

ACC

10000/142/73

POLICY & PROCED
OCCUPIED TER
MAR. 1944 - J

10000/142/73

POLICY & PROCEDURE OF REPUBLICATION OF ITALIAN DECREES IN
OCCUPIED TERRITORY
MAR. 1944 - JAN. 1946

Exec Sec. (through Legal)

7

We spoke (Mr. Stanton, L. Col. White) It was agreed that the principle of deciding as to implementation or non implementation of Price Decrees after they have been published is unsatisfactory.

It was agreed that the most satisfactory course was that price decrees should not be published until their contents had been agreed by all interested. The Price Fixing Division is endeavoring to obtain the appointment of one Price Fixing Board for all Italy and dealing with all types of prices; if this is achieved it will follow that Decrees will not issue until this Board has approved them.

It was further agreed that further achievement of agreement that Decrees should not be published before approval by all concerned. It was desirable that no price decrees should be implemented in North Italy and that the only official authority in Italy should be the Price Controller.

If there is any prospect of obtaining it in reasonably early date the content of the Italian Govt. that Decrees shall not be published until agreed with North Italy there is no objection to the temporary continuation of the present procedure. But if there is no real prospect of early agreement it is suggested that the practice of uniform non implementation should be commenced as soon as possible and all concerned notified accordingly.

May we have your comments please

W. H. R. R. L.

See 514 map

CA-5
29 NOV 1945
X-535

Agreement is possible

Not for m

*

TC: 75,3% (n=100) 800,44 €

Unless the proposal at paragraph 3 of Minute 1 meets the case, would it not be possible to make an arrangement for the Government Department concerned to consult us beforehand? Presumably the Italian Government is and will be very interested in the operations of the N.I.T.P. Board.

I suggest we should discuss this matter. I am ready to do so as soon as you have considered the points raised in Minutes 1 and 2 and have

determined whether portion of those decreets are appealed.

1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 26

4. ~~Yes, but...~~
5. ~~Options~~

TO: Vice-President, Civil Affairs Section

26 October 1945

SUBJECT: Implementing of Government Decreases in the North

1. Official Gazettes for the last two months have been reviewed by the Price Office. It appears that the Price Office can undertake review of all decrees and circulars published in the Official Gazettes with its present staff. It is suggested therefore that we follow substantially the plan stated in Minute 1, para. 3, which would result in this section receiving copies of the Official Gazette much earlier than in the past.

2. The Economic Section should receive two copies of the Official Gazette so as to have one copy for transmission to the Milan Office. Some additional time would be saved if the Poligrafico del Stato were instructed to deliver two copies directly to the Price Office, Economic Section, at the same time copies are delivered to Legal Sub-Commission. Will you please advise if these slight modifications in the original proposal are satisfactory.

Harlan Cleveland
HARLAN CLEVELAND
Acting Vice President
Economic Section

TO: Vice-President, Civil Affairs Section 25 October 1949

SUBJECT: Implementing of Government Decrees in the North

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Harlan Cleveland
 HARLAN CLEVELAND
 Acting Vice President
 Economic Section

5

Legal

C.A.S.
 31 Oct 1949
 x 608

*Please arrange accordingly as a preliminary measure,
 as soon as you have the ~~poligrafico~~ back to us
 I will discuss with EC Section with a view to
 consultation taking place with the Italian Govt.
 beforehand to reduce the number of decrees
 scheduled to 1949 to a bare minimum.*

McLambury
V.P.C.A.S.

31/x
6

C.A.S.

Since Minute 1 was written this office has sent one copy of Gazette to the Price Office, Economic Section, immediately they are received from the Poligrafico. While this suggestion made in para 2 of Minute 1 could be carried out, it would be more likely to result in a delay instead of any gain of time. This is with some two copies of each Gazette sent to the Price Office immediately copies are received from the printer, unless the copies prepared in Milan to be in prepared, but it is not advised.

McLambury
for C.A.S.
2 Nov.

TO: VP, C.A. Section. 1.

1. Reference letter No. 1.00/ES of 11th October, (Folio 1A).

2. The proposal that Italian Government Decrees dealing with price-fixing as set out in para 2 should not be implemented except upon a special request from the Economic Section will entirely disorganise the procedure in force for implementing Decrees. It will require a minute examination of every Decree in every number of the Gazzetta Ufficiale as it is issued, a work which this Sub-Commission cannot undertake at all, and much less at the present time with its staff much depleted.

3. It could be arranged for a copy of each Gazzetta to be sent to the Economic Section immediately it is received by this Sub-Commission from the Poligrafico dello Stato. This would give approximately two weeks which would be quite sufficient to communicate with the Price Fixing Board in North Italy.

LEGAL S/C
16 Oct 45


JOHN K. WEBER
Col. Inf.
Chief Legal Advisor

99

2.

VP. I think it is desirable to know what proportion of these decrees have in fact been necessitated for implementation in the north. It would hardly appear to be worth what disorganising & complicated matter of the number is very small. It is not merely publication in this office which is refused to but the administration of laws in the provinces becomes very complex & large numbers of decrees are neglected from implementation, especially at later dates some of them are implemented.

The more desirable course is that consultation should take place before the decree is passed and the Minister is kept informed so as to be satisfactorily able to the Ruling Board.

It is thought that these measures deal with

LEGAL S/C
16 Oct 45


JOHN K. WEHER
Col. Inf.
Chief Legal Advisor

99

2.

VP. I think it is desirable to know what proportion of these decisions have in fact been unsatisfactory for implementation in the north. It would hardly appear to be worthwhile disorganizing a complicated matter if the number is very small. It is not merely satisfaction in this office which is referred to but the administration of laws in the provinces becomes very complex if large numbers of decisions are excepted from implementation, especially if at later dates some of them are implemented.

The more desirable course is that consultation should take place before the decision is passed and the decision is agreed on, so that as to be unsatisfactory due to the Privy Council.

If the Indian Govt. objects that these decisions deal with matters of day to day administration ^{as is} which is in itself a ~~not~~ ^{not} ~~the~~ ^{the} ~~question~~ ^{question} of consultation, such action as it may desire when it would seem to be a matter of ~~in~~ ⁱⁿ ~~which~~ ^{which} it is inappropriate for the Privy Council to interfere even after the case is heard.

This seems to be the dilemma: if the number is one in which the Privy Council is entitled to interfere, consultation which takes place before publication - to it is not; it should not interfere after publication.

In any case if the number is very small and interference is justified on account of allied interests, it may be simpler to allow implementation in full but for Regional laws to be established suspending the action of particular decisions so long as Military Govt. shall have or an earlier order to the contrary is made.



CA S
17 Oct 1945

C. A. Section 21

Letter in reply to CIA Submitted for
Signature by Chief Commissioner, if approved.

Thompson
for C.A.

9th January '66.

22

Ex-Comm

Letter enclosed for signature by C.C. if
he approves.

10/1

10/1

McFarley
V.P.C.H.S. 98

Chief Commissioner.

23.

Approval
Attached is submitted for your signature
information

JAN 11 REC'D

10/1
... 10/1

Ex-Comm

Letter enclosed for signature by C.S. if
he affirms.

m. Can. Bay
V.P.C.H.S.

98

10/1

20/1

Chief Commissioner.

23.

Approval
Attached is submitted for your signature
information

JAN 11 REC'D

10/1

24.

CAS.

Letter signed and returned for despatch. Copies
withdrawn for C.C. and E.C. files

LEGAL S/C

Letter returned for despatch.

BT. 26
COS

TO : Legal Sub-Commission

1 AUG 1945

56A

Reference the attached letter from the Prime Minister to which I shall have to draft a reply. My own feeling is that at this late stage it is not worth doing anything more than give instructions to Trevelock to give immediate and adequate publicity to the enforcement of the said regulations.

Have you any further comments?

Chief Counsel

A. D. Buchanan
P. G. B. BAKER, Esq.,
IT 9A Section

CAS.

17.

Also not specifically asked to do so (started to draft a reply.

The attached letter contains my views. It contains 3 typing errors, but I

have not had it retyped as I don't know that (like it enough).

If the policy is approved (with some other letter -

3 Aug. 45

18.

E.C.

letter to P.M. (retyped & freed from error!)

Submitted for signature of C.A.

5 Aug 45

SPM

47/5

347

W. D. BAKER
C.A.

97

CAS.

I started to draft a reply.

Also' not specifically asked to do so. It contains 3 typing errors, but -
 The attached letter contains my views.

I don't know that (like it enough)!

I have not had it retyped as I don't know that (like it enough)!

If the policy is approved (with some minor letter -

W. J. S. 97
 C. J. S. 97

3 Aug. 45

18.

E.C.

letter to P.M. (retyped ahead from errors!)

submitted for signature of C.C.

S. A. 45

S. A. 45

9/7/5

(347)

19.

CA SECTION.

Reference your minute 18 - letter signed as requested and
 returned hereafter for despatch. Copies withdrawn for CC and EC files

9 Aug 45

Regard to forward despatch. 9/1/5
 C. J. S. 97

W. J. S. 97
 C. J. S. 97

Minute Sheet No 5

TO : V P Ch. Sec

(1)

1. The draft at fol 42 A (English translation at fol 43A) has been prepared by the Legislative Bureau of the Ministry of Justice on request of this Sub-Commission. It is designed to avoid any appearance of conflict between Italian decrees implemented in AMG territory and the implementation order of the AC in cases such as DLL No. 3 of 11 Jan 1945 which provides in para 2 of Art. 9 that "in other provinces (i.e. provinces not restored to Italian Government) the present decree shall become effective on the date on which they are restored to the administration of the Italian Government".

2. Due to its general character the decree should be presented to the Council of Ministers by the Prime Minister. If you agree this Sub-Commission will prepare a letter for your signature requesting the Prime Minister to do so.

G. G. HANNAFORD

G. G. HANNAFORD,

Lt. Col.,

Officer i/c Italian Branch,
for Chief Legal Advisor.LEGAL S/C
25 April 45

VP. C.A.S.

(13)

The contents of A & A should be accomplished when we require. Jangbar
 Quite certain how you wish to write OK for or to sign the letter -

1 May 45

✓ Signed in
DECA.

VP C.A.S.

(14)

For signature please

W. J. Jangbar

LEGAL S/C
25 April 45

Lt. Col.,
Officer i/o Italian Branch,
for Chief Legal Advisor.

VP. CAS.

(13)

The contents of A & A should accomplish what is required. I am for

quite certain how you wish to write (SIC) or to sign the letter -

1 May 45

Super
Wilder
Deja.

IP CAS.

(14)

For signature please

Wilder
CA.

10 pages

Leave Cont. SIC (1) ✓
CA Sec. (2)

(15) *See 196*

MB

Please see 54A (translation of SIC) for information

Shine
W. E. Adams. Col. Dea

LEGAL SUBCOMMISSION

20 JUL 1945

9.

TO : Executive Commissioner.

- 1 Difficulties have occurred in connection with the wording of Italian Decrees.
- 2 In some cases decrees have been drawn with an eye only to the then administered Italian territory with the result that some anomalies have been created when the law has been extended to AMG Territory.
Examples of these are:
 - a) the fixing of a definite date for an increase of pay with the result that if this decree is simply extended officials become entitled to considerable arrears extending even into the time when they were in German occupied Italy and before the cost of living had increased.
 - b) the time limits in the defascising decrees run from the return of the territory to Italian administration, yet the decree by agreement with the Italian Government had been extended to AMG Territory with the result that the time limits do not run in AMG Territory.
- 3 In other cases decrees have been drawn at the direct instance of Sub-Commissions with a view to their application in AMG Territory, the fact that the decree will also be in force in Italian Territory with which Sub-Comms are not concerned may have been an added inducement. Examples are given in the body of the letter at 29 A.
- 4 The practice of procuring the Italian Government to legislate with a view to extending the decree to AMG Territory (in effect legislating for AMG Territory) is convenient in practice and has the effect of getting decrees to improve the administration of the country onto the statute book. In form however some of this legislation has too patently the appearance of legislation directly for AMG Territory and may lead to misunderstanding.
- 5 The inclusion in decrees of the phrase suggested in the end of the letter will serve two purposes:-
 - a) Remind the draftsman to phrase the decree appropriate because of the distinction to be observed as to the two territories,
 - b) abolish the appearance of the decree legislating for AMG Territory.
- 6 The letter at 29 A for signature by the CC if approved.

CA Section
3 Mar 45

R. R. [Signature]
G.R. UPTON Brig,
M VP CA Section

Sum by E.C.

Signed by CC. 4/5

- territory to Italian administration, yet the decree by agreement with the Italian Government had been extended to AMG Territory with the result that the time limits do not run in AMG Territory.
- 3 In other cases decrees have been drawn at the direct instance of Sub-Commissions with a view to their application in AMG Territory, the fact that the decree will also be in force in Italian Territory with which Sub-Comms are not concerned may have been an added inducement. Examples are given in the body of the letter at 29 A.
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 - 6 The letter at 29 A for signature by the CC if approved.

CA Section
3 Mar 45

R. R. G. G. G.
G.R. UPJOHN Brig,
M VP CA Section

Seen by E.C.

Signed by CC. 8/3.

10

To: C.A. Sec.

Reference Minute 9 above. Letter is
attached and has been signed by Chief Clerk.
Now returned for disposal.

Office, E.C.
9 Mar 1945.

*Lead for
disposal*

E. R. G. G.

C.A.S.

11

VP has asked for 29A. *will draw
12 hours. total. spec. ~~can~~
decide.*

VP CA Sec

Draft letter to sub-commissions at folio 28A is self-explanatory. If you approve a wax will be submitted.

Legal S/C
23 February 1945

W.D. BARNES, Colonel,
Deputy Chief Legal Advisor.

Legal

by

Approved

Approved as amended. Cannot we also

raise this with the two P.M. I suggest you draft a letter for signature of C.C. to cover this point.

24 Feb 45

W.D.B.

7.

C.A.S.

The proposed to have a General clause in each G.P. is believed to be unacceptable to the Dir. Gen. Your recommendations have therefore been followed. Herewith an extract (as letter for signature by S.C. and (b) wax substantially in the form approved by you.

W.D.B.

Signed

by you.

raise this with the two P.M. I suggest you draft
a letter for signature of C.C. to cover this point.
24 Feb 45

W.D.M.

7.

CAS.

The proposal to have a General clause in each of the 5
believed to be unacceptable to the Hon. Sec. Your recommendations
have therefore been forwarded. Herewith are submitted as letter for

signature by C.C. and (6) was substantially in the form approved

by you.

W.D.M.
D.C.A.

28 Feb 45

8.

CAS.

Ref Minute 6. Herewith proposed letter to C.C. Ref Minute 7

VP suggested the inclusion of the top para on p 2 of the letter dealing with
operation occurs. This letter, if written & accepted, will of course
only affect future legislation.

28 Feb 45

W.D.M.
D.C.A.

sheet 2

Mun. Serv. No. 2

TO : VT CA Sec.

③

The following point is submitted for your decision :-

1. DIL 415 authorizes the appointment of a provincial "Commissario" for housing problems and makes provisions for putting available housing for best use.

2. DIL 415 came into force on 13 Jan 45 and was implemented by you on 25 Jan 45, the implementation being published in the Gazette No. 14 of 1 Feb 45.

24A & 26A

3. RC Southern Region is pressing strongly and urgently that this implementation be cancelled so far as concerns Naples Commune on the grounds that there exists ~~there~~ already a Prefectural Order which covers substantially the same grounds as well as, if not better than, the DIL.

4. There are three ~~courses~~ courses:-

A To accede to RC: This means cancelling an implementation and thereby revealing a law which is now in force even if only for a very few days. It also means that the law on one side of a street (within the commune) will differ from that on the other (without the commune) and also that on eventual restoration some extra difficulty may be caused. Against these disadvantages is the fact that the RC and the Prefect prefer the existing Order: moreover, a change over from the Order to the DIL may cause disorder, at least at first.

B To refuse RC's request. Some comments apply.

C To request RC to elaborate why they prefer the local order to the DIL. This puts off the time for decision: but every day the DIL remains in force the more undesirable does it become to repeal it. Moreover, RC is pressing for an early decision.

5. Public Works Sub-Commission disclaim any interest or responsibility: indeed, being a matter of local administration I doubt if any Sub-Commission is really concerned.

6. If you do not object to establishing what, I believe, would be a precedent, I think the balance is in favour of acceding to RC: the Prefect has a difficult job, no doubt, and we should not do anything to embarrass him.

1 Paphos

W. E. BARRIS, Colonel,

Deputy Chief of Staff

A To accede to RC. This means cancelling an implementation and thereby preventing a law which is now in force even if only for a very few days. It also means that the law on one side of a street (within the commune) will differ from that on the other (without the commune) and also that on eventual restoration some extra difficulty may be caused. Against these disadvantages is the fact that the RC and the Prefect prefer the existing Order: moreover, a change over from the Order to the DM may cause disorder, at least at first.

B To refuse RC's request. Same comments apply.

C To request RC to elaborate why they prefer the local order to the DM. This puts off the time for decision: but every day the DM remains in force the more undesirable does it become to repeal it. Moreover, RC is pressing for an early decision.

5. Public Works Sub-Commission disclaim any interest or responsibility: indeed, being a matter of local administration I doubt if any Sub-Commission is really concerned.

6. If you do not object to establishing what, I believe, would be a precedent, I think the balance is in favour of acceding to RC: the Prefect has a difficult job, no doubt, and we should not do anything to embarrass him.

1 *Parabola*

↓

W. E. BERTS, Colonel,
Deputy Chief Legal Advisor.
(absent on duty)

Legal Sub-Commission
2 February 1945.

*CC Capps. Brig Dudgeon will report on his work
Tuesday - must be kept to the*

4

To. L. G. Sub-Commission for info and return
to Legal

W. E. BERTS

*Ref Minute 3. Brig Dudgeon will ask the
Prefect if he would like to initiate an application for
the cancellation of Dec 415 so far as regards houses
come & this will come up for consideration again at
13 Febur. This through usual H.M.G. channels.*

TO : Interior S/C.

15 September 1944.

1. Reference Folio 144 which deals with a matter which has often been discussed.

2. The point in question in this particular instance can be summed up as follows:

"Is it worth while considering the conditions prevailing in these Provinces to issuing a General Order embodying all the provisions of PDL 111 on Local Government, now in force in AGC and AMT territories?"

3. It is obviously preferable that local government be managed under the same regulations in all territories liberated from the Germans whether they be under Italian, AGC or Army administration. On the other hand, it might be preferable to maintain for a short period at least, the "status quo ante" in Army areas, postponing substantive changes until such time as AMT takes over.

G. S. Hammond

G. S. HAMMOND,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Officer.

(2)

Legal S/C

U!

Sent. 19 1. This S/C entirely agrees with the first sentence of para 3 of the above minute. The alternative stated in the second sentence of para 3 is contrary to the policy which this S/C administers.

2. This S/C would advise against the making of a General Order. It would tend to confuse an already complicated situation.

3. The view held in this S/C is that in Army Areas the local government system described in P.D.L. no. 111 is enforceable as an administrative act of the Military Governor. Do you agree?

R. A. Smith. March.

ing substantive changes until such time as AG takes over.

S. S. Hammond
 G. S. HAMMOND,
 Lt. Col.,
 Officer i/a Italian French,
 for Chief Legal Officer.

(2)

Rever S/C

YJ

- Sent. 19
1. This S/C entirely agrees with the first sentence of para 3 of the above minute. The alternative stated in the second sentence of para 3 is contrary to the policy which this S/C administers.
 2. This S/C would advise against the making of a General Order. It would tend to confuse an already complicated situation.
 3. The view held in this S/C is that in Army Areas the local government system described in P.D.U. no. 444 is enforceable as an administrative act of the Military Governor. Do you agree?

E. C. B. Spicer

E. C. B. SPICER
 Colonel
 Director, Interior S /C

5

V.P.

I feel that Economic Section have missed the point and ignored the peculiarities of Naples commune. I suggest that, in fact, it is really a C.A.S. matter because the situation is created by Allied requisitions. However, as it has taken so long - nearly 2 months - to get even this far, it will probably be far too complicated to change now. Recommend that we drop it and advise Naples accordingly.

cc
Legal
CA/Sec
JAC/PL/15

Letter for despatch please. Wherewithal S/pt.

A. D. Benham/ptm 11/6/1
16 April

419

91

MINUTE SHEET

TO LEGAL

Re: D.C. Southern Region. R/Rs 20 Feb. 65

V.P. thinks me to require whether it is possible for the Prefect to issue an ordinance to carry out his program and cover the point in addition to the amplification of Decree 415

CAH

29 FEB 65.
X. 608.

R. R. Knight

(2)

CA. To ~~CAH~~ Section.

1. It seems that the best solution would be not to revoke the implementation order of 25 Jan. 45 (G.U. No. 14) as suggested by the Prefect, but rather to modify its effect by a new order or addendum, as follows: -
 "The territory of the Commune of Chapels is excepted from the operation of this Order"
 or words to that effect.

2. The reasons advanced for the non-application of Dth. 415 to the Commune of Chapels appear to be justified by the following considerations: -
 (a) application to the territory has an effect derogated the Chapels Prefectural ordinance;
 (b) Art. 12 of the Dth. provides that it shall apply to commissioners nominated prior to its coming into effect;
 (c) although the Prefect has the power under Art 19 of the T.V. of the Communal Ordinance to publish a new ordinance, it seems that this must be in conflict with Dth. 415, particularly as the Prefectural Commission's decisions are irreversible whilst those made under the

x. 606.

(2)

To ~~CA.~~ Section.

1. It seems that the best solution would be not to revoke the implementation order of 25 Jan. 45 (G.U. No. 14) as suggested by the Prefect, but rather to modify its effect by a modifying order or addendum, as follows:-
- 31
- "the terming of the Commune of Thopos is accepted from the operation of this Order"
- or under that effect.

2. The reasons advanced for the non-application of Dth. 415 to the Commune of Thopos appear to be justified by the following considerations:-
- (a) application to Anna Terding has in effect, abrogated the Thopos Prefectoral Ordinance;
- (b) Art. 12 of the Dth. provides that it shall apply to commissioners nominated prior to its coming into effect;
- (c) although the Prefect has the power under Art 19 of the T.U. of the Communal Ordinance to have to publish a new Ordinance, it seems that this must be in conflict with Dth. 415, particularly as the Prefectoral Communes' decisions are irreversible whilst those made under the Dth. are subject to appeal.

C.R. Thackwell & Co.

Legal S/C.
1 Mar. 45.3

To Economic Section

Please see letter 3

12/3/45

14th. 14th.
P.H. W.P. 14th.

4

14/4-45

To C.A. Section

See Ref. E/S 7.03- 14 April 45 - attached
14th. Comm. C.A. CSO E/S

AC/4010/2/L

63A

Rome // January, 1946

My dear Mr. Prime Minister,

In view of the restoration to the Italian Government of the Northern Provinces it would not be competent for me to issue instructions to Prefects as requested in your letter of 23rd December, and in fact no such instructions are now necessary, as legislative provisions will come into operation in these Provinces on the date provided in each decree.

While I appreciate the usefulness of a list of legislative provisions applied in AMG territory and the date on which each came into operation, referred to in paragraph 3 of your letter, I believe this information is already available to the Italian Government in that the Prefect of every Province has a record of the date of the receipt by him of each copy of the Official Gazette.

Yours very truly,

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dott. Alcide De Gasperi
The President of the Council of Ministers
Italian Government
ROME.

39

Translation

The President of the Council of Ministers
50665/30512/1.1.26

4010 / 2

Rome, 23 December 1945

463

(62A)

Dear Admiral,

in your letter of August the 15th, in which you explained the reasons that prevented from taking an attitude different from the present one regarding the extension of Italian regulations to territories administered by A.M.G., you stated that you would give the necessary instructions to the Prefects, so that they might inform every time the communes of their respective provinces and the Interior Department that they had received the 'Gazzetta Ufficiale'.

Thanking you for your kind courtesy on this matter, I feel I must point out to you that, to spread a more direct and immediate knowledge of the enforcement of the various regulations, for the benefit of the offices as well as of the citizens, it would be advisable to have the date when they become effective made public by means of short communiques to be published by the prefectures in such local papers as have the largest circulation.

Besides, as in many cases the central Administrations need to know the exact date when the A.M.G. regulations become effective, it would be advisable for the Prefects to forward the information to the Presidency of the Council of Ministers and to all the Ministries, without delay and directly. As prejudicial uncertainties already manifested themselves in this delicate matter, it would be most useful for the central Administrations to have a schedule of the regulations which have till now been extended, with the date when each of them became effective.

I shall be most grateful if you kindly take in consideration the possibility of issuing further orders in this sense.

Believe me, my dear Admiral,

Sincerely yours,

88

S. De Gasperi

Admiral Stone
Chief Commissioner
Allied Commission
Rome

e/c



RC DIST - 29 Dec

ACTION - CA Sec (2)

INFO - CC

- EC

50665/30512/I.I.26



29 DIC 1945

62B

Roma, 23 dicembre 1945

*Il Presidente
del Consiglio dei Ministri*

Mio caro Ammiraglio,

con la Sua lettera dell'8 agosto scorso, nel prospettare le ragioni che si oppongono all'accoglimento di un congegno diverso da quello attuale, circa la estensione dei provvedimenti legislativi italiani nei territori amministrati dall'A.M.G., Ella assicurava che avrebbe impartito opportune istruzioni ai Prefetti, affinché questi informino, di volta in volta, i Comuni delle rispettive provincie ed il Ministero dell'Interno dell'avvenuta ricezione della Gazzetta Ufficiale.

Nel ringraziarla del cortese interessamento da lei dimostrato al riguardo, sono indotto a farLe presente la opportunità che, ai fini di una più diretta ed immediata conoscenza della entrata in vigore dei singoli provvedimenti, da parte sia degli uffici sia dei cittadini, la data di detta entrata in vigore venga resa di pubblica ragione anche mediante brevi comunicati da pubblicarsi, a cura delle stesse Prefetture, nei più diffusi giornali locali.

Inoltre, poichè, in numerosi casi, necessita anche alle Amministrazioni centrali di conoscere la precisa decorrenza dei provvedimenti estesi dall'A.M.G., sarebbe molto opportuno che i Pre-

All'Ammiraglio Ellery W. STONE
Commissario Capo della
Commissione Alleata

R O M A





*Al Presidente
del Consiglio dei Ministri*

- 2 -

fatti ne dessero diretta e sollecita comunicazione alla Presidenza del Consiglio dei Ministri ed a tutti i Ministeri. Essendosi, anzi, già manifestate dannose incertezze in questa delicata materia, tornerebbe altresì utile alle stesse Amministrazioni centrali avere, per ciascuna provincia tuttora soggetta all'A. M.G., un prospetto dei provvedimenti finora estesi, con la indicazione delle rispettive date di entrata in vigore.

Le sarei, pertanto, molto grato se Ella volesse considerare la possibilità di impartire ulteriori istruzioni nei sensi suaccennati.

Voglia accogliere, mio caro Ammiraglio, gli atti della mia sincera considerazione.

Lyman

86

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
APO 394

KES/aa

(61A)

// October 1945

1.00/ES

SUBJECT: Implementation of Price Decrees

TO : Vice President - Civil Affairs Section

1. In Admiral Stone's memo of 9 July, 1.00/ES the price fixing authority in North Italy was delegated to the North Italy Price Fixing Board subject to certain controls by the Allied Commission. Therefore, we should not, without prior consultation with the North Italy Price Fixing Board, permit the implementation in the North of Government decrees fixing prices. The time allowed for filing objections to implementations proposed in the Legal Sub-Commission circulars is seldom sufficient for consultation with the North Italy Price Fixing Board.

2. It is requested therefore that Government decrees:

- a. Fixing a price on any commodity, or
- b. Fixing a price on any service or rental,
- c. Setting limits within which local price fixing organizations may fix prices
- d. Issuing operating instructions to local price fixing organizations

shall not be implemented except on the basis of a special request from this office. Such requests shall be issued from time to time as the North Italy Price Fixing Board and the Interministerial Price Committee are brought into agreement with respect to the prices fixed in each decree. The importance of avoiding further implementation, except on the basis of Price Board agreement, is such that you are further asked to recall any implementations which may now be in the process of being issued. 85

DISTRIBUTION

Legal S/C ✓
Food S/C
Industry S/C
Commerce S/C
Agriculture S/C
Public Works & Utilities

CLO

DCLO

Chief Counsel

CLO

Robert H. Lee

12 OCT 1945

(S) EBM. D
E. B. MCKINLEY
BRIGADIER GENERAL, USA
ACTING VICE PRESIDENT

20 SEP 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

Legal
20 SEP 1945
WEB/ps.
19 Sept 45.

AG/4010/2/L.

SUBJECT : Implementation of decrees in G.U.

TO : VP CA Sec.

1. After the next handover of territory, Udine and possibly some other territory will remain under AMG.

2. It is for consideration what policy should then be adopted in the retained territory for the implementation of future decrees. It will be recalled that in Venezia Giulia decrees are automatically excluded while in the rest of what will then be AMG territory substantially if not entirely all decrees will have been implemented.

3. Legally it is necessary to take some action to cover the matter since unless the decrees are made effective they do not have the force of law.

4. I recommend that in any retained AMG territory except Venezia Giulia all Italian decrees be implemented automatically. If this is accepted, all that is necessary is to publish, after the next handover, an order in the G.U. to the effect that in the Province of Udine etc all decrees will have full force and effect automatically as if such territory were under Italian administration. It should be specifically stated that this does not apply to Venezia Giulia and that for that territory the existing notice continues in force.

W. E. Berrens

W. E. BERRENS,
Colonel,
Chief Legal Advisor.

VP.

Recommended

20 SEP 1945

Disarmed in CHA. I concur.

20/9

Mc Carr By order
V.P. C.A.S.



59A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4010/2/1.

/rlp.
10 August 1945.

SUBJECT : Procedure of implementation of Italian legislation in AMG territory.

TO : Regional Commissioners (Attn: Regional Legal Officers for Provincial Legal Officers for Prefects), LIGURIA, PIEMONTE, LOMBARDIA and VENETIE Regions.

1. The Italian Government has informed this Commission that considerable difficulty is being experienced both by the Government itself and by the communes within provinces in ascertaining the exact dates upon which Italian decrees become operative in AMG territory.

2. These dates are of course fixed by the date of receipt by the Prefect of the Official Gazette containing the order implementing the earlier Gazette which contains the particular decree concerned. The dates, in the case of any particular decree, are the same for all communes in a province, but are not necessarily the same in different provinces.

3. In order to satisfy the requirements of the Italian Government will you please ensure that in the future the Prefect notifies the Ministry of the Interior and all the communes in the province of the date of receipt by him of each copy of the Official Gazette. This can be done, so far as the communes are concerned, by publication of an official communique in the local press or by any other method the Prefect might think appropriate.

4. This letter is forwarded for distribution to PLOs with a translation in Italian for delivery to Prefects. The part in brackets is Italian.

By command of Rear Admiral STONE:

83

W. E. BREERS.

W. E. BREERS,
Colonel,
Chief Legal Advisor.

Incl: Translation.

QUARTIERE GENERALE COMMISSIONE ALLEATA
APO 394
SOTTOCOMMISSIONE LEGALE

AC/4010/2/L.

/lc.
10 Agosto 1945.

OGGETTO : Procedura per l'esecutività delle disposizioni legislative italiane nel territorio soggetto al Governo Militare Alleato.

AI : Commissari Regionali (Comp: Ufficiali Legali Regionali per Ufficiali Legali Provinciali per i Prefetti) delle Regioni LIGURIA, PIEMONTE, LOMBARDIA, VENEZIE.

1. Il Governo Italiano informa questa Commissione che sono state rilevate notevoli difficoltà, sia da parte del Governo stesso che da parte dei comuni delle rispettive provincie, nell'accertare le date esatte alle quali i decreti Italiani entrano in vigore nel territorio soggetto al Governo Militare Alleato.

2. Queste date restano fissate al giorno in cui il Prefetto riceve la Gazzetta Ufficiale contenente l'ordine di entrata in vigore di quella precedente Gazzetta che contiene appunto il voluto decreto. La data dell'entrata in vigore di ogni singolo decreto è la stessa per tutti i comuni di una medesima provincia, ma non è necessariamente la stessa per le varie provincie.

3. Per soddisfare alla richiesta del Governo Italiano vogliate cortesemente assicurarvi che, per il futuro, il Prefetto dia notizia al Ministero degli Interni ed a tutti i comuni della rispettiva provincia della data in cui ha ricevuto ogni singola copia della Gazzetta Ufficiale; il che può essere ottenuto per quanto riguarda i comuni, mediante la pubblicazione di un comunicato ufficiale nella stampa locale o mediante qualsiasi altro mezzo ritenuto opportuno dal Prefetto.

D'ordine del Contrammiraglio STONE:

W. E. Behrens
W. E. BEHRENS,
Colonnello,
Consulente Legale Capo.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

CGH/lc.

2 August 1945.

AG/4010/2/L.

SUBJECT : DLL 415 on housing.

TO : Economic Section HQ, AC.

1. This decree was excluded by AMG order which appeared in Gazzetta Ufficiale 50 of 26 April 1945. This was done at the request of the Prefect of Naples in full agreement with the Zone Commissioner and your Section. The reasons put forward were that there existed a prefectoral order dealing with the problem of housing, which conflicted with DLL 415, and was considered more practical, at least as far as Naples was concerned.

2. It is not known how long Naples will remain under AMG, but when it ceases to be, a certain amount of confusion will no doubt be created when the provisions of the Prefectoral Order are replaced by those of DLL 415.

3. You might therefore wish to draw the attention of the Italian Government to this problem in order that necessary steps may be taken to meet the situation which will arise when Naples is restored to Italian administration.

By command of Rear Admiral STONE:

81

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

(57A)

Ref: AG/1010/2/L.

8 August 1945

My dear Mr. Prime Minister,

I have carefully considered the difficulties in the implementation of Italian legislation within AMG territory to which you refer in your letter of 30 July 1945.

As you are aware, all Official Gazettes are supplied by AMG to the Prefects of all provinces in AMG territory and the distribution of the Gazettes is made by the Prefect within the province on the same scale as in Italian Government territory. Owing to the different areas to be reached, delivery cannot be made to all Prefects nor even to all communes within one province on the same day. Delivery is, however, made as soon as possible.

The legislation in any particular Gazette is, unless disapproved by AMG, made effective in each province of AMG territory on the date of the receipt by the Prefect of that province of the subsequent Gazette containing the relevant implementation order. This date is officially recorded by the Prefect, who signs a dated receipt for the Gazette. The Prefect can and should notify his communique and the Italian Government of this date so that there should be no difficulty for either the communique or the Italian Government to know the exact date upon which any decree becomes operative in any particular area.

I feel that at this late stage in AMG administration it might create complications to vary the existing system, which is by now fully understood both by AMG officers and Italian officials. For the time which AMG is likely to continue in North Italy it appears to me to be doubtful whether any advantages would accrue from a modification.

The suggestion which you propose of making laws effective from the date of publication in a subsequent Gazette of notice of the receipt by Prefects of an earlier Gazette does not appear to me to be expedient and would involve an even greater delay in the application of Italian decrees to AMG territory. These decrees can only be applied to AMG territory by an order of AMG, and this order can only be issued in respect of those decrees which are not disapproved by AMG. The procedure for this cannot be shortened. If, therefore, the operation of the law is to depend upon the subsequent issue of a notice in another Gazette a further period of some ten days must elapse in each case before a decree can become effective.

- 2 -

I entirely agree, however, that Prefects should be ordered in accordance with the existing system to give notice to their communes and to the Ministry of the Interior of the date upon which they receive Gazettes, and I am issuing the necessary instructions for this to be done.

I hope that this will meet your requirements.

Yours very truly,

[S] Ellery W. Stone

ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Professor Ferruccio Parri,
The President of the Council of Ministers,
Italian Government,
Rome.

Translation

The President of the Council of Ministers
N. 30512/1/1.26

30 July 1945

My dear Admiral,

as you well know, according to the ordinances of the Allied Military Government concerning the extension of the Italian legislative regulations to the territories which are under it, the said regulations become in force on the day when the prefects of the various provinces receive from A.M.G. a copy of the Gazzetta Ufficiale containing the text of the said ordinances.

Now it happens that this communication is not always brought in time to the knowledge of the offices and citizens concerned with the enforcement of the above mentioned regulations. There occurs therefore the following serious inconvenience: for a more or less long lapse of time, legal regulations which are formally in force can be unknown to the very people who have to observe them. On this subject, we have taken in consideration the hypothesis that the said time limits fixed by the law to exercise some rights or fulfil some obligation happened to fall due without the knowledge of the persons concerned.

I think that two different solutions could eliminate the above mentioned inconvenience. One of them would be to give instructions to the prefects to give immediate and adequate publicity to the enforcement of the said regulations, informing also the Presidency of the Council of Ministers, because of the interest even if only indirect, which this enforcement may have for the central administrations. The other solution would be to have the announcement of the sending of the Gazzetta to the prefects published in one of the next numbers of the said Gazzetta: the regulations would naturally become in force on the date of this announcement. This second solution appears to be preferable, for it has the advantage of having the enforcement of the decrees start from a well defined date of which it would be easy to make certain.

I shall be most grateful if you kindly consider the advisability of having this matter studied by your offices, to have this matter settled in a different way.

Waiting for your answer, I remain,

Yours very truly,

s. Ferruccio Parri

trans. e/c

EC DIST -

31 JULY 45

ACTION:

CA Sec (2)

INFO:

CHIEF COMM

EXEC COMM

AUG 1945

78

N. 30512/1.36



JUL 31 1945

55A

*Il Presidente
del Consiglio dei Ministri*

Roma, 30 luglio 1945

Mio caro Ammiraglio,

come Le è noto, in base alle ordinanze del Governo Militare Alleato concernenti la estensione dei provvedimenti legislativi italiani ai territori che sono ad esso soggetti, i provvedimenti stessi entrano in vigore il giorno in cui i prefetti delle singole provincie ricevono dall'A.M.G. copia della Gazzetta Ufficiale contenente il testo di dette ordinanze.

Ora, avviene in pratica che tale comunicazione non sempre è portata tempestivamente a conoscenza degli uffici e dei cittadini interessati all'applicazione dei provvedimenti predetti. Si verifica, quindi, il grave inconveniente che, per un periodo di tempo più o meno lungo, norme giuridiche formalmente in vigore possono restare ignorate da coloro stessi che sono tenuti ad osservarle. A tal riguardo è stata altresì prospettata l'ipotesi che dati termini stabiliti dalla legge per l'esercizio di diritti o per l'adempimento di obblighi vengano a scadere ad insaputa degli interessati.

Io penso che due diverse soluzioni siano idonee ad eliminare il suaccennato inconveniente. L'una sarebbe quella di impartire opportune disposizioni ai prefetti, affinché essi diano immediata ed

All'Ammiraglio Ellery W. STONE
Commissario Capo della
Commissione Alleata

R O M A

1249

2 AUG 1945

adeguata pubblicità alla entrata in vigore di detti provvedimenti, informandone anche la Presidenza del Consiglio dei Ministri, in relazione all'interesse, sia pure indiretto, che tale entrata in vigore può avere per le amministrazioni centrali. L'altra soluzione consisterebbe nel disporre che dell'avvenuta comunicazione della Gazzetta ai prefetti sia dato l'annuncio in un successivo numero della stessa Gazzetta: dalla data del quale dovrebbe naturalmente decorrere la efficacia dei provvedimenti. Questa seconda soluzione appare preferibile, offrendo il vantaggio di far decorrere la efficacia dei decreti da una data ben definita e facilmente accertabile.

Le sarò grato se Ella vorrà valutare la opportunità di fare studiare la questione dai Suoi uffici, ai fini di una nuova disciplina della materia.

In attesa di conoscere le Sue determinazioni, colgo l'occasione per rinnovarle, mio caro Ammiraglio, i sensi della mia considerazione.

Ferruccio Lam

54A

4

THE MINISTRY OF INTERIOR
Direction General of Civil Administration
Electoral Service.

Rome the 24th July 1945

To the ALLIED COMMISSION
Local Government S/C

File: 15600 B.

Reply to letter SC/440/2 L.
of the 11th July.

48A

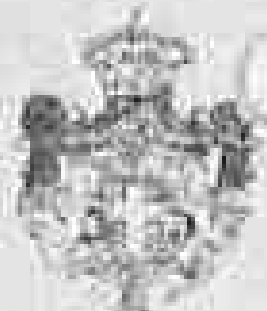
Subject : Execution of decrees in AMG. administrated territory.

This Ministry agrees with the point of view of the
Hon. Allied Commission about the execution of the decrees in the
territories under the Allied Military Authority, and the procedure
established in that connection.

AL

6566

76



4010/2
C

Mod. 869

Roma 24 luglio 1945

12.6 JUL 1945

(53A)

Ministero dell'Interno

Direz. Gen. Amm. Civile

Servizio elettorale

Int. N. 15600 B. Allegato

All'On. COMMISSIONE

ALLEATA - Sottocommissione

Governo Locale - *Legale*

ROMA

Rapporto al f. del

Dir. Dir.

MAC/4010/2

L. dell'11

corr.

OGGETTO : Applicazione di decreti
nel territorio ammini-
strato dal Governo Mili-
tare Alleato -

48A

Questo Ministero condivide il punto di
vista manifestato da codesta On. Commissione-
circa l'entrata in vigore dei decreti del
Governo italiano nei territori ancora sotto-
posti all'Autorità militare alleata e la pro-
cedura all'uopo stabilita .

OCLO ← *hw*
OCLO
Chief Counsel
OCLO
← *H*
CL RKS

IL MINISTRO

Redu...

pan K Local Cat 1/c

+ CAS for

info. *6/5/45*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

52A

AC/4010/2/L.

WEB/lc.
25 July 1945.

SUBJECT : Implementation of DLL 151.

TO : Chief Commissioner (through VP CA Sec.).

1. By agreement with 5th Army, 8th Army, and IV Corps Italian legislation was implemented (except of course those decrees specifically excluded) during the continuance of Army and Corps control. No question therefore arises about any overlap.

2. The procedure was that on a given date in each province the whole bulk of legislation passed by the Italian Government between 8 Sept. 1943 and that given date was implemented (except the decrees specifically excluded) with effect from that given date.

The given date varies very slightly in different provinces of Regions but substantially the dates are: -

EMILIA.....	8 May.
LIGURIA.....	7 "
VENEZIA.....	19 "
PIEMONTE.....	19 "
LOMBARDIA.....	19 "

3. DLL 151 was an approved decree, included in the bulk implementation and was therefore implemented in the provinces with effect from the dates set out above.

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

74

IMPLEMENTATION OF DLL 151 IN NORTHERN ITALY

1) DLL 151 of 25 June 1944 is included in the "Raccolta" of Laws and Decrees of the Italian Government promulgated between 8 Sept. 43 (18 Nov.) and 8 July 44 (Page 646) and implemented in AMG territory by order of the Chief Commissioner on 27 July 44.

2) The "Raccolta" together with the supplement of G.U. 151 implementing all Italian decrees promulgated from 18 Nov. 43 to 12 April 45 in territories situated North of a line formed by the boundaries of the provinces of RAVENNA, FIRENZE, PISTOIA, LUCCA and APUANIA became executive through established procedure on the following dates:

EMILIA	(BOLOGNA)		8 May 45.
LIGURIA	(GENOVA)		7 "
VENEZIA	(VENEZIA)		19 "
PIEMONTE	(TORINO)		19 "
LOMBARDIA	(MILANO)		19 "

3) The date upon which an Italian decree acquires full force and effect of law in any given province under AMG being the date on which the Prefect receives from AMG such decree (see Italian Government directive) the fact that IV Corps and Lombardy Region overlapped did not in any way effect the established procedure above referred.

4010/2
INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

(571)
Legal

Originator's Reference: NO/1318Message Centre No: B/1042Date/Time of Origin: JULY 24/1945Date Time Rec'd: JULY 24/1600BPrecedence: ROUTINEFROM: AFB RATESTO: HQ ALCOM

UNCLASSIFIED.

49A
 your letter A⁰/4010/2/1 subject DIL 332 and DIL 415 requisition and
 lease of apartments refers. *Consideration*
~~Consideration~~ of problem and translating of docu-
 ments will result in 2 or 3 days delay. Will signal final decision

DISTACTION: LEGAL SC

INFO: CHIEF COMMISSIONER
 CA SEC
 FILE (2)
 FLOAT

72

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

24 JUL 1945

50A

JOHN COMMISSIONER (ATTN: CLO) HANDED COMBINE

2426

24 JULY 1945

PRIORITY

WAS ONE TO PLACE A BIAL AND OR WIGGLEY TO ONE LATER AC BLANK FOUR TWO ONE
WAS BLANK TWO BLANK 1 OF HANDED JULY ONE NINE FIVE FIVE TO
WAS TO BE COMBINATION WITH ATTENTION CENTER LEGAL OFFICER JOHN BIAL
COMBINE FROM BE ALONE WITH AGES FIVE

LEGAL Sub-commission

49A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/lc.

19 July 1945.

AC/4010/2/L.

SUBJECT : DLL 332 of 4 June 1945. Supplementary rules to
DLL 415 of 28 December 1944 (Requisition and lease
of apartments).

TO : Zone Commissioner (Attn: Senior Legal Officer),
NAPLES Commune.

1. Reference R/1620 of 20 February 1945 (R.C. Southern
Region to HQ AC) and further to AC/4010/2/L. of 23 April 1945
(C.A. Sec. this HQ to Col. PENNYQUICK, HQ Naples Commune).

2. DLL 415 of 28 December 1944 has been excluded from
application in Naples Commune by an AMG order published in
Gazzetta Ufficiale N°. 50 of 26 April 1945.

3. Please advise whether you wish that DLL 332/1945
published in Gazzetta Ufficiale N°. 79 of 3 July 1945 and
containing supplementary rules to DLL 415 of 1945 shall also
be excluded from Naples Commune.

4. Treat this matter as a urgent please. A reply by
signal would be appreciated.

By command of Rear Admiral STONE:

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : Economic Sec. (your ES/7.03 of 14 April 1945 refers).

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

48A

AC/4010/2/L.

/lc.
11 July 1945.

SUBJECT : Implementation of decrees in AMG territory.

TO : The Minister of Interior.

1. As you are aware the form of expression used by AMG for the implementation of Italian decree in AMG territory renders such decree effective from the date when the Prefect of the Province receives from AMG a copy of the Gazette which contains the relevant implementation order.

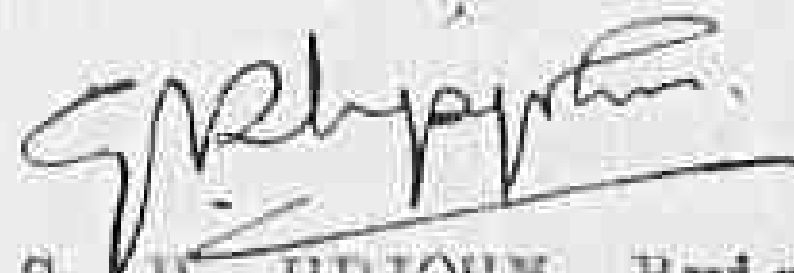
2. In the case of the communes of Lampedusa and Linosa and Pantelleria, the Prefect of the Province receives the Gazette through Italian channels and not through AMG. Nevertheless it is the intention of AMG that the usual procedure should apply to these communes. It is presumed that you agree that this procedure is in order.

3. The matter is of some importance in connection with the compilation of electoral lists since it is most undesirable that anyone should be in a position to challenge the legal validity of these lists on any purely technical ground.

4. Will You please therefore confirm that you are in agreement with the view that the relevant decrees have been legally implemented and are of full legal effect in these communes.

For the Chief Commissioner:

69


G. H. UPJOHN, Brig.,
VP CA Sec. Hq AC.

Copy to : Legal S/C,
Local Govt S/C
File AC/4191/L.

4010/2/L
PR/LE

47A

Recd 13 June 45

8 June 1945.

PR/LE/414.

SUBJECT : Implementation of Italian Legislation.

TO : A.C. Legal Sub-Commission.

1. May a further copy of Directive AC/4010/2/L of 8 Jan. 45 be forwarded please.

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

68

EJM/CB

Forwarded 2
on 13 June 45.

46A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/ps.
1 May 1945.

AC/4010/2/L.

SUBJECT : Application of Italian Decrees in
ANG territory.

TO : Finance Sub-Commission.

1. Your 13103/P of 1 May was discussed on the telephone
(Brig. Grafftey-Smith - Colonel Behrens).

2. For the reasons then given I think that, on balance,
the inconvenience is less ~~by a continuation~~ of the present
scheme *is continued*.

3. The proposed new Italian decree enabling ANG to fix
an arbitrary date for the commencement of operation of any
Italian law may assist.

4. I must record that Lt.Col. Beard is entirely inaccurate
in his first paragraph. The policy was changed by Labour Sub-
Commission with your concurrence (Maj. Reid and Hall) so that
the implementation order, which had not in fact appeared, was
varied.

W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

61

4010/2 ~~20~~ 45A

HEADQUARTERS ALLIED COMMISSION
APO 394.
FINANCE SUB-COMMISSION

13103/F.

1 May 1945.

SUBJECT: Application of Italian Decrees in A.M.C. Territory.

TO : Director, Legal Sub-Commission.

1. I attach copy of a letter addressed to me by Lt/Colonel Beard, R.F.O. of Umbria-Marche Region.

2. During a recent visit to Rome, Lt/Colonel Beard referred to difficulties which frequently arose when a decree became effective as from the date of handing it to the Prefect. Complaints have been received that in some cases Italians were deprived of certain benefits owing to dilatory action by either A.M.C. Officers or the Prefect himself. I asked Lt/Colonel Beard to set this case in writing; in fact he has not done so but has submitted a short scheme whereby any legislation directly affecting the pocket of the Italian population should be handled differently.

3. I shall be grateful for any comments that you may have on the letter ignoring, if you please, the reference to an incorrect decision by Legal Sub-Commission.

A.P. Grassby Smith

Brigadier,
Joint Director,
FINANCE SUB-COMMISSION.

66

LEGAL SUB-COMMISSION	
	C/O
→	DC/O
	Chief Clerk
	C/O
→	Italian Section
	C. R. S.

HEADQUARTERS
AMG/AC
UMBRIA - MARCHE REGION
(REGION V)
CMF

(45B)

REF: RS312 K/1

SUBJECT: Application of Italian Decrees in AMG Territory.
TO: Finance Sub-Commission
H.Q., A.C.
(For the attention of Brigadier Grafftey-Smith)

Even while we were discussing this subject in Rome, it was raising its head at this Headquarters with regard to DIL No. 116 of the Gazzetta Ufficiale No. 43 dated 10 April 1945 : Brigadier UPJOHN having raised it, referred it to the Legal Sub-Commission who gave a decision which we knew could not be right, and which was reversed yesterday.

I have considered how the situation might be met and I will make this proposal if I may : that the Gazzetta Ufficiale be issued in 2 parts:

Part 1 : General Legislature;

Part 2 : Legislation relating to Finance,
which would include wages, allowances, taxes, etc.

Part 1 could be endorsed by the Vice President of the Commission as it is now.

The endorsement on part 2 would be to the effect that those decrees we approve will be applicable as from the dates laid down in the decrees. It is true that decrees embracing income and allowances, which would appear in part 2 if my proposal is accepted, are at present almost always made applicable in AMG Territory; there is however an inevitable lag under the present system which causes unrest, unrest which is accentuated where the laws in a decree are anti-dated.

Difficulties also arise in the case of taxation : there is at the present moment for instance, a decree Increasing Stamp Duties - No. 89 of Gazzetta Ufficiale No. 39 dated 31 March 1945 - from the 20th of April.

63

HEADQUARTERS
AMG/AC
UMBRIA - MARCHE REGION
(REGION V)
CMF

450

REF: RS/512 K/1

Sheet No.2

SUBJECT: Application of Italian Decrees in AMG Territory

TO: Finance Sub-Commission

H.Q., A.C.

(For the attention of Brigadier Grafftey-Smith)

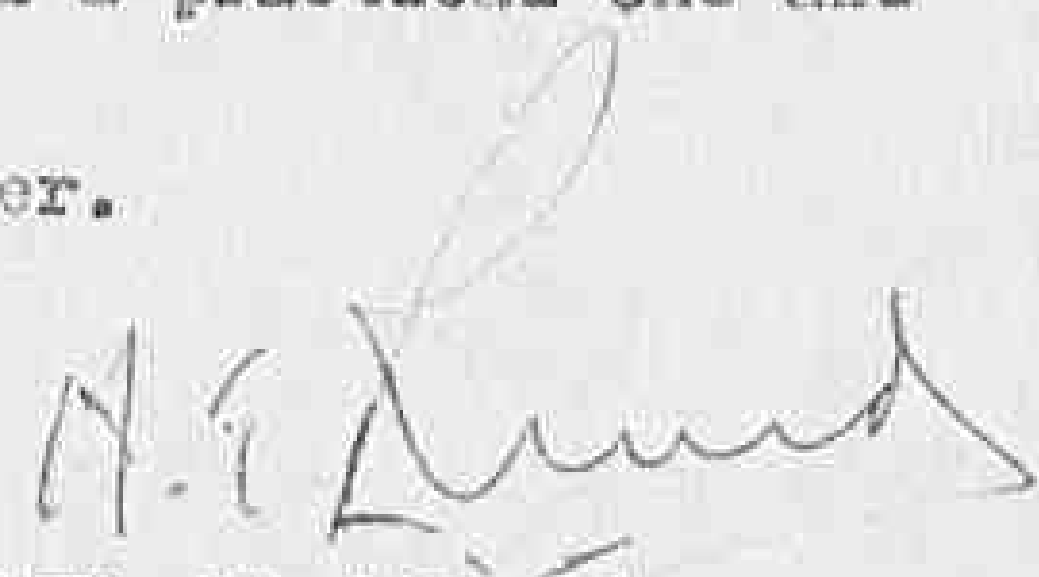
This decree has not as yet been implemented in AMG Territory although it is intended to do so. I have told the people concerned to anticipate our approval and to enforce the decree from the 20th of April.

It should be possible for us to observe the procedure I have indicated, because I am informed that financial decrees are in fact submitted to the Finance Sub-Commission in their drafting stage, and the Sub-Commission know at that stage whether it is intended to make the decree applicable in AMG Territory : as they (the Finance Sub-Commission) are the deciding authority in the matter this procedure need not cause the Italian authorities any delay in the publication of a decree.

I hope that this proposal is a practical one and will be of some use.

For the Regional Commissioner.

67



26 April 1945
NTB/gda

N.T. BEARD, Lt. Colonel
Regional Finance Officer

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4010/2/1.

/rip.
May 1945.

SUBJECT : Implementation of Decrees.

TO : His Excellency, the Prime Minister, Italian Government.

1. As Your Excellency is aware, certain technical difficulties have arisen from time to time in the application to Allied Military Government Territory of Italian decrees which the Allied Commission desires to implement but which are so worded as to cause some doubts as to the true effect of an implementation order.

2. The Minister of Justice has submitted for the approval of this Commission the draft of an extremely short decree to provide that when an Italian decree is implemented in Allied Military Government Territory the date of operation shall be determined exclusively by the Allied Military Government and without regard to the provisions of the decree itself.

3. The proposed decree appears to be an excellent solution of some of the problems which have occurred, and if in addition Your Excellency could ensure that all future decrees comply strictly with the terms of the letter 30512/1.1.26 which, as President of the Council of Ministers you wrote on 22 March 1945 to Admiral Stone, it is believed that no further difficulties will arise.

4. I should be grateful to Your Excellency if you would arrange to present as soon as possible to the Council of Ministers the decree which has been submitted by the Minister of Justice.

For the Chief Commissioner,

G. R. Upjohn
G. R. UPJOHN, Brig.,
VP CA Sec, Hq AC.

63

DRAFT LEGISLATIVE DECREE REGULATING THE
EXTENSION OF PROVISIONS ENACTED BY ITALIAN
GOVERNMENT TO TERRITORIES SUBJECT TO ALLIED
MILITARY GOVERNMENT

43A

ARTICLE ONE

All enactments of the Italian Government which the Allied
Military Government shall have by order extended to territories
subject ^{to} its control shall become operative in such territories on
the date determined by the Allied Military Government even when
another date for their application in territories not yet restored
to the Italian administration is laid down by the said enactments.



Ministero di Grazia e Giustizia
GABINETTO DEL MINISTRO

23-1-55

Illustr. Col. Hannaford,
S.E. Appalti mi incarica di
trasmetterle il seguente schema di
decreto su cui si è discusso
ultimamente

Nel corso del la Sottocommissione⁶¹
ris d'accordo, si fa presente che

tele punto i di competenza
della presidenza del Consiglio.

Leuti onegni
Fiero Bonelli.

HZA

SCHEMA DI DECRETO LEGISLATIVO
per regolare l'entrata in vigore dei provvedimenti
del governo italiano nei territori soggetti al go-
verno militare alleato.

Articolo unico

I provvedimenti emanati dal governo italiano ,
dei quali il governo militare alleato abbia disposto
l'estensione nei territori ad esso soggetti, entrano
in vigore nei territori medesimi nel giorno stabilito
dal governo militare alleato anche se i provvedimenti
medesimi stabiliscano una data diversa per la loro
applicazione nei territori non ancora restituiti al-
l'amministrazione italiana.

Nota - Questo provvedimento, data la sua portata di
carattere generale, dovrebbe essere emanato su ini-
ziativa della Presidenza del Consiglio dei Ministri
di concerto col Ministero della Giustizia. 60

23 APR 1945

HEADQUARTERS ALLIED COMMISSION
APO 391
CIVIL AFFAIRS SECTION

AC/4010/2/L.

23rd April, 1945

Dear

I refer you to R/1620 dated 20 February 1945 on the subject of Decree No.415.

There has been a long delay in dealing with it and we owe you an apology. The reason is that various Sections were involved.

Originally, Economic Section were not at all sympathetic, but I have now cleared it with them and today have signed an order rescinding the Decree in Naples Comune. This will, I think, ease your housing situation in Naples.

Colonel J. A. G. FRANKOUK
PO Naples Comune.

See 34 A, B, C, D

59

Tel: 558

HEADQUARTERS ALLIED COMMISSION
APO 394
ECONOMIC SECTION

40A
CBH/bih

16 April 1945

Ref: ES/7.03

14 April 1945

SUBJECT: Application of Housing Decree to Naples.

TO : Civil Affairs Section

Reference your AC/4010/2/L of 10 March 1945.

1. In answer to the question you raise, the following data is presented.

2. The Government decrees listed hereinafter appear to provide all necessary legislation for housing of homeless persons; all these decrees have been implemented in A.M.G. areas.

- (a) No. 356 of 17 November 1944 - Basic Housing repair decree.
- (b) No. 4 of 18 January 1945 - Details affecting No. 356 of 17 November 1944.
- (c) No. 415 of 28 December 1944 - Appointing Commissioners to requisition and alter space to house homeless persons.
- (d) No. 422 of 27 November 1944 - Repealing prohibition against private construction work.
- (e) P.W. Ministry decree of 10 February 1945 - Minor amendment to No. 422 of 27 November 1944.

4. In any event, the provisions of all Government decrees should take precedence over any conflicting provisions of local decrees should same remain in force.

5. Commissioner, Naples Comune has not been informed.

58


A. G. ANTOLENTI
Acting Vice President
Economic Section

4010/2

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Legu (39A)

REF : RIX/LE/769/423.

5 April 1945.

SUBJECT: Implementation of Italian Decrees.

TO : Headquarters, Allied Commission, APO 394.
(For Deputy Chief Legal Advisor).

1. Reference your AC/4010/2/L, 29 March 1945 this will confirm that Air Commodore Benson has authorized implementation of approved Italian decrees in both Forli' and Ravenna Provinces. As you note, this is subject to the exclusion from implementation of decrees disapproved by special division heads.

2. I am requiring special division heads to advise within the next few days of any decrees to which they object. So far the only decree objected to is DLL No. 188, 17 August 1944 (the E.N.A.C. Decree). I am hopeful there will be no further exclusions.

3. Will you please arrange to forward at once all issues of the Gazzetta Ufficiale for Forli' and Ravenna Provinces not heretofore forwarded. Your records will show when you stopped forwarding these to us.

For the Regional Commissioner:

W. H. Levit 57
WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.



LEGAL SUB-COMMISSION

TO

TO

Chief Counsel

TO

Italian Decree

CL 843

8 APR 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4010/2/L.

27 March 1945.

SUBJECT : Implementation of Italian Decrees.

TO : Regional Commissioner, EMILIA REGION.
(Attn. Regional Legal Officer)

1. It is understood from Air Commodore BENSON, who was at this Headquarters last night, that he will almost immediately give permission for approved Italian decrees to be implemented in the province of FORLI.

2. There was a long discussion between Air Commodore BENSON, Brigadier UPJOHN and myself in the course of which the Air Commodore stated that provided the A.M.G. Divisions in your region were satisfied with the decrees which had already been implemented in the past he was prepared to approve the general implementation of such decrees. Further he stated that for the future he was prepared to implement any decrees which were implemented by this Headquarters unless special Divisions in Emilia Region disapproved any particular decree in which case he reserved to himself the right of exclusion.

3. You will, of course, appreciate that this is not the same as the full implementation procedure, a fact which we pointed out to the Air Commodore. However, Brigadier UPJOHN stated that such care was taken at this Headquarters in the scrutiny of decrees before they were implemented that he felt confident that Emilia Region would find no reason for wishing to exclude from implementation any decrees in fact implemented here. On these terms the Brigadier was prepared to take the risk of suggesting that the implementation procedure would go forward in Forli province with the right to Air Commodore to exclude from implementation any decree to which he disapproved even though the implementation order was already in the hands of the prefect. The Brigadier is fully aware of the legal difficulties which might arise if such a procedure became necessary but he is so confident that it will not become necessary that he is prepared to take the risk.

4. I should further add that the position about the labour decrees has at last been settled by Labour and Finance Sub-Commissions. I am hoping that Brigadier UPJOHN will today sign the revised implementation order which should appear in a special issue of the Gazette at an early date and should be in your hands in ten days or so. After you have received it there is no objection from this Sub-Commission to the immediate introduction of the procedure of implementation of Italian legislation.

By command of Rear Admiral STONE.

W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor.

WEB/wcw. Copy to : AC/4010/9/L.

4010/2
✓

Translation

The President of the Council of Ministers
30512/1.1.26

24 MAR 1945

Legal ✓
37A

Rome, 22 March 1945

My dear Admiral,

with reference to your letter of the 9th, I fully agree with you that it is necessary to avoid that the Italian authorities should issue any regulations whatever concerning the territories which are still under the juridical authority of the Allied Military Government.

Though it is obvious - as you pointed out, - that no Italian regulation can be in force in the said territories if and as long as the competent organs of A.M.G. do not make it so, according to regulations, it is necessary to avoid that Italian regulations, mistakenly applied to the said territories, give rise to prejudicial misunderstandings about their being compulsory.

I therefore drew the particular attention of the Ministers on this question, and asked them, in future, not to issue regulations like the one you pointed out to me. I also gave the necessary orders so that in any regulation whatever which, because of the question it regulates, might give rise to some doubts about the territorial zone of its efficacy, a clause will be inserted to define its enforcement in the territories which have not yet been handed back to the Italian Administration.

I remain, my dear Admiral,

Truly yours,

55

G. I. Bonomi

EC List - 22 MAR 45

Action: C A Sec (2)

INFO: CHIEF COMMR

Ex COMMR

LEGAL SUBCOMMISSION
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Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

R O M E

G.O.

2960

30512/1126



MAR 23 RECD

Roma, 22 marzo 1945

37A

*Il Presidente
del Consiglio dei Ministri*

Mio caro Ammiraglio,

con riferimento alla sua lettera del 9 corrente, sono pienamente d'accordo con Lei sulla necessità di evitare che da parte delle autorità italiane vengano emanati provvedimenti di qualsiasi specie comunque riguardanti i territori tuttora soggetti al regime giuridico del Governo Militare Alleato.

Pur essendo evidente - come Ella giustamente rileva - che nessuna disposizione italiana può acquistare forza di legge nei predetti territori, se e fin quando a ciò non provvedano, nei modi stabiliti, i competenti organi dell'A.M.G., è necessario evitare che qualche norma italiana, erroneamente riferita ai territori stessi, possa dar luogo a dannosi equivoci circa la sua obbligatorietà.

Ho, pertanto, richiamato su tale questione la particolare attenzione dei Ministri, invitandoli ad astenersi, per l'avvenire, dall'emanare provvedimenti simili a quelli che Ella mi ha segnalato. Ho, altresì, impartito le necessarie istruzioni, affinché, in qualsiasi provvedimento che, per la materia regolata, possa dar luogo a dubbi sulla sfera territoriale

All'Ammiraglio
Ellery W. STONE
Commissario Capo della Commissione Alleata

R O M A

2350

le della sua efficacia, venga inserita un'apposita clausola
intesa a precisarne la entrata in vigore nei territori non
ancora restituiti all'Amministrazione italiana.

Voglia accogliere, mio caro Ammiraglio, i sensi della
mia viva considerazione.

Baron

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

36A

AC/4010/2/L.

/mt.
24 March 1945.

SUBJECT : "Gazzetta Ufficiale".

TO : Regional Commissioner (Attn: Regional Legal Officer)
LOMBARDIA Region.

1. Reference is to your RIX/WD/L dated 12 March 1945.
2. Your helpful suggestions are appreciated. This matter has been under consideration for some time, particularly with regard to the estimation of the growing weight of printed matter to be distributed. At the present time this exceeds 8 metric tons.
3. However, the AC. Transport Officer is of opinion that the shipment of the packages in bulk to a central distribution point, say Parma, will present no difficulties and can be undertaken at short notice.
4. This arrangement can be confirmed as soon as you are ready and steps then taken to advise LIGURIA, PIEMONTE and LOMBARDIA.

By command of Rear Admiral STONE:

Def
A. R. THACKRAH,
Lt. Col.,
Italian Branch,
for Chief Legal Advisor.

53

4010/2.
C.A.

35A

HEADQUARTERS
LOMBARDIA REGION
ALLIED MILITARY GOVERNMENT
APO 394
Legal Division

RXI/HMD/L.

HMD/jm
12 March 1945

SUBJECT: Gazzetta Ufficiale.

TO : HQ Allied Commission,
(Legal Sub-Commission, attn. LtCol Thackrah)

1. As you are aware, it is now the policy in Fifth Army Area to implement Italian legislation within each Province liberated as soon as a Prefect has been appointed and the Provincial Administration has commenced to function.

2. In the event that the occupation of North-West Italy takes place under collapse conditions, it is likely that implementation can be effected in a large number of Provinces more or less simultaneously and without the delay inevitable when fighting is in progress. In Lombardie Region, it is desired to take this step at the earliest opportunity and by bringing the relevant Italian decrees into operation to avoid the necessity for covering the same ground by Regional, Provincial or Prefectural Orders.

3. In order that the necessary copies of the Gazzetta Ufficiale already published may be available in the Region for immediate distribution when required, it is suggested that arrangements be made by your HQ for the transport of the sacks to a central point, from which they can be distributed to the three Northwestern Regions. Parma, which it is understood has been selected as a food supply depot, would probably be the most convenient centre.

52

4. Will you please give consideration to this matter and let this HQ know in due course what arrangements will be made to ensure that the supplies will be available as soon as possible after occupation.

H. M. Dickie W/Kdr

H. M. DICKIE,
W/Cdr., RAF.,
Regional Legal Officer,
Lombardia Region.

- 2 -

LEGAL SUB-COMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
Italian Section	←
CL RKS	
14 MAR 1945	

51

Q.U. Euro 35B

Elenco di alcune Regioni del Regno d'Italia con il peso (molto approssimativo) di pacchi di Gazz. Ufficiali accantonate per ciascuna provincia. Nel peso é calcolato: la raccolta delle Leggi Badoglioane le Gazzette Ufficiali dei nn. dal 40 al 101 (1944) e i nn. da 1 a 30 (1945).

LIGURIA

Genova	Kg.	263,350
Imperia	"	201,520
Savona	"	235,520
Spezia	"	132,820
		<u>831,270</u>

PIEMONTE

Alessandria	"	508,090
Aosta	"	341,210
Asti	"	325,180
Cuneo	"	627,460
Novara	"	421,360
Torino	"	572,500
Vercelli	"	469,450
	"	<u>3265,250</u>

LOMBARDIA

Bergamo	"	606,850
Brescia	"	526,700
Como	"	561,050
Cremona	"	322,890
Mantova	"	249,610
Milano	"	712,190
Pavia	"	517,140
Sondrio	"	256,480
Varese	"	352,660
		<u>4105,570</u>

Imperia 201,520
 Savona 237,500
 Spezia 132,820
571,270

PIEMONTE

Alessandria 508,090
 Aosta 341,210
 Asti 325,180
 Cuneo 627,460
 Novara 421,360
 Torino 572,500
 Vercelli 469,450
3265,250

LOMBARDIA

Bergamo 606,850
 Brescia 526,700
 Como 561,050
 Cremona 322,890
 Mantova 249,610
 Milano 712,190
 Pavia 517,140
 Sondrio 256,480
 Varese 352,660
4105,570

UFFICIO FASSETTARIO

Alfieri

21 MAR 1943

Benigno Rinaldi
GR-36

1000 Cont.

50

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel. Ext. 525

(34A)

AC/4010/2/L.

10 Mar 45.

SUBJECT: Decree No. 415 of 28 Dec 44.

TO: Economic Section.

1. By a Prefectural Decree dated 8 September 1944, the Prefect of Naples appointed a Commissario for Housing.

This decree has apparently worked successfully in the Commune of Naples and both the Regional Commissioner Southern Region and the Prefect desire its continuance in operation.

However, by Decree No. 415 of 28 Dec 44, which was implemented in A.M.G. territory on 25 Jan 45 with the approval of the Economic Section, (see AC/4010/L dated 19 Jan 45, addressed to you by the Legal Sub-Commission) the powers given to the Commissario by the Prefectural Decree mentioned above were automatically restricted to the lesser powers conferred on Commissari by Decree 415.

2. When Brigadier Dunlop was in Rome last month he asked me if I would be prepared to withdraw the implementation of this Decree so that the Prefectural Decree could continue to operate. Brigadier Dunlop was of opinion that the Prefectural Decree was a much more effective instrument and, having been in force for some time, it would be a great pity to disturb its operation.

I felt some difficulty in doing this as no doubt rights and liabilities have accrued and been undertaken under Decree No. 415 since its implementation, but I suggested to him that if the Prefect would write and apply for the withdrawal of Decree 415 we could raise the matter with the Italian Government. This the Prefect has now done and I attach his letter together with a translation and covering letter, dated 20 Feb 45 from Brig. Dunlop.

3. The question of policy in this matter is, of course, one for the Economic Section and although it may be extremely undesirable to make a practice of excluding a decree from a particular Commune yet, in the circumstances of this case, I feel that there is much to recommend this course.

After discussion with the Legal Sub-Commission, however, I feel much difficulty in merely withdrawing the Decree and I suggest the proper course (if you approve the proposal in principle) is for you to approach the Italian Government and ask them to issue a supplemental Decree stating that Decree 415 does not apply to Naples Commune.

G. R. Upjohn
G.R. UPJOHN, Brig.,
VP CA Section.

Encls:

Copy to: Regional Commissioner, Southern Region.

12/13
24

C 7 Sect 2 ✓

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
OFFICE OF THE REGIONAL COMMISSIONER
APO 394

(34B)

R/1620

20 February 1945

23 FEB 1945

SUBJECT: Decree No 415.

TO: Headquarters, Allied Commission.

1. On the occasion of a recent discussion in Rome (with HUTTON - Brig DUNLOP) you raised the question of the application in Naples of Decree No 415 of December 1944. I send you herewith a copy of the original Italian letter, received from the Prefect of Naples with translation attached.

2. I do consider that the situation in Naples is a very particular one. The Prefect's ordinance has been in being for a long time and the Housing Commissioner, appointed by his ordinance, works in very close touch with the Allied Authorities.

3. My own advice would be against upsetting the present satisfactory working arrangement, merely in order to secure conformity with the rest of Italy.

J. K. Dunlop
J. K. DUNLOP,
Regional Commissioner.

JED/jh
Incls.

Copy to: HEADQUARTERS

22 FEB 1945

G.

48

1681

R. PR. FETTERA DI NAPOLI
Div. Gab. No. di Prot. 2961

19 February 1945

SUBJECT : Commissario degli Alloggi.

TO : Col. H. B. SIMSON, Zone Commissioner A.C., Naples.

With reference to the question about the Commissario degli Alloggi, I inform you as follows:

The reasons for which it is not advisable to enforce in the City of Naples the Decreto Luogotenenziale dated 28th December, No. 415, are to be found in the special conditions of the City in which besides the many war destructions, there are still many houses requisitioned by the Armed Forces, making it necessary that the Commissario per gli Alloggi be given much wider power than foreseen in the above named Decree now enforced in all the Communes of the Kingdom.

In fact the Decree of the Prefect dated 8 September 1944, grants the Commissario more decisive and efficient powers as : the possibility of partial requisitions even of an only house when it is possible to transform it into more than one lodging; the possibility of suspending eviction of tenants granting opportune delays; and above all the irrevocability of the Commissioner's Decrees which would be instead, following the Decreto Luogotenenziale, subject to amendments before a Commission presided by the Pretore.

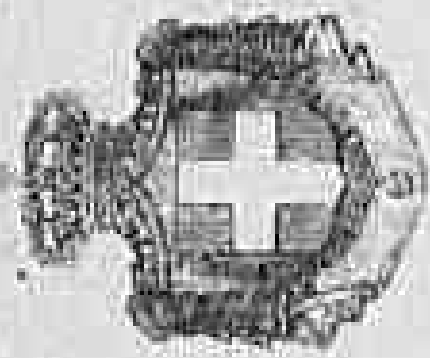
It is also to be considered that in the Decree of the Luogotenente the power given to the Commissario of issuing all provisions necessary for the enforcement of the instructions contained in the Decree of the Prefect is not foreseen, and the power of issuing orders in particular cases which are not foreseen in the above named Decree is missing too.

For the above named reasons I recommend the opportunity of advising the Legal Sub-Commission A.C. to countermand the order 25 January 1945 by General Upjohn (published by the Gazzetta Ufficiale No. 14) with reference to the Decreto Luogotenenziale 28 December 1944 No. 415) and only for the City of Naples.

THE PREFECT,
F. Salvaggi.

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34C

4681



R. Prefettura di Napoli

Divisione Gab. *N. Dipol* 2961

Risposta a nota

Oggetto Commissariato degli Alloggi.

Al Colonnello H. B. S i m s o n
Commissario di Zona A.C.

NAPOLI

In merito alla questione del Commissariato per gli Alloggi riferisco alla S.V. Ill.ma quanto segue:

Le ragioni che consigliano di non rendere applicabile alla Città di Napoli il Decreto Luogotenenziale 28 dicembre 1944 n. 415 vanno ricercate nella posizione speciale della Città, nella quale oltre alle molteplici distruzioni causate dagli eventi bellici persiste la occupazione di molte case per requisizione militare, onde è necessario un potere molto più ampio nel Commissario degli Alloggi, di quello concesso dal ripetuto Decreto che ha esecuzione in tutti i Comuni del Regno.

Infatti, il Decreto Prefettizio dell'18 settembre 1944 n. 415

Napoli 19 febbraio

1945

34D

Oggetto Commissariato degli Alloggi.

Al Colonnello H. B. SIMSON
Commissario di Zona A.C.

NAPOLI

In merito alla questione del Commissariato per gli Alloggi riferisco alla S.V. Ill.ma quanto segue:

Le ragioni che consigliano di non rendere applicabile alla Città di Napoli il Decreto Luogotenenziale 28 dicembre 1944 ⁴⁶ 4.415 venno ricercate nella posizione speciale della Città, nella quale oltre alle molteplici distruzioni causate dagli eventi bellici persiste la occupazione di molte case per requisizione militare, onde è necessario un potere molto più ampio nel Commissario degli Alloggi, di quello concesso dal ripetuto Decreto che ha esecuzione in tutti i Comuni del Regno.

Infatti, il Decreto Prefettizio dell'8 settembre 1944 concede al Commissario poteri più efficaci e decisivi ed in ispecie: la possibilità delle requisizioni parziali anche di unica abitazione quando essa sia facilmente trasformabile in più abitazioni indipendenti; la possibilità di sospendere gli sfratti degli inquilini, concedendo opportune proroghe; e, soprattutto, la irrevocabilità dei decreti del Commissario che sarebbero, invece, per effetto del Decreto Luogotenenziale opponibili dinanzi ad una Commissione presieduta dal Pretore.

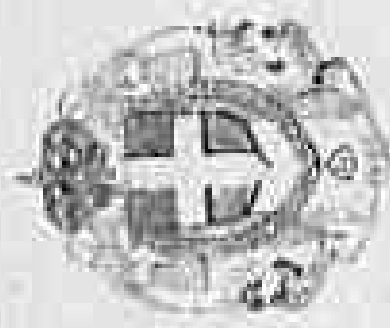
1891

E'infine da tener presente che manca nel Decreto Luogotenenziale il potere delegato al Commissario di emanare tutti i provvedimenti necessari per l'esecuzione delle disposizioni contenute nel decreto prefettizio e di impartire nei casi particolari non contemplati dal decreto disposizioni atte a conseguire gli scopi della istituzione del suo ufficio.

Ciò premesso prospetto alla S.V.Ill.ma la opportunità di un intervento presso la Sottocommissione Legale dell'A.C.affinchè venga revocata l'ordinanza 25 gennaio 1945 del Generale Upjohn (pubbli-
cata sulla Gazzetta Ufficiale n.14) nei riguardi del Decreto Luogotenenziale 28.12.1944 n.415 e per la sola Città di Napoli.

IL PREFETTO
(F.Selvaggi)





W. Guardasigilli

MINISTRO DI GRAZIA E GIUSTIZIA

Roma 3 marzo 1945

33A

Alla
COMMISSIONE ALLEATA
Sottocommissione Legale

R O M A

Prot. N. 2185/84

OGGETTO : Estensione di esecutività della legislazione italiana in territorio A.M.G.

Con riferimento alla lettera AC/480/2/L e a seguito del colloquio in data di ieri di codesta Sottocommissione con S.E. Azariti e il dott. Bonelli circa la questione in oggetto si conferma quanto segue:

A) Allorché il decreto non menziona la data della entrata in vigore ma è specificato che tale effetto si avrà dal giorno della pubblicazione nella G.U. (o da qualche data successiva), si considera che la data di entrata in vigore del Decreto stesso in ogni provincia AMG è quella della ricezione della G.U. da parte del Prefetto, in seguito a consegna della Commissione Alleata, in base all'apposita ordinanza dell'A.C. (con esclusione pertanto della data in cui il decreto va in vigore nel territorio libero).

Tale regola naturalmente esclude il principio della simultaneità di entrata in vigore di uno stesso decreto in territorio libero e AMG; anzi si avranno tante date differenti per le provincie AMG in corrispondenza dei diversi momenti in cui i prefetti ricevono la Gazzetta Ufficiale dall'A.C., munita dell'apposita ordinanza.

Quanto sopra potrà portare a qualche inconveniente pratico se tale data di ricezione non sia convenientemente divulgata. Allora, ritenendo per ragioni di opportunità, che un Decreto debba

OGGETTO : Estensione di esecutività della legislazione italiana in territorio A.M.G.

Con riferimento alla lettera AC/480/2/L e a seguito del colloquio in data di ieri di codesta Sottocommissione con S.E. Azariti e il dott. Bonelli circa la questione in oggetto si conferma quanto segue:

A) Allorchè il decreto non menziona la data della entrata in vigore ma è specificato che tale effetto si avrà dal giorno della pubblicazione nella G.U. (o da qualche data successiva), si considera che la data di entrata in vigore del Decreto stesso in ogni provincia AMG è quella della ricezione della G.U. da parte del Prefetto, in seguito a consegna della Commissione All'età, in base all'apposita ordinanza dell'A.C. (con esclusione pertanto della data in cui il decreto va in vigore nel territorio libero).

Tale regola naturalmente esclude il principio della simultaneità di entrata in vigore di uno stesso decreto in territorio libero e AMG; anzi si avranno tante date differenti per le provincie AMG in corrispondenza dei diversi momenti in cui i prefetti ricevono la Gazzetta Ufficiale dall'A.C., munita dell'apposita ordinanza.

Quanto sopra potrà portare qualche inconveniente pratico se tale data di ricezione non sia convenientemente divulgata. Allorchè l'A.C. ritiene per ragioni di opportunità che un Decreto debba avere la stessa data di applicazione per tutto il territorio libero e AMG (specialmente per i decreti di carattere economico, come quello che riconoscesse un determinato aumento di stipendi agli impiegati a datare dalla pubblicazione del Decreto stesso), in questo caso la Commissione stessa secondo i suoi criteri discrezionali e previo accordo con il Governo italiano, provvederà a mutare convenientemente l'ordinanza in calce alla G.U. specificando che il Decreto stesso si intende in vigore dalla data della sua pubblicazione nella G.U.

B) Allorchè il Decreto contempla una data di efficacia anteriore a quella della pubblicazione nella G.U., tale decreto con-

serverà il suo effetto retroattivo anche nelle provincie AMG mediante l'apposita anzicennata ordinanza dell'AC. (Quanto sopra è stato già chiarito dall'Ammiraglio Stone a S.E. Bonomi).

Si conferma inoltre che per il principio generale dell'irretroattività della legge, quando un decreto non specifica che la sua efficacia debba intendersi con effetto retroattivo, si esclude che la sua efficacia si intenda retrodata. In territorio AMG, mentre vale come data di efficacia quella in cui il Prefetto riceve la Gazzetta dall'A.C., secondo quanto esposto nel paragrafo A).

C) Si concorda nella formula da usarsi da parte del Governo italiano in un decreto che riguardi in tutto o in parte il territorio AMG.

Tuttavia si ritiene preferibile modificare la formula nel modo seguente:

"Nel territorio soggetto all'Amministrazione del Governo italiano il presente Decreto entra in vigore il giorno successivo alla sua pubblicazione nella G.U. (o ad una qualche data successiva); nel territorio non ancora soggetto all'Amministrazione del Governo italiano il presente decreto entra in vigore alla data sotto la quale viene reso esecutivo con ordine del Governo Militare Alleato".

Si è ritenuto opportuno con ciò non specificare nella formula che il Decreto stesso possa eventualmente entrare in vigore alle date di restituzione di tale territorio all'Amministrazione italiana; poichè tale possibilità discende dal principio generale per il quale tutta la legislazione italiana entra in vigore nei territori restituiti automaticamente e con gli effetti già verificatisi nei territori già liberi.

IL MINISTRO



POSTAL COMMUNICATION

io A). C) Si concorda nella formula da usarsi da parte del Governo italiano in un decreto che riguardi in tutto o in parte il territorio AMG.

Tuttavia si ritiene preferibile modificare la formula nel modo seguente:

"Nel territorio soggetto all'Amministrazione del Governo italiano il presente Decreto entra in vigore il giorno successivo alla sua pubblicazione nella G.U. (o ad una qualche data successiva); nel territorio non ancora soggetto all'Amministrazione del Governo italiano il presente decreto entra in vigore alla data sotto la quale viene reso esecutivo con ordine del Governo Militare Alleato".

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IL MINISTRO

Luigi

1899	SUBCOMMISSION
610	
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Chief Counsel	
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Attention Section	
Q. RK5	

ay.

6 MAR 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

Ac/4010/2/L

AMC/pe.
2 Mar 45.

SUBJECT : Implementation of Italian Decrees in
AMC territory.

TO : H. E. The Minister of Pardon and Justice.

It has become urgently necessary to refer to Your Excellency for opinion the following queries which have arisen in regard to the effect of the formulas employed by the A.C. in the "Gazzetta Ufficiale" for rendering the decrees of the Italian Government executory in territory under AMC administration, in the cases as follows :-

- a) When the decree specifies that " Il presente decreto entra in vigore dal giorno ecc. della sua pubblicazione nella "Gazzetta Ufficiale" (or at some future date), and the order of AC provides that "I decreti contenuti nel No. ___ del ___ della "G.U." entrino in vigore ed abbiano piena forza ed effetto di legge in ogni Provincia del territorio soggette al Governo Militare Alleato a partire dalla data in cui il Prefetto di tale Provincia riceverà dalla Commissione Alleata una copia del presente numero della "G.U."".

Query : Is it certain under Italian law that the effective executory date in any one Province of AMC territory is the date of receipt by the Prefect, and that the order cannot be construed as referring back to the date specified in the decree itself for Italian Government territory?

- b) When the decree of the Italian Government is made retroactive in its effects and specifies an effective date prior to that on which it is ordered to come into force, and the formula as set out in (a) above is employed by AC to render the decree executory in AMC territory.

Adm Stone has already informed H.E. Bonomi that in this case he agrees that
Query : ~~Is the retroactive date set out in the decree thereby substituted or cancelled by the date on which the decree is made executory to apply~~
by AC order in individual provinces of AMC territory?

It is understood that retroactive legislation is normally repugnant to Italian law. If this is true, then can it be assumed that unless a law is made expressly retroactive by its provisions, it cannot be construed to take effect prior to the date on which it is ordered by competent authority to come into force?

Applying this principle to the case (a) above, then the date on which a

actually comes into force in any one Province of AMG territory under authority of the Order of AG is therefore the date on which the copy of the "G.U." containing such order is received by the Prefect, and it cannot be construed as retrospective in AMG territory to the date it became effective in Italian administered territory.

~~but what happens when this principle is applied to some (b) where the decree itself is retrospective? Does the same principle hold good?~~

If the formulas used by AG are deemed ineffective to carry out their purpose either legally or by reason of some ambiguity of expression, would Your Excellency very kindly suggest an alternative or an appropriate modification of the text, and, if necessary, advise as to whether prior orders can be rendered uniformly effective so as to cure any past defects.

For Your Excellency's information all Sub-Commissions of AG have been directed that on occasions when it is decided to pass a decree of the Italian Government which will have effect either in whole or in part in AMG territory, the final clause of the decree shall be made to read as follows :

- " In territory subject to the administration of the Italian Government this decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, this decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier".

43

A. R. TROVATI,
Lt. Colonel,
Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
AHC 394
CIVIL AFFAIRS SECTION

WET/ro.
4 March 1945.

AC/11019/2/L.

SUBJECT : Italian Decrees.

TO : All Sub-Commissions.

1. Several decrees have recently been published in the Gazzetta Ufficiale which purport to legislate adversely for territory still under AMC control. In most cases the decrees are understood to have been arrived before publication between the Ministry and Sub-Commission concerned.

2. It should be borne in mind that the Italian Government has no authority to enact legislation in AMC territory and that any legislation enacted by the Italian Government is inoperative in AMC territory unless expressly implemented by order of AMC.

3. The publication by the Italian Government of decrees expressed to operate in AMC territory is therefore entirely inoperative in law, but it produces the following unfortunate results :-

- (a) It creates the impression that the Italian Government has authority to legislate in AMC territory;
- (b) It practically forces the hand of AMC to implement the legislation since refusal to implement would probably create administrative difficulties.

4. The difficulty can be avoided if, on any occasion when it is decided to pass a decree which will have effect either in whole or in part in AMC territory the final clause of the decree be made to read :-

"In territory subject to the administration of the Italian Government this decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, this decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier."

5. Directors of Sub-Commissions will ensure that all decrees which may be submitted to them by the Ministry concerned and which are intended to apply to AMC territory do contain words to the effect stated in para 4.

31A.

2. It should be borne in mind that the Italian Government has no authority to enact legislation in AMG territory and that any legislation enacted by the Italian Government is inoperative in AMG territory unless expressly implemented by order of AMF.

3. The publication by the Italian Government of decrees expressed to operate in AMG territory is therefore entirely inoperative in law, but it produces the following unfortunate results :-

- (a) It creates the impression that the Italian Government has authority to legislate in AMG territory;
- (b) It practically forces the hand of AMF to implement the legislation since refusal to implement would probably create administrative difficulties.

4. The difficulty can be avoided if, on any occasion when it is decided to pass a decree which will have effect either in whole or in part in AMG territory the final clause of the decree be made to read :-

"In territory subject to the administration of the Italian Government this decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, this decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier."

5. Directors of Sub-Commissions will ensure that all decrees which may be submitted to them by the Ministry concerned and which are intended to apply to AMG territory do contain words to the effect stated in para 4.

G. R. VERJAN, Brig.
VP CM Sec HQ AG

DISTRIBUTION.

Political Section 2.

Copy to: Chief Commissioner
Deputative Commissioner
Economic Section.

C. A. Sec. 9 (for all S/Cs)
Economic Sec. 10 ditto.
Establishment Sec 1
Navy S/C 1
Land Forces S/C 1
Air Forces S/C 1
Communications S/C 1
War MD & IPOW S/C 1
P.R.O. 2

30A

SPECIAL IMPLEMENTATION OF DECREES IN
PROVINCES SITUATED NORTH OF A LINE

Whereas the decrees listed below have been heretofore implemented in territory subject to Allied Military Government by order of the AG and such implementation orders have appeared in the Raccolta Ufficiale and subsequent Gazzette Ufficiali, nevertheless so far as concerns all provinces which now are and hereafter may be subject to AMG and which are situated North of a line constituted by the Northern boundaries of the provinces of

Corvision

I, Brigadier General R. Upjohn, Vice President, (Civil Affairs Section) Allied Military Government, hereby order that all such implementation orders be hereby varied and modified to the extent that the date from which all salaries, increases, indemnities, fees emoluments and other payments shall be paid under the provisions of any of the said decrees shall be the date to be laid down for each province by order of the Provincial Commissioner thereof and that the date so laid down in the Provincial Commissioner's order shall be substituted for any earlier date which may have been fixed by the terms of the said decrees for the commencement of the payment of such salaries, increases, indemnities, fees emoluments or other payments.

DECREES ABOVE REFERRED TO

41

G. R. UPJOHN, Brig
Vice President
(Civil Affairs Section)
Allied Commission.

AC/4010/2/L

29A
9 March 1945

My dear Mr. Prime Minister:

It has come to my attention that certain decrees recently promulgated by the Italian Government, purport to legislate for territory still under the control of the Allied Military Government.

These decrees are:

- 1) Ministerial Decree of 14 November 1944.
Entrusting the Italian Federation of Agrarian Consortiums with the task of providing for the provincial and interprovincial transportation of wheat. - Gazzetta Ufficiale No. 63 of 18 Nov 44.
- 2) Ministerial Decree of 2 February 1945.
Appointing a Commissioner Extraordinary for the autonomous Body "Exhibition and Market of Artisans" ("Mostra-Mercato dell'Artigianato") with seat in Florence. - Gazzetta Ufficiale No. 18 of 18 Feb 45.
- 3) Ministerial Decree of 15 October 1944.
Restoring the judicial Office of Livorno (Court of Appeal of Florence) to its original seat. - Gazzetta Ufficiale No. 19 of 13 Feb 45.
- 4) Ministerial Decree of 2 February 1945. ●●
Constituting a new Deputation for the Stock-Exchange of Florence for 1945. - Gazzetta Ufficiale No. 21 of 17 Feb 45. 40

While it is generally understood that the legislation of the Italian Government is inoperative in territory not yet subject to its administration unless expressly implemented by order of the Allied Military Government, I feel that it would be prudent to adopt a legislative safeguard. This would seem necessary in order to obviate an appearance of conflict between the authority of the Italian Government and that of the Allied Military Government.

Difficulties have also arisen, as you are aware, in the operation in AMG territory of certain decrees such as the epuration decrees. Some of these decrees have expressly provided that, in territory not yet subject to Italian administration the time limits laid down by the decrees shall start to operate from the date of restoration of such territory to the Italian administration.

It is suggested that such difficulties will be avoided if the time limits in decrees are made to operate from the date the decree becomes effective in any territory. The decree can then be applied simply to AMG territory by implementation.

In any event in order to avoid the appearance of legislation being passed by the Italian Government for AMG territory it is requested that whenever a decree is promulgated which may be interpreted to have effect, in whole or in part, in territory subject to the control of the Allied Military Government, the final clause be made to read substantially as follows:

" In territory subject to the administration of the Italian Government this decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, the decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier."

••

Yours very truly,

/s/ Ellery W. Stone

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
Rome

ELLERY W. STONE
Rear Admiral. *WES* 39
Chief Commissioner

Prepared by: Col. W. R. BEHRENS, DCLA, Legal Sub-Commission.

Wes
Colonel

Cc : Legal S/C
Chief of Staff
"CC" Files.

HEADQUARTERS ALLIED COMMISSION

APC 394

CIVIL AFFAIRS SECTION

12/4010/2/L.

SUBJECT : Italian Decrees.

TO : All Sub-Commissions.

WEP/ra.

1 March 1945.

1. Several decrees have recently been published in the Gazzetta Ufficiale which purport to legislate expressly for territory still under AMG control. In most cases the decrees are understood to have been issued before publication between the Ministry and Sub-Commission concerned.

2. It should be borne in mind that the Italian Government has no authority to enact legislation in AMG territory and that any legislation enacted by the Italian Government is inoperative in AMG territory unless expressly implemented by order of AMG.

3. The publication by the Italian Government of decrees expressed to operate in AMG territory is therefore entirely inoperative in law, but it produces the following unfortunate results :-

(a) It creates the impression that the Italian Government has authority to legislate in AMG territory;

(b) It precisely forces the hand of AMG to implement the legislation since refusal to implement would probably create administrative difficulties.

4. The difficulty can be avoided if, on any occasion when it is decided to pass a decree which will have effect either in whole or in part in AMG territory the final clause of the decree be made to read :-

38

"In territory subject to the administration of the Italian Government this decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, this decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier."

5. Directors of Sub-Commissions will ensure that all decrees which may be submitted to them by the Ministry concerned and which are intended to apply to AMG territory do contain words to the effect stated in para 4.

Italian Government is imperative in the territory by order of HQ.

3. The publication by the Italian Government of decrees expressed to execute in the territory is therefore actively imperative in law, but it produces the following unfortunate results :-

- (a) It creates the impression that the Italian Government has authority to legislate in the territory;
- (b) It practically forces the hand of HQ to implement the legislation since refusal to implement would probably create administrative difficulties.

4. The difficulty can be avoided if, on any occasion when it is decided to pass a decree which will have effect either in whole or in part in the territory the first clause of the decree be made to read :-

38

"In territory subject to the administration of the Italian Government this decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, this decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier."

5. Directors of Sub-Commissions will ensure that all decrees which may be submitted to them by the Ministry concerned and which are intended to apply to HQ territory do contain words to the effect stated in para 4.

IN
1-1-1945

G. R. URJEN, Brig.
VP CH Sec. III, HQ

Copy to: Chief Commissioner
Executive Commissioner
Economic Section.

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

27A

AC/LO1Q/2/L.

GCH/pe.
10 Feb 45.

SUBJECT : Italian Government Housing Decree No. 415 of Dec. 1944.

TO : Regional Commissioner, SOUTHERN Region.
(Attn: Regional Legal Officer)

1. Reference your L-2076/1 of 6 February 1945, and Brig. DUNLOP's letter of 31 January 1945 evenly numbered.
2. Restricting the implementation of Italian Legislation is a question of policy. In consequence your request has been forwarded to VP CA Sec for decision.

By command of Rear Admiral STONE :

N.R.

G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch, 37
for Chief Legal Advisor.

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

Legal

26A

6 February 1945

L-2076/1

SUBJECT: Italian Government Housing Decree No. 415 of Dec. 1944.
TO : HQ., A.C., G.M.F.

1; Attention is invited to my evenly numbered letter dated 31 Jan. '45.

2. It is observed that the abovementioned Decree has been endorsed for application in the A.M.G. area of the Commune of Naples under date 25 Jan. '45 -(please see Official Gazette No. 14 dated 1 Feb. '45).

3. It will be appreciated if immediate steps may be taken to cancel this endorsement w.e.f. 25 Jan. '45.

For the Regional Commissioner

L. F. Dawson

L.F. DAWSON
Lieut. Colonel, G.I.,
Reg. Legal Officer.

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION

IRF/ap. LEGAL SUB COMMISSIONER

CLO	
U.C.O.	
Chief Counsel	

7 FEB 1945

See 24A & 25A

36

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

25A

AG/4010/4/L

GGH/mt
2 February 1945.SUBJECT : Italian Government Housing Decree No. 415 of
December 1944.

TO : Public Works Sub-Commission.

1. We have received the enclosed from SOUTHERN Region, apparently in error.
2. Though there is no legal objection to Brig. Dunlop's proposal, it appears undesirable to apply in Naples legislation which would not only differ from that existing in territories restored to Italian administration, but even from that in force in other AMG areas, when the decree will have been implemented there.
3. In fact if Brig. Dunlop had his way one side of a Naples street (Naples Comune) would be under the Prefect order and the other side (Naples Province) would be under DIL 415, obviously a most unsatisfactory state of affairs.
4. No doubt you will deal with the matter.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl: Letter dtd 31 Jan 45, Brig. J. K. Dunlop.

35

Returned to Legal

W. states they have no responsibility in this, nor has Economic Section - it is a matter of policy.

The decree deals with the obligation of lodging in the appointment of a Responsible Commissioner by the Prefect -

4510/4

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
APO 394, U. S. ARMY

2248
Legal (24A)

L-2076/1

31 January 1945

SUBJECT: Italian Government Housing Decree
No. 415 of December 1944

TO : Headquarters
Allied Commission

1. I invite attention to the above named decree published in the "Gazzetta Ufficiale", No. 6 dated 13 January 1945.

2. I have compared the provisions of this decree with those of the Prefectural Decree dated the 28th of August 1944 which is now enforced in the Military Government Area of the Commune of Naples, and which deals substantially with the same matter as DLL, No. 415.

3. The Prefectural Decree is in my opinion to be preferred to DLL, No. 415, and I shall accordingly be pleased if this latter law be not endorsed for application in the Commune of Naples.

4. I may say that His Excellency the Prefect and the Housing Commissioner themselves have asked that the present position as controlled by the Prefectural Decree aforesaid be not disturbed by the application of DLL 415.

J. K. DUNLOP
Brigadier
Regional Commissioner

34

REG. SUB-COMMISSION

CLERK

Italian Section

CLERKS

2 FEB 1945

HEADQUARTERS ALLIED COMMISSION

APO 354

LEGAL SUB-COMMISSION

23/11/45

3 January 1945

AC/4010/2/L.

SUBJECT : Implementation of Italian legislation in Military Government and Army Territory.

TO : See Distribution List.

1. The following text is substituted for that contained in AC/4010/2/L dated 25 July 1944. It will be noted that the basic procedure established by the previous directive remains unaltered.

2. At para (4) below is reproduced in English the text of the attached explanatory circular in Italian which will be handed to the Prefect on the occasion (a) of a province passing under Regional Control or (b) whenever the Army Authorities decide to apply the system of implementation in advance to a province within the zone under Army control and the competent SCAG issues an order to that effect.

It is the fact of the directive is a form of acknowledgement which will be signed by each Provincial Legal Officer and returned to the Legal sub-Commission for the purpose of recording that the circular was duly delivered to the Prefect when one of the aforesaid alternatives have taken place.

3. As indicated in paras (2) and (3) of the circular to the Staffs, the Provincial Legal Officer will be responsible for assisting the Provincial Commission in carrying out the required formalities and also for remitting to the Legal sub-Commission 33

At 40 the receipts essential for maintaining the records. The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive ensuring all possible care is put into effect and especially that the receipts are forwarded regularly and without delay.

Whenever acknowledgment of "Gazzette Official" is dispatched by a Province for distribution a warning note is sent to the Regional Legal Officer concerned stating the number of packets dispatched and thus keeping the

2. At para (4) below is reproduced in the attached explanatory circular in Italian which will be handed to the Prefect on the occasion (a) of a province passing under Regional Control or (b) whenever the Army authorities decide to apply the system of implementation in advance to a province within the zone under Army control and the competent SCAG issues an order to that effect.

At the foot of the aforesaid is a form of acknowledgment which will be signed by each Provincial Legal Officer and returned to the Legal sub-Commission for the purpose of recording that the circular was duly delivered to the Prefect when one of the aforesaid alternatives have taken place.

3. As is indicated in paras (2) and (3) of the circular to the Prefects, the Provincial Legal Officer will be responsible for assisting the Provincial Commissioner in carrying out the required formalities and also for returning to the Legal sub-Commission 33

the receipts essential for maintaining the records. The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive ensuring all possible care in putting it into effect and especially that the receipts are forwarded regularly and without delay.

Whenever a notification of "Gazzetta Ufficiale" is dispatched to a Province for distribution a warning note is sent to the Regional Legal Officer concerned giving the number of sheets dispatched and the corresponding issue number of "Gazzetta Ufficiale", thus keeping the RLO informed and enabling him to ensure proper delivery by checking with the message center of his M.

4. Translation of the Circular to Prefects

MINISTRY OF FAITH AND JUSTICE
Office for Publication of Laws
and Decrees

Rome, 5 Jan. 1945

TO: Your Excellencies the Prefects

SUBJECT: Efficiency and promulgation of decrees enacted by the Italian Government and published in the "Gazzetta Ufficiale" of the Kingdom.

The Allied Commission (A.C.) has ordered the distribution of the

of the "Gazette Officielle" of the Kingdom in territories administered by the Allied Military Government (A.M.G.) exclusive of the provinces in the zone of operations controlled by the Army.

However in the last mentioned provinces the distribution may be made from time to time on the order of the competent senior Civil Affairs officer (SCA).

By agreement with the Ministry the said Allied Commission has issued the following instructions in respect of the efficacy and promulgation in the aforesaid territories of the legislation enacted by the Italian Government and published in the "Gazette Officielle" of the Kingdom:

(1) Said legislation shall be made operative in territories administered by A.M.G., by virtue of a special endorsement of the Deputy Chief of Staff of the Allied Commission published in the "Gazette Officielle" and referring to legislative provisions published in one or more issues of the "Gazette Officielle" preceding the issue containing the said endorsement. By way of exception the said endorsement may refer to legislative provisions contained in the same issue of the "Gazette Officielle" in which the endorsement is published. The provisions thus made operative will become effective in each Province of the Allied territories as of the date on which the competent District receives from A.M.G. the aforesaid endorsement in para. 1 of the copies of the "Gazette Officielle" containing the above mentioned endorsement, for distribution to subscribers within the Province.

However the Deputy Chief of Staff of the Allied Commission will in his endorsement exclude the application to the aforesaid territories of any legislative provision published in these issues of the "Gazette Officielle" so when the endorsement refers. The legislative provisions thus excluded are published in each territory for information only.

(2) The distribution of the "Gazette Officielle" is entrusted in each Province of the said territories to the District. For the purpose the District receives from the A.M.G. through the Provincial Commissioner, and especially

(1) Such legislation shall be made operative in territories administered by A.M.T. by virtue of a special endorsement of the Deputy Chief of Staff of the Allied Commission published at the end of the "Gazzetta" and referring to legislative provisions published in one or more issues of the "Gazzetta" preceding the issue containing the said endorsement. By way of exception the said endorsement may refer to legislative provisions contained in the same issue of the "Gazzetta" in which the endorsement is printed. The provisions thus made operative will become effective in each Province of the affected territories as of the date on which the competent Prefect receives from A.M.T. an explanation noted in para. 1 of the copies of the "Gazzetta" containing the above mentioned endorsement, for publication or endorsement within his Province.

However the Deputy Chief of Staff of the Allied Commission may in his endorsement exclude the application to the affected territories of any legislative provision published in those issues of the "Gazzetta" to which the endorsement refers. The legislative provisions thus excluded are published in said territories for information only.

(2) The distribution of the "Gazzetta" is entrusted in each Province of the said territories to the Prefect. For this purpose the Prefect receives from the A.M.T. through the Office of the Provincial Commissioner, and specifically through the Provincial Legal Officer, a package containing as many copies of the "Gazzetta" as are to be distributed under the Prefect's supervision to the addressees indicated on each copy.

(3) In order to record and make known the date of receipt of the individual issues of the "Gazzetta" containing the endorsement set out above in para. 1 each Prefect before distribution is made shall cause over each copy to be stamped or otherwise marked with the date on which he has received two specified issues of the "Gazzetta"; thus date, as explained above in para. 1, shall be the effective date in the event of non-compliance of the legislative provisions thus rendered operative therein. To ensure compliance with this requirement the Prefect receives from A.M.T. with each packet mentioned above in para. 1 a triplicate form of receipt in Italian and English to be executed and signed by

signed by him as the request of the Provincial Commissioner thus certifying the date of receipt.

The Prefect shall forward two copies of the aforesaid triplicate form of receipt to the Provincial Commissioner, one to the Provincial Local Officer (one for onward transmission to the Legal Sub-Commission of the A.C. and the other to be filed in the files of the Provincial Commissioner) - and shall keep the third copy among the records at the Prefecture. Of course, no receipt forms will accompany records of the "Gazzetta" that do not contain any enactment.

- (4) The legislative provisions enacted by the Italian Government, in Brindisi and Salerno and published in the "Gazzetta Ufficiale" Nos. 73 to 6/3 of 1943 and Nos. 1 to 35 of 1944 have been reprinted and collected in one special volume. On page 561 of this volume is reproduced an endorsement of the Allied Commission mentioning the major part of said legislative provisions operative in that area administered by the A.M.G. The above set out instructions relating to the "Gazzetta" shall apply equally to the procedure for the putting into effect and divulgation of the provisions reprinted in this "Collection".

- (5) It should be noted that when the above system first began to operate in a Province, the Prefect concerned will receive in one or more consignments a considerable number of packages each containing an appropriate number of copies of the "Collection" referred to above in para 4 and of the subsequent issues of the "Gazzetta Ufficiale" beginning with issue 37, 40. At this initial stage particular attention will be required to ensure that the receipt form mentioned above in para 3, relating to the packets to which they are attached, are dealt with in accordance with para 3 of this directive.

- (6) Considering the importance attaching to this service assigned to ensure within the limits of present possibilities the continuity of the Italian legislative

Government in Brazil and release and publish in the "Gazette Official" Nos. 1/3 to 6/3 of 1941 and Nos. 1 to 38 of 1944 have been reprinted and collected in one special volume. On page 181 of this volume is reproduced an endorsement of the Allied Commission regarding the major part of said legislative provisions operative in Brazil since promulgated by the A.M.G. The above set out instructions relating to the "Gazette" shall apply equally to the procedure for the putting into effect and divagation of the provisions reprinted in this "Collection".

- (5) It should be noted that when the above system first began to operate in a Province, the Prefect concerned will receive in due time a more complete and considerable number of packages each containing an appropriate number of copies of the "Collection" referred to above in para 4 and of the subsequent issues of the "Gazette Official" beginning with issue No. 43. At this initial stage particular attention will be required to ensure that the packages referred to above in para 4, relating to the packets to which they are attached, are dealt with in accordance with para 3 of this directive.

- (6) Considering the importance attaching to this service designed to ensure within the limits of present possibilities the continuity of the Italian legislative system in territories not yet restored to the administration of the Italian Government, your Excellencies are enjoined at the request of the A.G. to supervise personally the proper application of this directive.

For any question arising out of these matters please consult the individual Provincial Legal Officers.

Director

Gazette Official of the Kingdom
and Official Collection of Laws
and Decrees.

(sgd) G. OLIVETTI

By command of Rear Admiral STONE: W. H. L. Stone

W. H. L. Stone

Colonel

Adjutant General

Distribution list: (see over)


MINISTERO DI GRAZIA E GIUSTIZIA

UFFICIO PUBBLICAZIONE LEGGI E DECRETI

Roma, 5 gennaio 1946.

Alle LL. EE. e Prefetti

OGGETTO: Efficacia e divulgazione dei provvedimenti emanati dal Governo Italiano e pubblicati nella "Gazzetta Ufficiale", del Regno.

La Commissione Alleata (A.C.) ha disposto la distribuzione della *Gazzetta Ufficiale* del Regno, nel territorio sottoposto all'Amministrazione del Governo Militare Alleato (A.M.G.) eccezione fatta per le provincie incluse nella zona delle operazioni, sotto controllo delle armate, alle quali provincie, tuttavia, può esserne fatto invio ove lo disponga, di volta in volta, il competente Ufficiale Capo Affari Civili (S.C.A.C.).

D'intesa con questo Ministero, detta Commissione Alleata impartisce le istruzioni in ordine alla entrata in vigore ed alla divulgazione, in detti territori, dei provvedimenti emanati dal Governo Italiano e pubblicati nella *Gazzetta Ufficiale* del Regno:

1) Detti provvedimenti vengono resi operativi nel territorio amministrato dall'A.M.G. mediante una speciale ordinanza del Sottocapo di Stato Maggiore della Commissione Alleata pubblicata in calce alla *Gazzetta* stessa e relativa ai provvedimenti pubblicati in uno o più numeri delle *Gazzette* precedenti il numero ove è inserita l'ordinanza stessa. Eccezionalmente l'ordinanza suddetta potrà riferirsi ai provvedimenti contenuti nello stesso numero della *Gazzetta* in cui l'ordinanza viene pubblicata. I provvedimenti così resi operativi entrano in vigore, in ciascuna Provincia nel detto territorio, dalla data sotto la quale il Prefetto competente riceve, dall'A.C., come specificato al n. 2), gli esemplari della *Gazzetta* che contengono la menzionata ordinanza, per la distribuzione ai destinatari della sua Provincia.

Il Sottocapo di Stato Maggiore della Commissione Alleata si riserva, però, la facoltà, sempre limitatamente agli stessi spazi territoriali di escludere con la stessa sua ordinanza l'efficacia di alcuni fra i provvedimenti pubblicati nei numeri della *Gazzetta* cui l'ordinanza si riferisce. I provvedimenti così esclusi vengono resi noti, in detti territori, unicamente a scopo informativo.

2) La distribuzione della *Gazzetta* viene affidata, per ciascuna Provincia in detto territorio, al Prefetto. Allo scopo Egli riceve dall'A.C., per tramite degli Uffici dei Commissari provinciali ed in particolare degli Ufficiali Legali Provinciali un pacco contenente tanti esemplari della *Gazzetta* quanti dovranno distribuirsi, a sua cura, ai destinatari indicati su ogni copia.

3. Per rendere certa e per divulgare la data di ricezione degli esemplari della *Gazzetta* che pubblica l'ordinanza di esecutorietà menzionata al n. 1), ciascun Prefetto deve, prima di distribuirli, far timbrare, o annotare ufficialmente in altro modo, su ognuno di essi, la data di ricezione da parte sua di quello specifico numero della *Gazzetta*, che, come precisa al n. 1), rappresenta la data di entrata in vigore nella relativa Provincia, dei provvedimenti così resi operativi. Per meglio assicurare questo adempimento, egli riceve dall'A. C. insieme col pacco menzionato al n. 2), un modulo in triplice copia redatto in lingua inglese ed italiana. A richiesta del Commissario provinciale, lo riempie e lo firma per attestare la data di ricevimento degli esemplari. Delle tre copie dei moduli anzidetti, ne invia due al Commissario provinciale — all'attenzione dell'Ufficio Provinciale Legale — una per l'invio alla Sottocommissione legale dell'A. C. e l'altra per la conservazione negli atti dell'Ufficio e trattiene la terza negli atti della Prefettura. Naturalmente nessun modulo di ricevuta accompagna quei pacchi di *Gazzette* che non contengono ordinanze di esecutorietà.

4. I provvedimenti emanati a Brindisi e a Salerno sul Governo Italiano e pubblicati nella *Gazzetta Ufficiale* dal n. 1/B al n. 6/B nell'anno 1943 e dal n. 1 al n. 39 dell'anno 1944, sono ristampati e raccolti in un volume speciale ove a pagina 661 trovasi pubblicata un'ordinanza della Commissione Alleata che rende operativi nei territori amministrati dall'A.M.G. la maggior parte di detti provvedimenti. Anche per l'entrata in vigore di essi e per la divulgazione della loro « Raccolta », valgono le istruzioni sopra menzionate per la *Gazzetta*.

5. E' da notare che allorché in una Provincia il sistema sopra esposto ha la sua prima applicazione, il Prefetto interessato riceverà in una o più consegne un rilevante quantitativo di pacchi contenenti il necessario numero di copie della « Raccolta » di cui al n. 4) e dei successivi numeri della *Gazzetta* dal n. 40 in poi. Particolare cura sarà necessaria spiegare in tale stadio iniziale affinché le ricevute relative ai pacchi cui sono allegate, vengano utilizzate in conformità di quanto precisato al n. 3).

6. Data l'ovvia importanza che attiene al regolare funzionamento di questo servizio, con il quale si vuole assicurare per quanto possibile, la continuità del sistema legislativo italiano nei territori non ancora restituiti all'Amministrazione del Governo Italiano, a richiesta dell'A.C. si prega affinché le LL. EE. i Prefetti seguano personalmente l'applicazione delle istruzioni che formano oggetto della presente.

Per ogni questione relativa a tale soggetto le LL. EE. i Prefetti vogliano rivolgersi ai singoli Uffici Legali Provinciali.

Il Direttore
della *Gazzetta Ufficiale del Regno*
e della *Raccolta Ufficiale delle Leggi e dei decreti*

G. GIOLITTI

Distribution List:

R.C. (attn: R.L.O.) Lazio - Umbria Region	4	for distri- bution to files in AMG and Army territories.	
R.C. (attn: R.L.O.) Abruzzi-Marche Region	6		
R.C. (attn: R.L.O.) Toscana Region	11		
R.C. (attn: R.L.O.) Emilia Region	10		
R.C. (attn: R.L.O.) Liguria Region	6		
R.C. (attn: R.L.O.) Piemonte Region	9		
R.C. (attn: R.L.O.) Lombardia Region	12		
R.C. (attn: R.L.O.) Venezia Region	17		
SCAD (attn: legal officer) AMG 5th Army	2		for info
SCAD AMG 5th Army	2		
Chief of Staff HQ AC	2		
Civil Affairs Section HQ AC	3		
Economic Section HQ AC	10		
Civil Affairs Section HQ	1		
17th Army Group	1		
Navy 3/C	1		
Land Forces 5/C	1		
Air Forces 5/C	1		
Communications 5/C	1		
War Mat. Dep. and 5th 5/C	1		
Public Relations Branch	1		
Minister of Pardon and Justice	1		
R.C. (attn: R.L.O.) Sicily Region	1		
R.C. (attn: R.L.O.) Southern Region	1		
R.C. (attn: R.L.O.) Sardinia Region	1		
Spares	1		
	25		

• 30

ADMINISTRATIVE

To: HQ. ALLIED COMMISSION, Legal Sub-Commission

20/4/40/2/L of 1 Jan. 1945 and retrieved the circular attached to the Project on

Chief of Staff HQ AC
 Civil Affairs Section HQ AC
 Economic Section HQ AC
 Civil Affairs Section HQ
 17th Army Group
 Navy 3/C
 Land Forces 3/C
 Air Forces 3/C
 Communications 3/C
 War vet. Assn. and F.W. 3/C
 Public Relations Branch
 Minister of Pardon and Justice
 R.C. (attn: R.L.O.) Sicily Region
 R.C. (attn: R.L.O.) Southern Region
 R.C. (attn: R.L.O.) Sardinia Region
 Spares

for
info

ADMINISTRATIVE

TO: HQ. ALLIED COMMISSION, Legal Sub-Commission

I have noted the content of the directive file
 AS/4370/2/L of 9 Jan. 1945 and delivered the circular attached to
 the Prefect in

Provincial Legal Officer

Province

For Receipts received in respect of
 the directive see file 4026

30

HEADQUARTERS ALLIED COMMISSION

APO 39L

CIVIL AFFAIRS SECTION

2039/5/L.

SUBJECT : Increases of pay under DIL No. 328.

TO : See Distribution List.

1. DIL No. 328 of the 18th Nov 44 provided certain increases of pay in favor of state employees and employees of local public/self-statal organizations. This decree was implemented in the Military Government Territory by order dated 7 Dec 44 published in Gazzetta Ufficiale No. 95.

2. Under the terms of this decree the increases are expressed to be retroactive to the 16th Aug 44 in territory which on the 18th Nov was under Italian Government administration. For provinces not at that date under Italian Government Administration, the true effect of Article 14 of the decree as drawn is that pay increases are not retroactive at all, but take effect in each province from the date upon which the decree was implemented in that province under the normal procedure of implementation in the Gazzetta Ufficiale.

3. It is not the policy of the Allied Commission to make this wide distinction between different provinces. The policy is that in provinces which, although not restored to the Italian Government on the 18th Nov 44, had nevertheless been liberated from German occupation on the 16th August 44, the pay increase shall be retroactive to the 16th Aug 44. In all other provinces, both those which have now been liberated and those which may at some future date be liberated, the pay increase will be retroactive to the approximate date upon which the provincial seat of the province was liberated from German occupation.

4. In order to give effect to this policy, it has been necessary to amend the order of implementation which appeared in Gazzetta Ufficiale No. 95. A copy of the amended order is attached hereto as Appendix "A" from which you will see that the effective date of the decree will be the date specified by the Provincial Commission or in a provincial order to be published for that purpose.

5. That Appendix "B" is attached a general form of provincial order to be used for implementation of the decree. It will be observed that the number and date of the Gazzetta Ufficiale which will contain the amended order of implementation is left blank, as this order, although signed by the Chief of Staff, has not yet been published in the Gazette. These blanks must be filled in before the provincial order is published.

6. The Provincial Commissioners in territory now occupied and where the law has been implemented will publish the provincial order and will insert such date for the effective date of the law in their provinces as best gives effect to the policy indicated in para 3 above.

7. It should be observed that this provincial order cannot be issued until the procedure for implementation of Italian decrees has been put into effect in any province and thereby the DIL No. 328 has been implemented in that province. This applies both to those provinces which have now been liberated but where the implementation procedure is not yet effective and to those provinces which have not yet been liberated.

22A
2 JAN 1945

ORDINANCE OF THE ALLIED MILITARY GOVERNMENT

ANNUNZIA

I, MAURICE S. LUSH, O.B.E., M.C., Brigadier, hereby order that the enforcement of 7th December 1944 which appeared in Gazzetta Ufficiale No. 95 of 16 Dec 1944 implementing the decrees contained in Gazzetta Ufficiale No. 86 of 25 Nov 1944 be varied as follows:

After the words "from the date upon which the prefect of each province shall receive the present number of the Gazzetta Ufficiale" add "save and except D.L. 328 of 16 Nov 1944 which shall become operative and have full force of law in each Province from the date of the order of the respective Provincial Commissioner implementing said decree."

Dated: 27 December 1944

M. S. LUSH, Brigadier,
Chief of Staff, Allied Commission.

ORDINANZA DEL GOVERNO MILITARE ALLIATO

Io, Brigadiere Generale MAURICE S. LUSH, O.B.E., M.C., Capo di Stato Maggiore della Commissione Alleata, con la presente ordino che l'ordinanza in data 7 dicembre 1944, pubblicata nella Gazzetta Ufficiale No. 95 del 16 dicembre 1944, relativa ai decreti conferuti nella Gazzetta Ufficiale No. 86 del 25 novembre 1944, sia modificata come segue:

Dopo le parole "dalla data in cui il prefetto di tale Provincia riceverà della Commissione Alleata una copia del presente numero della Gazzetta Ufficiale" si aggiunge "ad eccezione del D.L. 18 novembre 1944, No. 328, che entrerà in vigore ed avrà piena forza ed effetto di legge in ciascuna Provincia a partire dalla data dell'ordinanza con cui il Commissario Provinciale disporrà l'entrata in vigore del detto decreto nella Provincia stessa."

in data 27 dicembre 1944

M. S. LUSH, Brigadiere Generale,
Capo di Stato Maggiore della Commissione Alleata.

PROVINCE OF

Appendix B

PROVINCIAL ORDER NO.

WHEREAS by D.L. No. 328 of 18 November 1944 the Italian Government provided certain financial improvements in favor of State employees and employees of local public and parastatal organizations

AND WHEREAS by orders of the Chief of Staff of the Allied Commission dated 7 December 1944 and published in Gazzetta Ufficiale No. 95 of 16 December 1944 and further order dated 27 December 1944, and published in Gazzetta Ufficiale No. 86 of 25 November 1944, it was ordered that the aforesaid decrees should become operative and have full force and effect of law in each province of the Allied Military Government, as of such date as the Provincial Commissioner thereof should be Provincial Order direct

NOT, THEREFORE, I, Provincial Commissioner of the Province

hereby order as follows:

D.L. No. 328 of 18 November 1944, shall become operative and have full force and effect of law in the Province of

(Date)

Provincial Commissioner,

PROVINCE DI

CERCHIATA PROVINCIALE NO.

CONSIDERATO che col D.L. 18 novembre 1944, no. 328, il Governo Italiano ha disposto

forza ed effetto di legge in ciascuna Provincia e partito della data dell'ordinanza con cui il Commissario Provinciale dispone l'entrata in vigore del detto decreto nella Provincia stessa."

In data 27 dicembre 1944

M. S. LERI, Brigadiere Generale,
Capo di Stato Maggiore della Commissione Militare.

PROVINCIA DI _____

PROVINCIAL ORDER NO. _____

Appendix B

WHEREAS by D.L. No. 328 of 18 November 1944 the Italian Government provided certain financial improvements in favor of State employees and employees of local public and parastatal organizations

AND WHEREAS by orders of the Chief of Staff of the Allied Commission dated 7 December 1944 and published in Gazzetta Ufficiale No. 95 on 16 December 1944 and further order dated 27 December 1944 and published in Gazzetta Ufficiale No. _____ it was ordered that the aforesaid decrees should become operative and have full force and effect of law in each province of the Allied Military Government, as of such date as the Provincial Commissioner thereof should by Provincial Order direct

NOW, THEREFORE, I, _____ Provincial Commissioner of the Province of _____ hereby order as follows:

D.L. No. 328 of 18 November 1944 shall become operative and have full force and effect of law in the Province of _____ as of _____

(Date)

Provincial Commissioner.

PROVINCIA DI _____

COMUNALE PROVINCIALE NO. _____

CONSIDERATO che col D.L. 18 novembre 1944, no. 328, il Governo Italiano ha disposto dei miglioramenti economici a favore del personale statale e dei dipendenti degli Enti pubblici locali e parastatali;

CONSIDERATO che con Ordinanza del Capo di Stato Maggiore della Commissione Militare in data 7 dicembre 1944, pubblicata nella Gazzetta Ufficiale No. 95 del 16 dicembre 1944, e che con successive ordinanze dello stesso Capo di Stato Maggiore in data 27 dicembre 1944, pubblicata nella Gazzetta Ufficiale No. _____ del _____, è stato disposto che il detto D.L. entri in vigore ed abbia piena forza ed effetto di legge in ciascuna Provincia sottoposta al Governo Militare Alleato, della data che sarà stabilita dal rispettivo Commissario Provinciale con Ordinanza Provinciale;

IO, _____, Commissario Provinciale della Provincia di _____

con la presente ordino quanto segue:

Il D.L. 18 novembre 1944, no. 328, entri in vigore e ha piena forza ed effetto di legge nella Provincia di _____ a partire dal giorno _____

(Date)

Il Commissario Provinciale

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4010/2/L.

27 December 1944.

SUBJECT : Extension of Legislation of Italian Government
to Occupied Territory.

TO : C.A.2a, War Office (Attn. Col. Roger Bacon)

21/12

1. The Chief Legal Advisor has handed the writer a copy of War Office letter reference 124/Italy/45 dated 20 Dec 44, indicating that the information given under para. 2 thereof calls for some further explanation to bring it into line with actual practice.

2. The following is briefly the procedure followed for the implementation of approved Italian legislation in territories under A.M.G. :-

- (a) The legislation published in any one number of the "Official Gazette of the Kingdom" is scrutinized by the various departments of the Allied Commission upon the basis of a memorandum issued by the Legal Sub-Commission A.C.
- (b) Any unsuitable legislation is thereupon notified to the Legal Sub-Commission for elimination.
- (c) An order is next published in a subsequent issue of the Italian Gazette implementing the approved legislation contained in the previous issue in question, and at the same time withholding from implementation those provisions considered unsuitable.
- (d) The Official Gazettes as they are published are circulated to the Italian prefects in A.M.G. territory (and in those provinces under the Army administration when so ordered by S.C.A. Of Army), and for those issues which contain an implementation order the prefect is required to give a dated receipt therefor to the A.M.G. Provincial Commissioner and to mark this same date on each copy of the Gazette received by him for distribution within his province. This date is the effective one on which the legislation covered by the specific order referring thereto is rendered executory in any one province where it is circulated. These issues of the Gazette which bear no implementing order are circulated for information only.
- (e) The Italian publishers of the Official Gazette perform the work of addressing, wrapping and preparing the parcels of the Gazette in the correct numbers for delivery through A.M.G. channels to the respective prefects, who in their turn distribute them to their provincial officials duly stamped with their effective date.

2.

- (f) A signed copy of each prefectural receipt is recorded both at the Provincial A.M.G. Office and at Headquarters, Allied Commission.
- (g) A copy of the memorandum mentioned in para. (a) above is attached, also two typical issues of the Official Gazette containing executory orders some of which withhold the implementation of certain decrees considered inappropriate. A copy of the prefectural receipt is likewise enclosed.

Alif.

A. R. THACKRAH.
Lieutenant-Colonel,
Italian Branch,
for Chief Legal Advisor.

ART/now.

4 encls.

Copy.

Extension of legislation "the Italian Government to Italy's African Colonies."

2/8

12/Italy/45

22-22

1. Reference letter 12203/14/CA dated 27 Nov. 1944 from G.A. Danish, H.E.F., at 1/4.
2. Articles 18, 20 and 43 of the "Additional Conditions of the Armistice with Italy" (the final form of the "Long Term") relate to this question of legislation for Italian Colonies; but, in the absence of any express direction by the United Nations pursuant to Art. 43, they have no practical bearing on the position.
3. I agree with paras 2a and 2b of the a/m letter. I advised in exactly that sense (as regards Somalia) in my Mission 3 to you in CA2a/14/164 on 20 Oct. '44.
4. Para 2c now raises yet another instance in which the Italian Government would, if it were exercising administration over Italian Colonies, amend the Colonial Law.

5. There is a mass of controversial writings and decisions relating to the question as to whether any purported change in the law of the occupied territory made by the absent sovereign power is valid and effective irrespective of the attitude of the occupant. The same is cited in para 4 of the a/m letter point comes one way and some the other.

6. On the whole I think there is ample justification for the more convenient view, namely that the occupant has the last word as regards the period of his occupation, despite the Belgian school of thought to the contrary. The Hague Regulations (Art. 43) of course leave the matter open, but the following authorities (among others) support that proposition:

- (a) Oppenheim, 6th edn., Vol. 2, para. 153 at p. 344: "The legitimate Government is prevented from exercising its authority"; and at p. 342: (The occupant) "has the duty of administering the country according to the existing laws and the existing rules of administration" (which must mean those existing at the commencement of the occupation).
- (b) Hall, 8th edn., para 195, at p. 360: "The rights acquired by an invader in effect amount to the temporary possession of all ultimate legislative and executive power"; and in para 160, at p. 371: "It is a consequence of this" (the invader's) "acts that the regular government of the country is suspended, he is bound to take whatever means are required for the security of public order".

4. Para 2c now raises yet another instance in which the Italian Government would, if it were exercising administration over Italian Colonies, exceed the Colonial Law.

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- (a) Oppenheim, 6th Edn., Vol. 2, para. 163 at p. 344: "The legitimate Government is prevented from exercising its authority"; and at p. 342: (The occupant) "has the duty of administering the country according to the existing laws and the existing rules of administration" (which must mean those existing at the commencement of the occupation).
 - (b) Hall, 8th Edn., para 135, at p. 560: "The rights acquired by an invader in effect amount to the temporary possession of all ultimate legislative and executive power"; and in para 160, at p. 571: "As it is a consequence of his" (the invader's) "acts that the regular government of the country is suspended, he is bound to take whatever means are required for the security of public order".
 - (c) Hyn, "Le droit international", Vol. III, at pp. 246-247 - cited in Paolohmfuld's "The international economic law of belligerent occupation", Note 1 to para 457 at p. 137: "L'occupant ne doit pas tolérer que le souverain légal se laisse rendre les lois nouvelles obligatoires pour les habitants du territoire occupé. La restriction, du reste, n'est pas formelle."
 - (d) Paolohmfuld, para 464, at p. 136: "The occupant certainly has the physical power to prevent laws and decrees of the absent sovereign from being enforced, and, indeed, even from being duly promulgated. Quite apart from the international rights or wrongs of the situation, it is not certain whether a law that cannot be enforced and promulgated can at all be treated as a positive law."
7. If the Allied Commission is willing to act on the suggestion contained in para 5 of the a/m letter, such action may of course smooth out all practical difficulties. The political obstacles are beyond my province, however.
8. Failing that solution, in my view the procedure proposed in para 6 of the a/m letter would be legally justifiable (on the footing of my para 6 above). It would also no doubt be good policy - but that is not for me to decide.

5. Since writing the above, I have checked up with Brig. Spjorn as regards the practice in metropolitan Italy. He tells me that the view set out in my para 6 above has always been correct as regards those areas in Italy which are at any given time under A.I.O. My new Italian legislation is examined by C.A. legal officers and they apply, by promulgation in their own Gazette, such parts of it as are thought desirable. The Italian Government has agreed to this practice throughout. The way seems therefore to be clear for similar action in the Italian Colonies.

C.A.20(a)

Alley 1272 Ext: 312

20 Dec. '54

Roy Bacon

Colonel

Legal Adviser.

HEADQUARTERS ALLIED COMMISSION
APO 39A
LEGAL SUB-COMMISSION

20A

ES/ps.
2 Dec 44.

AC/4010/2/L

SUBJECT : Circular to Prefects on implementation of
Italian Legislation.

TO : H.E. The Minister of Pardon and Justice.

1. In confirmation of today's conversation with Dr. Dondona it was agreed that the Ministry will kindly prepare the above circular pursuant to this Sub-Commission's directive on the same subject a copy of which was left with Dr. Dondona. About 70 copies of such circular will be delivered to this Sub-Commission for distribution to Prefects in Military Government Territory at the earliest possible date.

2. It is suggested that a draft of the circular be discussed with this Sub-Commission.

cop

A. R. WILSON,
Lt. Colonel,
Italian Branch,
for Chief Legal Advisor.

25

4010/2

HEADQUARTERS ARMED COMMISSION
APC 394
LEGAL SUB-COMMISSION

20A

SS/p
2 Dec 44

AC/4010/2/L

SUBJECT : Circular to Prefects on implementation of
Italian Legislation.

TO : H.E. The Minister of Pardon and Justice.

1. In confirmation of today's conversation with Dr. Dondona it was agreed that the Ministry will kindly prepare the above circular pursuant to this Sub-Commission's directive on the same subject a copy of which was left with Dr. Dondona. About 70 copies of such circular will be delivered to this Sub-Commission for distribution to Prefects in Military Government Territory at the earliest possible date.

2. It is suggested that a draft of the circular be discussed with this Sub-Commission.

col
A. R. THACHERAL,
Lt. Colonel,
Italian Branch,
for Chief Legal Advisor.

25

4010/2.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

19A

AC/1010/2/L.

21 Nov 44.

SUBJECT: Implementation of Decrees.

TO: SCAD 5 Army.

With reference to our conversation (Brig. UNION and Col. MAYER) on the extension of Italian decrees to AMG Territory, I confirm the agreement then arrived at, namely; that once it is decided to implement Italian Government decrees in any province, all decrees (save as excepted by indorsement of this HQ in the Official Gazette) will be automatically implemented as and when you receive copies of the Official Gazette. Your former practice, whereby only decrees up to a certain specified number were implemented will be discontinued.

FOR THE CHIEF COMMISSIONER.

G. R. Union
G. R. UNION, Brig.
VF CA Section,
APO AC.

Copy to: Legal Sub-Commission. ✓

LEGAL SUB COMMISSION	
CLO	
DOLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

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1442

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

IC/4010/2/L.

/rlp.
8 November 1944.

SUBJECT : Implementation of Italian legislation.

TO : VP, C & Sec.

1. Herewith information requested.

Incl: Memo on above subject.

Copy to: IC/4010/4/L. *[Signature]*

W. E. REHRING,
Colonel,
Deputy Chief Legal Advisor.

18B

MEMORANDUM

ES/ap

8 November 1944.

SUBJECT : Implementation of Italian legislation in the Provinces which at present constitute Military Government Territory.

TO : Deputy Chief Legal Advisor.

Provinces in Military Government Territory	Date on which the implementation scheme began to operate in the Province (date of the first receipt.	Effective date in the Military Government Territory of the first current issue of G.U. forwarded to the Province after the first lot of G.U. had been implemented.
Livorno	No receipt available as yet although repeatedly requested.	
Grosseto	25 Aug 44	30 Aug 44
Siena	20 Sep 44	7 Oct 44
Arezzo	21 Oct 44	No receipt for any current issue available as yet.
Ferugia	23 Aug 44	25 Aug 44
Terni	14 Aug 44	18 Aug 44
Macerata	2 Sep 44	11 Sept 44
Ascoli	11 Sep 44	11 Sept 44
Firenze	28 Oct 44	Army ordered implementation up to issue No.61 only which issue was included in the first lot.
Pisa	1 Nov 44	ditto

NOTE : If a decree is implemented in Military Government Territory there is about 15 to 20 days lapse between the date of its publication in the Gazzetta Ufficiale and its effective date in the Military Government Territory.

C O P I A

17A
ELENCO NOMINATIVO IN RIFERIMENTO AI NUMERI
APPORTATI AL FASCETTARIO DEI COMUNI.

- N. I - Comune
" 2 - a S.E. il Prefetto
" 3 - R. Prefettura
" 4 - Amministrazione Provinciale
" 5 - R. Questura
" 6 - Distretto Militare
" 7 - Corte di Appello
" 8 - Sezione di Corte di Appello
" 9 - R. Procura - presso la Corte di Appello
" 10 - Tribunale
" 11 - R. Procura-presso il Tribunale
" 12 - Pretura
" 13 - Intendenza di Finanza
" 14 - Sig. Intendente di Finanza
" 15 - Conservatoria dei Registri Immobiliari
" 16 - Uff. Distrett. delle II.DD.
" 17 - R. Ufficio del Registro
" 18 - R. Provveditorato agli Studi
" 19 - R. Ufficio del Genio Civile
" 20 - Consiglio Provinciale dell'Economia
" 21 - Direzione Prov. RR.PP.TT.
" 22 - Banca d'Italia sede di
" 23 - Ser. prov. dell'alimentazione
" 24 - Comando Legione CC.RR.
" 25 - Comando Gruppo CC.RR.
" 26 - Comando Legione RR.GG.FF.

- " 6 - Distretto Militare
- " 7 - Corte di Appello
- " 8 - Sezione di Corte di Appello
- " 9 - R. Procura - presso la Corte di Appello
- " 10 - Tribunale
- " 11 - R. Procura presso il Tribunale
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- " 13 - Intendenza di Finanza
- " 14 - Sig. Intendente di Finanza
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- " 22 - Banca d'Italia sede di
- " 23 - Ser. prov. dell'alimentazione
- " 24 - Comando Legione CC.RR.
- " 25 - Comando Gruppo CC.RR.
- " 26 - Comando Legione RR.GG.FF.
- " 27 - Comando Circolo RR.GG.FF.
- " 28 - Ispettorato Compartimentale delle II.DD.
- " 29 - " " Tasse e delle
II.II. sugli affari.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4010/2/L.

ES /wp.
30 September 1944.

SUBJECT : Distribution of Gazzetta Ufficiale
in Naples Province.

TO : Regional Legal Officer (Thru RC) Southern Region.

1. It is noted with regret that this Sub-Commission's directive ACC/4010/2/L of 25 July 1944 on implementation of Italian legislation in Military Government Territory was not carried out in respect to the Military Zone of the Comune of Naples.

2. Up to date this Sub-Commission has not received a single receipt signed by the Prefect of Naples Province as provided for in para 2 and following of the above directive.

3. Would you please inquire immediately into this matter and see to it that the receipts showing the effective date in Naples commune of the reprint of the Brindisi-Salerno legislation and of all subsequent issues of the Gazzetta Ufficiale be executed by the Prefect in accordance with the above directive and forwarded to this Sub-Commission without delay.

Coep
A. R. THACKRAH,
Lt. Colonel,
Italian Branch,
for Chief Legal Officer.

20

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
AFO 394

15A

/pa.
16 Sept 44.

ACC/L 1 /2/4.

SUBJECT : RDL 111 of 4 April 44 (Local Government).

TO : Regional Legal Officer (REU: Regional Commissioner), Region VIII.

1. Reference your R VIII/19/4001 dated 13 Sept 44.
2. There obviously can be no exception to the adopted procedure by which no Italian decree may become law in Army controlled areas as this is entirely a matter of policy.
3. However,, in view of the request of IG, Pisa, the Director Interior Sub-Commission has been approached in order to ascertain whether he is prepared to recommend the promulgation of a General Order in the area concerned embodying the provisions of RDL 111, as the advantages of uniform local administration throughout liberated Italy are obvious.
4. If such promulgation took place, the Italian version of the order would have to be considered as the original text and the English a translation only.
5. As soon as an answer is received from Interior Sub-Commission, you will be duly notified.

C. G. HARRISON,
Lt.Col.,
Officer i/c Italian Branch,
for Chief Legal Officer.

4010/2

(14A)

HEADQUARTERS
ARMED MILITARY GOVERNMENT
REGION VIII

RVIII/19/401

13 September 1944

SUBJECT : ITALIAN DECREES No. 111
TO : Chief Legal Officer, H., ACC

1. This office has received the following inter-office communication from the RC, Region VIII.

" The P.C. PISA Province states that it is necessary for him to have the Italian Royal Decree No. 111. The subject matter of this decree cannot become effective until he hands the Decree to the Prefect. He desires copies of the Decree in Italian. It would appear that if this is true of PISA, it is also true of LIVORNO and the other Provinces recently occupied. Will you please look into the situation and take appropriate action? "

2. A reply has been made as follows:

" In letter dated 25 July, 1944, ACC/4010/2/1. subject: "Directive on Implementation of Italian Legislation in Military Government territory" paragraph 8 says "It is not proposed to circulate the endorsed Gazette in Army Areas". (This office has supplied each Provincial Legal Officer with a copy of such letter.) PISA and LIVORNO are in Army Areas, and this accounts for the non-circulation of Royal Decree Law 111.

When Grosseto was placed under Regional Control, the Gazette was promptly circulated therein. It is assumed that the Chief Commissioner will follow the same procedure in Pisa and Livorno.

This office is requesting the Chief Legal Officer to re-state the position of ACC, with particular reference to Royal Decree Law 111. "

3. May's ruling please be had as to whether the letter referred to, in paragraph 2 still stands, or whether Decree No. 111 is official with exception.

John A. Esser
JOHN A. ESSER,
Colonel, Infantry,
Regional Legal Officer.

18

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Regional Control and Military Government Section

+++++

Ref: 288/205/CA

1st August 1944

SUBJECT : Italian Government Legislation.

TO : Acting Head, Adm Section.

I am a little unhappy about ACC/4010/L dated 29th July. Am I to understand that all legislation will be made applicable to AMG territory unless the Sub-Commission concerned notifies the Italian Government that it is not to be so? If this is the case I think we are asking for trouble because, (tell it not in Geth), I have not sufficient confidence that the Sub-Commissions will scrutinise every piece of Italian legislation that comes out. I think that there should be some co-ordinating authority, which should properly be the Legal Sub-Commission, whose duty it should be to know what the Italian Government is putting out in the way of legislation and who should call the attention of the Sub-Commissions to any errors that they may make.

MSL/JC

S/ M.S.Lush,
Brigadier,
Executive Commissioner.

TO : Executive Commissioner,

There is much in what you say and in fact I fear Sub-Commissions have all along been neglectful in this dull but important and essential part of their duties. Legal do in fact exercise a commonsense overall supervision in the matter and I will ask them to draw the attention of Sub-Commissions in their circular attached to each issue of the Official Gazette, to decrees which may effect them.

I should point out however that it cannot be the duty of Legal to know what the Italian Government is putting out in the way of Legislation

11

any territory unless the Sub-Commission concerned notifies the Italian Government that it is not to be so? If this is the case I think we are asking for trouble because, (tell it not in Gath), I have not sufficient confidence that the Sub-Commissions will scrutinise every piece of Italian legislation that comes out. I think that there should be some co-ordinating authority, which should properly be the Legal Sub-Commission, whose duty it should be to know what the Italian Government is putting out in the way of legislation and who should call the attention of the Sub-Commissions to any errors that they may make.

S/ M.S. Lush,
Brigadier,
Executive Commissioner.

MEL/30

TO : Executive Commissioner,

There is much in what you say and in fact I fear Sub-Commissions have all along been neglectful in this dull but important and essential part of their duties. Legal do in fact exercise a commonsense overall supervision in the matter and I will ask them to draw the attention of Sub-Commissions in their circular attached to each issue of the Official Gazette, to decrees which may effect them.

I should point out however that it cannot be the duty of Legal to know what the Italian Government is putting out in the way of legislation the work is not centralised through the Ministry of Justice.

S/ G.R. Upjohn, Col
A/Head, Adm Section.

3/8/44.

Legal Sub-Commission

Reference above, will you please give such instructions as may be necessary to implement my letter to the Executive Commissioner.

Admin Sec 3 Aug 44	LEGAL SUB-COMMISSION	
→ CLO		
CCLO		
Chief Counsel		
CLO		
Legal Sec		

W. H. Upjohn
G.R. UPJOHN, Col
A/Head, Adm Sec

Spoken to Legal.
6.8.44. G.R.

Sub-Commission file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ES/PA *PA*

REFERENCE : ACC/4010/2/L.

29 Jul 44.

SUBJECT : Directive on implementation of Italian
Legislation in Military Government Territory.TO : Provincial Commissioner (Att. of PLO)
Naples Province.

1. Your attention is invited to para 3 and 6 of this Sub-Commission's directive ACC/4010/2/L of 25 July 1944 on the above subject.

2. It appears advisable in the interest of uniformity and continuity of procedure that ^{you} continue to be in charge of the distribution of Gazzetta Ufficiale in Naples Commune.

3. Kindly inform the Prefect of the content of the above referred to directive and advise him that he will be required to sign the receipts for the reprinted collection mentioned in para 2 of the directive and for the future issues of Gazzetta Ufficiale. He will also be responsible for the proper marking of each issue with date of receipt and with its distribution within the Naples Commune in accordance with the said directive.

Dep

A. R. THACKRAH,
Lt. Colonel,
Italian Branch,
for Acting Chief Legal Officer.

Copy to : RLO (thru RC) Region 3.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4010/2/L.

/rlp.
29 July 1944.

SUBJECT : Directive on Implementation of Italian legislation in Military Government Territory.

TO : See Distribution List.

1. Reference is made to this sub-commission's directive ACC/4010/2/L of 25 July 1944 on the above subject.

2. The endorsement of the Executive Commissioner referred to in para. 2 of the above directive is printed on page 661 of the reprinted collection.

C. R. Thackeray
A. R. THACKERAY,
Lt. Col.,
Italian Branch,
for Acting Chief Legal Officer.

DISTRIBUTION:

RLO (THRU: RC)	Reg 1 - 6 copies	}	- for info	
" "	" 2 - 6 "		- for info	
" "	" 3 - 10 "	}		
" "	" 4 - 10 "			
" "	" 5 - 10 "	}		- for distribution to FCs (Attn: FLOs)
" "	" 6 - 6 "		- for info	
" "	" 7 - 6 "	}	- for info	
" "	" 8 - 10 "			
" "	" 9 - 10 "	}		
" "	RCME Reg- 5 "			

SLO (THRU: SCAO)	AMG 5th Army	- 2 copies	- for info
" "	" 8th "	- 2 "	" "
Admin Sec	} for distrib.	-10 "	" "
Econ Sec		-10 "	" "
RC&MG Sec		-10 "	" "
Communications Sec		- 1 "	" "
Displaced Persons S/C		- 1 "	" "

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rlp.
29 July 1944.

ACC/4010/2/L.

SUBJECT : Implementation of Italian Legislation in Military Government Territory.

TO : See Distribution List.

1. In the past sub-commissions after perusal of each issue of the Gazzetta Ufficiale filed a return showing which decrees they recommend should be included in the endorsement of the Executive Commission. In the future and specifically beginning with No. 40 of the Gazzetta Ufficiale the sub-commissions will show in their returns which decrees should not be included in the endorsement.

2. It will be the responsibility of each sub-commission when making the above returns to insure that no Italian legislation is extended to AMG territory which is in any way inconsistent with AMG provisions or incompatible with AMG policies in the particular field of the respective sub-commission.

(Signature)
RICHARD H. WILMER,
Colonel, GAC,
Acting Chief Legal Officer.

DISTRIBUTION:

Acting Chief Commissioner (THRU: Secty Gen O) - 1
Admin Sec - 8
Economic Sec - 11
RC & MG Sec - 7
Joint Directors Political Sec - 2
Army S/C - 1
Navy S/C - 1
Air S/C - 1
Communications S/C - 1
War Materials Disposal S/C - 1
HRO, Hq ACC - 1
Information Div - 1

file - copy to M.J. del yung personally

HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ES/PT *GA*

REFERENCE : AGC/4010/2/L. 29 Jul 44.

SUBJECT : Distribution of Gazzetta Ufficiale in
ANG Territory.

TO : H.E. The Minister of Pardon and Justice
Ministero del Tesoro, Provveditorato dello Stato.

1. This is to confirm the arrangements decided upon at to-day's conversation with Dott. Bonnelli, Sig. Testa and Malinconico.
2. The collection of the Brindisi-Salerno legislation will be distributed for the present in the following Provinces of the Military Government Territory : TERAMO, AQUILA, PESCARA, CHIETI, ASCOLI, TERNI, VITERBO, RIETI, ROMA, (including Comune of Rome) FROSINONE, LITTORIA and Naples Comune.
3. The number of copies to be sent to each Province will be determined in accordance with the same criterion which was used in fixing the number of copies of Gazzetta Ufficiale which were sent to the Provinces of AVELLINO, BENEVENTO etc. before their restoration to the Italian Government.
4. Each packet will be provided with the following label :
Provincial Commissioner (Att. of PLO)
Allied Control Commission
Province of _____
(for the Prefect)
5. The packet addressed to Naples will contain only such number of copies as is required for distribution in the Comune of Naples and will be addressed as follows :
Provincial Commissioner (Att. of PLO)
Allied Control Commission
for the Prefect
(for distribution in NAPLES COMUNE ONLY)
6. The packets destined for Rome will contain number sufficient for distribution both in Rome Province and in the Comune of Rome. The address on the label will read as follows :
Regional Commissioner (Att. of RLO)
Rome Region, Via Lucullo No. 8
Allied Control Commission
(for Prefect of Rome Province - to be distributed in Rome Province and Rome Comune).

- 2 -

v. The Provveditorato will advise this Sub-Commission when the packets are ready for dispatch. When so advised this Sub-Commission will forward to the Provveditorato 12 envelopes each of which will be addressed to one of the provinces set out above under 2 and each containing a receipt form in triplicate. These envelopes will be pasted or otherwise attached on the outside of the packets addressed to the respective Provinces. The packets will then be delivered by the Provveditorato to the Mail Dispatch Section of the HQ ACC at the Ministero delle Corporazioni First Fl or Room No.20.

8. The identical procedure will be followed in respect to the distribution of future issues of the Gazzetta Ufficiale and specifically ^{u.s.} No.40. Each number of the Gazzetta Ufficiale will be packed separately for each Province by the Provveditorato.

9. The Minister of Justice in cooperation with the Ministry of Treasury will prepare a circular directed to the Prefects of the Provinces set out above under 2 and explaining the procedure of implementation and distribution of Gazzetta Ufficiale in Military Government Territory. This circular will in substance contain the provisions of the directive issued by this Sub-Commission a copy of which was transmitted to the Ministry of Justice. It will also follow in general the text of the circular issued by the Ministry of Justice to the Prefects of the recently restored Provinces. However, the following additional points should be included in the circular:

- a) a statement that the endorsement of the Executive Commission ACC, extending the validity of the legislation reprinted in the aforesaid collection can be found on page 661 of the collection;
- b) an explanation that the Prefect of Naples will be responsible for the distribution of the collection and of future issues of Gazzetta Ufficiale in Naples Comune and will sign the receipts therefor;
- c) that similarly the Prefect of Roma Province will be responsible for the distribution for not only the Province of Rome but also for the Comune of Rome.

The above circular will be prepared and sent out immediately.

10. It is understood that the interested Ministries will take into account the fact that as the newly liberated Provinces ¹² brought under the jurisdiction of the Military Government an adequate number of copies of the collection and of future issues of the Gazzetta Ufficiale will be required for distribution therein.

- 3 -

in accordance with the above set out principles.

11. Sig. Malinconico and Sig. Testa shall be personally responsible to their respective Ministries for the proper execution of this agreement.

A. R. THACKERAN,
Lt. Colonel,
Italian Branch,
for Acting Chief Legal Officer.

file
**HEADQUARTERS
IED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.**

187
28 July 1944.

✓
ACC/4010/2/L

SUBJECT : Directive on Implementation of ITALIAN Legislation
in Military Government Territory.

TO : R.I.O. (thru R.C.) ROME REGION,

1. Reference is made to para.3 of this Sub-Commission's directive
ACC/4010/2.L of 25 July 1944 on the above subject.

2. In view of the particular administrative situation of the Rome
area the packets of Gazzetta Ufficiale referred to in paras.3 & 6 destined for
distribution to Italian officials in the Comune of Rome and Province of Rome
will be sent to you. You will ^{only} obtain the signature of the Prefect of the
Rome Province and deliver the packets to him. The Prefect of Rome will be
responsible for the proper marking of each issue with the date of receipt and
with the distribution within both the Rome Province and Rome Comune.

Deep
A. R. THACKER.
Lieutenant-Colonel.
Italian Branch.
for Acting Chief Legal Officer. *10*

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

25 July 1944.

ACC/4040/2/L.

SUBJECT : Directive on Implementation of Italian legislation in
Military Government Territory.

TO : See Distribution List.

1. Italian legislation in Italian Government territory is promulgated by publication of Decrees in the Gazzetta Ufficiale of the Kingdom. In order to ensure the continuity of the Italian legal system over as much of Italian territory as is compatible with Allied Military interests and for the purpose of extending appropriate Italian legislation to Military Government Territory the procedure of implementation which has been applied in the past will now be followed in the newly liberated provinces of Military Government Territory administered under Regional Commissioners.

2. The legislation enacted by the Italian Government in Brindisi and Salerno and published in the Gazzetta Ufficiale - Special Series No. 1/B to 6/B and 1 to 39 in force in Italian Government Territory has been collected and reprinted in book form. In accordance with the principle set out above it is now proposed to render the bulk of this legislation operative in the provinces of Military Government Territory by an endorsement of the Executive Commissioner, ACC. Such endorsement, reproduced on each copy of the reprinted collection, provides that all laws contained in the reprint shall become operative in Military Government Territory with the exception of certain enumerated decrees which have been reproduced for information only.

3. A packet containing sufficient quantities of the reprint (each copy addressed to the regular Italian official recipients of the Gazzetta Ufficiale) will be forwarded to each Provincial Commissioner (for attention of the PIO) for delivery to the Prefect. Each packet will be accompanied by a form of receipt in triplicate (a sample copy enclosed herewith) which will be signed by the Prefect personally and on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the reprint together with his confirmation that each copy of the reprint will be stamped or otherwise marked with the said date which will be the effective date of the reprinted legislation in the respective province. The Prefect having marked each copy of reprint with the aforesaid date will effect the distribution to Italian officials. One copy of the reprint, signed and dated by the Prefect, will be forwarded by the PIO at once to the Legal Sub-Commission, ACC, the second will be left with the Prefect and the third copy kept in the files of the Provincial Commissioner.

4. In the future all ordinary issues of the Gazzetta Ufficiale will

2. The legislation enacted by the Italian Government in Brindisi and Salerno and published in the Gazzetta Ufficiale - Special Series No. 1/3 to 6/3 and 1 to 39 in force in Italian Government Territory has been collected and reprinted in book form. In accordance with the principle set out above it is now proposed to render the bulk of this legislation operative in the provinces of Military Government Territory by an endorsement of the Executive Commissioner, AGC. Such endorsement, reproduced on each copy of the reprinted collection, provides that all laws contained in the reprint shall become operative in Military Government Territory with the exception of certain enumerated decrees which have been reproduced for information only.

3. A packet containing sufficient quantities of the reprint (each copy addressed to the regular Italian official recipients of the Gazzetta Ufficiale) will be forwarded to each Provincial Commissioner (for attention of the PIO) for delivery to the Prefect. Each packet will be accompanied by a form of receipt in triplicate (a sample copy enclosed herewith) which will be signed by the Prefect personally and on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the reprint to either with his confirmation that each copy of the reprint will be stamped or otherwise marked with the said date which will be the effective date of the reprinted legislation in the respective province. The Prefect having marked each copy of reprint with the aforesaid date will effect the distribution to Italian officials. One copy of the receipt, signed and dated by the Prefect, will be forwarded by the PG at once to the Legal Sub-Commission, AGC, the second will be left with the Prefect and the third copy kept in the files of the Provincial Commissioner.

4. In the future all ordinary issues of the Gazzetta Ufficiale will bear an endorsement by the Executive Commissioner ordering that all decrees printed therein or in previous issues, with possible exception of certain enumerated decrees, shall become operative in each province within Military Government Territory as of the date when the Prefect thereof shall first receive from the Allied Control Commission the copies of the issue containing said endorsement. In order to establish as a matter of record the effective date of certain decrees in a particular province, the obtaining of the fully completed receipts mentioned above is required.

5. The procedure designed for the delivery of the reprinted collection and set out in para. 3 above will be followed also in respect to each future issue of the Gazzetta containing the endorsement of the Executive Commissioner referred to above in para. 4.

6. The Gazzetta containing such endorsements will be sent out to each Provincial Commissioner (Attention PIO), in packets containing sufficient quantities and with the necessary indication to enable the Prefect to effect distribution to Italian officials. Accompanying the overall packet will be a triplicate form of receipt in Italian and English on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the relevant issue of the Gazzetta, to other with his confirmation that each copy, before it is distributed, will be stamped, or otherwise marked with the said date.

The three copies of the receipt bearing the Prefect's personal signature will be disposed of as follows: the first copy will be returned by the Provincial Commissioner to this sub-commission at once. The second copy of the receipt will be left with the Prefect and the third filed in the files of the Provincial Commissioner.

7. It must be clearly understood that whenever any issue of the Gazzetta contains decrees which have been excepted from implementation in Military Government territory, that part of such issue is circulated in Military Government territory, for information of the Italian officials only, and does not become effective therein.

8. It is not proposed to circulate the endorsed Gazzetta in Army areas.

9. The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive and exercise all possible care in putting it into effect.

10. [illegible]

RICHARD H. MILLER,
Colonel, G.S.C.,
Acting Chief Legal Officer.

DISTRIBUTION:

RLO (THRU: PC)	Reg 1 - 6 copies	- for info
RLO (THRU: PC)	Reg 2 - 6 "	- for info
RLO (THRU: PC)	Reg 3 - 10 "	
RLO (THRU: PC)	Reg 4 - 10 "	
RLO (THRU: PC)	Reg 5 - 10 "	
RLO (THRU: PC)	Reg 6 - 6 "	- for info
RLO (THRU: PC)	Reg 7 - 6 "	- for info
RLO (THRU: PC)	Reg 8 - 10 "	
RLO (THRU: PC)	Reg 9 - 10 "	
SLO (THRU: SCLO) AIG 6th Army	- 2 copies	- for info
SLO (THRU: SCLO) AIG 5th Army	- 2 copies	- " "
Admin Sec } for distrib.	- 10 copies	- " "
Person Sec }	- 10 copies	- " "
RO&M Sec	- 10 copies	- " "
Communications Sec	- 1 copy	- " "
Displaced Persons S/C	- 1 copy	- " "

- for distribution to FOs
(Attn FLOs)

8. It is not proposed to circulate.

9. The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive and exercise all possible care in putting it into effect.

10. copies of letter

RICHARD H. WILLER,
Colonel, C.S.,
Acting Chief Legal Officer.

DISTRIBUTION:

RLO (THRU: RC)	Reg 1 - 6 copies	- for info
RLO (THRU: RC)	Reg 2 - 6 "	- for info
RLO (THRU: RC)	Reg 3 - 10 "	
RLO (THRU: RC)	Reg 4 - 10 "	
RLO (THRU: RC)	Reg 5 - 10 "	
RLO (THRU: RC)	Reg 6 - 6 "	- for info
RLO (THRU: RC)	Reg 7 - 6 "	- for info
RLO (THRU: RC)	Reg 8 - 10 "	
RLO (THRU: RC)	Reg 9 - 10 "	
SLO (THRU: SCLO)	Reg 8th Army	- 2 copies - for info
SLO (THRU: SCLO)	Reg 5th Army	- 2 copies - " "
Admin Sec	for distrib.	- 10 copies - " "
Econ Sec		- 10 copies - " "
RC&AC Sec		- 10 copies - " "
Communications Sec		- 1 copy - " "
Displaced Persons S/C		- 1 copy - " "

- for distribution to PCs
(Attn PLOs)

- 1 -

- 2 -

R E C E I T R I C E V U T A

To The Provincial Commissioner, ACC.

Al Commissario Provinciale, ACC.

Province of

Provincia di

I hereby acknowledge the receipt on1944 of a

Con la presente dichiaro di aver ricevuto in data1944

Consignment of copies of the "Gazzetta Ufficiale", year 85

un quantitativo di esemplari della Gazzetta Ufficiale, anno 85

No. for distribution within this Province.

n. per la distribuzione in questa Provincia.

I confirm that before distribution each copy of the Gazette will
Assicuro che prima della distribuzione ogni esemplare della Gaz-be stamped or otherwise officially marked with the above date
zetta porterà timbrata, od in altro modo ufficialmente annotata,which shall be the effective date of publication in this
la data di cui sopra, che ha valore di data effettiva di pubblica-Province on the decrees listed in the special endorsement
zione nell'ambito di questa Provincia dei decreti elencati nella

on the last page thereof.

speciale disposizione di cui all'ultima pagina della Gazzetta
adesima.THE PREFECT OF THE PROVINCE OF
IL PREFETTO DELLA PROVINCIA DI.....

(Signature - F/to)

U.S. HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GHE/ep

ACC/4910/2/L

29 April 1944.

SUBJECT : Distribution of "Gazzetta Ufficiale"
in occupied territory.

TO : Regional Legal Officer (thru RC) Region III
for Provincial Commissioner Naples Province.

1. A special procedure has been adopted for the distribution of "Gazzetta Ufficiale" containing Executive Commissioner's endorsement which extends the validity of Italian decrees to A.M.G. territory. This procedure was communicated to Provincial Commissioners in a directive ACC/4910/5 dated 12 April 1944 issued by this Subcommittee. To avoid any misunderstanding a copy of the directive was also enclosed with the receipts attached to the package containing the "Gazzetta Ufficiale" and addressed to the Provincial Commissioners for the Prefect of the respective provinces.

2. Under paras 4 and 5 of the directive the Provincial Commissioner was directed to obtain the signature of the Prefect on the receipts and was made responsible that each copy of the "Gazzetta Ufficiale" be stamped with the date of the receipt.

3. The enclosed 3 receipts and a copy of the above directive have been returned to this Subcommittee by the office of the Provincial Commissioner of Naples without Prefect's signature. It appears from this that the procedure laid down in the directive was disregarded.

4. It is requested that immediate steps be taken at the Prefectura of Naples to stop the distribution of the "Gazzetta Ufficiale" Supplemento Straordinario until each copy is provided with a date of the receipt which shall be properly executed and signed by the Prefect. This Subcommittee would appreciate an assurance that the above request has been complied with. 7

5. Three new receipt forms are enclosed to be dealt with in accordance with the directive.

G. G. HANNAFORD,
Major,
Officer i/c Italian Branch,
for Chief Legal Officer.

file
 NEAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 Legal Subcommittee
 APO 594

ART/gmf

ACC/1010/2/L

12 April 1944

SUBJECT: Directive on Promulgation of Italian Decrees in Occupied Territory.

TO : Provincial Commissioners (thru ACOs).

1. Italian legislation in unoccupied territory is promulgated by publication of Decrees in the Gazzetta Ufficiale, Special Series, issues of which have already been distributed to Italian officials in occupied territory for information.
2. So that such decrees may be implemented in occupied territory, when so desired, this Subcommittee has arranged as follows:
 3. That as necessity arises issues of the Gazzetta Ufficiale will have a space left at the end of the ordinary text to allow of an endorsement to be added by the Executive Commissioner, ACO, ordering that certain decrees printed either in the current or previous issues of the Gazette shall become operative in each Province within occupied territory as of the date when the Prefect thereof shall first receive from the Allied Control Commission a copy of the issue containing the said endorsement.
 4. In order to make the operative date certain, every issue of the Gazzetta Ufficiale containing the said endorsement will be accompanied by a form of receipt on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the relevant issue of the Gazzetta, together with his confirmation that each copy will be stamped, or otherwise marked, with the said date.
 5. The Gazzetta containing such endorsements will be sent out to each Provincial Commissioner in packets containing sufficient quantities and with the necessary indication to enable the Prefect to effect distribution to Italian officials and to all whom it concerns. Accompanying the overall packet will be a triplicate form of receipt in Italian and English, the copy of which bearing the Prefect's signature will be returned by the Provincial Commissioner to this Subcommittee at soonest.
 6. It is not proposed to circulate the endorsed Gazzette to Provincial Commissioners in Army areas.

CUP 31

G. D. URJOEN
Colonel

Chief Legal Officer.

1. Italian legislation in unoccupied territory is promulgated by publication of Decrees in the Gazzetta Ufficiale, Special Series, issues of which have already been distributed to Italian officials in occupied territory for information.
2. So that such decrees may be implemented in occupied territory, when so desired, this Subcommission has arranged as follows:
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 4. In order to make the operative date certain, every issue of the Gazzetta Ufficiale containing the said endorsement will be accompanied by a form of receipt on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the relevant issue of the Gazzetta, together with his confirmation that each copy will be stamped, or otherwise marked, with the said date.
 5. The Gazzetta containing such endorsements will be sent out to each Provincial Commissioner in packets containing sufficient quantities and with the necessary indication to enable the Prefect to effect distribution to Italian officials and to all whom it concerns. Accompanying the overall packet will be a triplicate form of receipt in Italian and English, the copy of which bearing the Prefect's signature will be returned by the Provincial Commissioner to this Subcommission at soonest.
 6. It is not proposed to circulate the endorsed Gazette to Provincial Commissioners in Army areas.


 G. D. UPTON
 Colonel
 Chief Legal Officer.

b

Distribution:

P.C. Region 1	-	6 copies
P.C. "	2	"
"	3	"
"	4	"
"	5	"
"	6	"

For distribution to PCs.

R E C E I P T - R I C E V U T A

To the Provincial Commissioner, ACC.

Al Commissario Provinciale, ACC.

Province of

Provincia di

I hereby acknowledge the receipt on.....1944 a

Con la presente dichiaro di aver ricevuto in data.....1944

consignment of copies of the "Gazzetta Ufficiale", year 85

un quantitativo di esemplari della Gazzetta Ufficiale, anno 85

No. for distribution within this Province.

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Assicuro che prima della distribuzione ogni esemplare della Gaz-

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zetta porterà timbrata, o in altro modo ufficialmente annotata,

which shall be the effective date of publication in this

la data di cui sopra, che ha valore di data effettiva di pubblica-

Province of the decrees listed in the special endorsement

zione nell'ambito di questa provincia dei decreti elencati nella

on the last page thereof.

speciale disposizione di cui all'ultima pagina della Gazzetta

medesima.

THE PREFECT OF THE PROVINCE OF

IL PREFETTO DELLA PROVINCIA DI

(Signature - F/to).....

ALLIED MILITARY GOVERNMENT

OF OCCUPIED TERRITORY

GENERAL ORDER NO.

In Station

(4A)

C.B.E.

I, MAURICE STANLEY LUSH, ~~C.M.~~, M.C., Brigadier
Executive Commissioner hereby order that the decrees
listed below, shall become operative and have the
full force and effect of law in each Province within
occupied territory as of the date when the ~~Provincial~~
~~Commissioner thereof~~ for the Prefect thereof shall
first receive from the Allied Control Commission a
copy of ~~the~~ ^{the} ~~within~~ issue of the "Gazzetta Ufficiale".

the

Brigadier,
Executive Commissioner,
for the Chief Commissioner.

DATED this day of March 1944.

Draft of what will be used

4

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 374

3A

16 March 1944

REFERENCE : HQ/AC/1/1
SUBJECT : Italian Legislation.
TO : Regional Commissioners, Regions 1, 2, 3, 4, 5 & 6.

1. Your attention is directed to the fact that action extending the operation of Italian Decrees to occupied territory is reserved exclusively to H.Q., Allied Control Commission, and will not be the subject of Regional Orders.
2. The procedure to be followed with respect to Decrees published in current issues of the Gazzetta Ufficiale is set forth in Directive 47/43 dated 3 March, 1944 (copy attached).
3. With respect to Italian legislation not appearing in current issues thereof, recommendations will be communicated to the Legal Sub-Commission.

M. S. Lust
Brigadier,
Executive Commissioner,
For Chief Commissioners.

END/enc.

M. S. Lust

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APC 394.

ES/ymf

6 March 1944.

SUBJECT: Certificate Officials, distribution in AMG territory.

TO : H.E. The Minister of Pardon and Justice.

1. In order to avoid any delay or misunderstanding I wish to restate the procedure to be adopted on the above subject in accordance with the agreement between Your Excellency's Ministry and this Subcommittee.

2. About one-third of the last page of each issue will be left blank.

3. As soon as an issue is printed and ready for distribution the Ministry shall forward 70 copies to this Subcommittee for distribution to ACC & AMG organs. (The original number of 55 copies had to be raised due to increased demand) and hold 1070 copies in reserve at disposal of the Subcommittee.

4. This Subcommittee will then

(i) either present the text to be printed on the blank space mentioned above under 2. (This text will contain the republication clauses by virtue of which certain decrees published in the issue under consideration or in previous issues will become effective also in the AMG territory).

(ii) or notify the Ministry in due course that the blank space of this issue will not be utilized.

5. (i) If the alternative set forth above under 4(i) is chosen the Ministry will see to it that the text transmitted to them by this Subcommittee be printed in blank space of one thousand and seventy copies of the issue held in reserve under 3 above and that one thousand of these copies be provided with necessary addresses of the subscribers residing in AMG territory and handed over to the Italian Liaison Section which will attend to the distribution within the AMG zone. The remaining 70 copies will be forwarded by the Ministry to this Subcommittee for its internal use.

(ii) If the alternative set forth above under 4(ii) materializes the Ministry shall follow the same course of action as explained above under 5(i) with the exception that no additional printing will be necessary, and no additional copies forwarded to this Subcommittee.

6. If the Ministry should decide that a certain number of copies con-

procedure to be adopted on the above subject in accordance with the agreement between Your Excellency's Ministry and this Subcommittee.

2. About one-third of the last page of each issue will be left blank.

3. As soon as an issue is printed and ready for distribution the Ministry shall forward 70 copies to this Subcommittee for distribution to ACC & AMI organs. (The original number of 55 copies had to be raised due to increased demand) and hold 1070 copies in reserve at disposal of the Subcommittee.

4. This Subcommittee will then

(i) either present the text to be printed on the blank space mentioned above under 2. (This text will contain the republication clauses by virtue of which certain decrees published in the issue under consideration or in previous issues will become effective also in the AMG territory).

(ii) or notify the Ministry in due course that the blank space of this issue will not be utilized.

5. (i) If the alternative set forth above under 4(i) is chosen the Ministry will see to it that the text transmitted to them by this Subcommittee be printed in blank space of one thousand and seventy copies of the issue held in reserve under 3 above and that one thousand of these copies be provided with necessary addresses of the subscribers residing in AMG territory and handed over to the Italian Liaison Section which will attend to the distribution within the AMG zone. The remaining 70 copies will be forwarded by the Ministry to this Subcommittee for its internal use.

(ii) If the alternative set forth above under 4(ii) materializes the Ministry shall follow the same course of action as explained above under 5(i) with the exception that no additional printing will be necessary, and no additional copies forwarded to this Subcommittee.

6. If the Ministry should decide that a certain number of copies containing the republication clauses should be circulated for information purposes also in the territory under the administration of the Italian Government, more than 1025 copies would have to be printed in the alternative dealt with above under 5 (i).

deputato

G. G. HANNAFORD, Major
for Chief Legal Officer.
(Officer i/o Italian Section).

CONFIDENTIAL

4010
 14
 To
 REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 AVO 394

Administrative Section

47/45

5 Mar 44.

SUBJECT: Italian Legislation

TO: Executive Commissioner
 VI Sections
 Independent Sub-Commissions.

- 1 Italian legislation in unoccupied territory is promulgated by publication of Decrees in GAZZETTA UFFICIALE, the latest copy of which No 9 has already been distributed.
- 2 In order to avoid duplication and to have legislation in occupied territory when so desired in line with decrees so published, the Legal Sub Comm have made the following arrangements with the Ministry of Justice:
 - a That when the GAZZETTA UFFICIALE is published, a space will be left at the end to allow an endorsement to be made stating which of the decrees set out are also to be effective in occupied territory.
 - b That the printing blocks will be kept set up for a short period to allow for perusal by ACC and the addition of the endorsement.
 - 3 To implement this it is necessary to decide rapidly which of the decrees shall be effective in occupied territory; the following procedure has been agreed:
 - c The Legal Sub Comm will prepare a translation of the titles and import of the Decrees.
 - d The translation at 3 a above together with copies of each number of the GAZZETTA will be forwarded to the Executive Commissioner and to each Section by the Legal Sub Comm.
 - e Upon receipt, Sub Comms will at once peruse and forward as at 3 d below a return showing which decrees they recommend should be included in the endorsement together with their reasons.

1 The return as at 3 c above will be made by Sub Comms at Salerno to the Adm Sec, and by Sub Comms at Naples to the Executive Commissioner

- 2 In order to avoid duplication and to have legislation in occupied territory when so desired in line with decrees so published, the Legal Sub Comm have made the following arrangements with the Ministry of Justice:
- a That when the GAZZETTA UFFICIALE is published, a space will be left at the end to allow an endorsement to be made stating which of the decrees set out are also to be effective in occupied Territory.
 - b That the printing blocks will be kept set up for a short period to allow for perusal by ACC and the addition of the endorsement.
 - 3 To implement this it is necessary to decide rapidly which of the decrees shall be effective in occupied territory; the following procedure has been agreed:
 - a The Legal Sub Comm will prepare a translation of the titles and import of the Decrees.
 - b The translation at 3 a above together with copies of each number of the GAZZETTA will be forwarded to the Executive Commissioner and to each Section by the Legal Sub Comm.
 - c Upon receipt, Sub Comms will at once peruse and forward as at 3 d below a return showing which decrees they recommend should be included in the endorsement together with their reasons.
 - i The return as at 3 c above will be made by Sub Comms at Salerno to the Adm Sec, and by Sub Comms at Naples to the Executive Commissioner through their Section.
 - ii The date by which returns will be made will in future be notified by the Legal Sub Comm when forwarding the GAZZETTA UFFICIALE.
 - d The Executive Commissioner and the VP Adm Sec will consolidate the returns and forward them to the Legal Sub Comm for inclusion in the endorsement.
 - " Attached is a translation of GAZZETTA No 9 referred to in para 1, returns regarding this will be made by 1800 hours, Tues 7 Mar 44.

Distribution to Sections to allow:

Sections (2)
Sub-Comms (1)

W. Stone
KERRY W. STONE,
Capt. USNR.
Deputy Chief Commissioner.

0497