanza di impedimenti.

A tal fine si è disposto che i competenti uffici
debbono promuovere all'atto della richiesta delle publica-
zioni matrimoniali, la presentazione del regolare permesso
militare sulindicato, diffidando i nubenti sulla responsabi-
lità ed i rischi in cui incorrono, non ottemperando alle
formalità prescritte, ed avvertendoli che, in caso di matri-
moni non autorizzati è escluso ogni diritto ad istituti fi-
nanziari da parte delle Autorità Militari Alleate.

Pel Ministro
firmato

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 4-36.1/269/CA

21 Dec 44

Your Excellency,

It has been reported to this Headquarters that there was a case recently in which an Italian civilian official at Bari performed a marriage ceremony between an English soldier and an Italian woman and that the soldier had not obtained consent from the Army authorities for the marriage.

It is regarded as a measure of protection for Italian civilians that you should be aware of this regulation and that all officials, civilian and ecclesiastical, who are authorized to solemnize marriages should be informed of it.

The regulation is designed not merely to prevent hasty marriages but to ensure that no impediment exist. Under Army regulations members of the Armed Forces who marry without the required permission might be subject to discipline. Their wives would not be entitled to claim financial support from the Armies.

It is suggested therefore that you inform the pertinent authorities of the risks involved to Italian civilians who marry members of the Allied Forces who do not have military permission.

Yours truly

G.S. PARKINSON Brig.
A/VP CA Section

H.E. The Minister of Interior
Italian Government
Palazzo del Viminale
ROME

676

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5 : 291.1

5 December 1944

SUBJECT : Marriages

TO : Headquarters, Allied Commission, APO 394

1. A case has recently been reported of an Italian civilian official at Bari marrying an English soldier to an Italian woman where the soldier had not obtained the requisite consent from the Army authorities to the marriage.
2. This tends to show that Italian civilian officials may not all be aware that Allied soldiers have to obtain prior consent in each case from the Army authorities before marriage with Italian civilians.
3. It is requested that it be ensured that all Italian officials are made fully aware of the above and that they be advised to refuse to solemnize a marriage involving an Allied soldier unless the requisite permits are produced beforehand.

For the Acting Asst. Chief of Staff, G-5

T.B. JACKMAN,
Lt. Colonel.

Copy to:

G-1(B) your CR/6153/G-1(Br) of 26 Nov. refers
G-1(A) your concurrence of 2 December, refers.

50
Tel : 41 081
Ext : 358

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : 4/36.1/240/CA

8 Dec 44

SUBJECT : Marriage Regulations

TO : Local Government Sub-Commission

1. It is laid down that Allied Soldiers must obtain military consent before getting married.
2. A case has recently been reported of an Italian civilian official at Bari marrying an English soldier to an Italian woman where the soldier had not obtained the requisite consent from the Army authorities to the marriage.
3. This tends to show that Italian civilian officials may not all be aware that Allied soldiers have to obtain prior consent in each case from the Army authorities before marriage with Italian civilians.
4. Will you please ask the Italian Government to ensure that all Italian officials are informed that marriage involving Allied soldiers should not be solemnised unless the requisite permits are produced.

R.R. Cripps
R.R. CRIPPS Col
CSO CA Section

Copy to : A.F.H.Q. G=5 Section
(your G=5 : 291.1 of 5 Dec 44 refers)

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