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Declassified E.O. 12356 Section 3.3/RMD No.

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ACC

10000/142/261  
(VOL. II)



00/142/261  
L. II)

PROCLAMATIONS, GENERAL  
JAN. 1944 - JULY 1945



4027  
V

HEADQUARTERS ALLIED COMMISSION  
Office of the French Representative  
APO 394

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Rome, July 27th 1945  
AB/SE n° 2.213

To : LEGAL SUB-COMMISSION

Subject: Trial of Italian Civilians by A.M.G.

1./ This Office should very much appreciate if it were possible to Legal Sub-Commission to let it have a copy of a Proclamation by the Commander in Chief concerning the law under which Italian civilians guilty of any violation of military law should be tried.

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*B. de Guillemin d'Avenas*

B. de GUILLEMIN d'AVENAS, Lt  
i.c. French Mission

|                      |             |
|----------------------|-------------|
| LEGAL SUB-COMMISSION |             |
| CLO                  |             |
| DCLO                 |             |
| Chief Counsel        | <i>Att.</i> |
| CJO                  |             |
| Director             |             |
| C. J. G.             |             |
| 29 JUL 1945          |             |

*Bracket of Paves sent*



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

RHW/af

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ACC/4074/L

6 June 1944.

SUBJECT : Proclamations and General Orders.

TO : RC &amp; MG Section.

1. Reference your 1015/EC dated 26 May 44.

2. Attached hereto is list of Proclamations and General Orders not included in the Italy Gazette and the three Sicily Gazettes. Several of the more recent of these were passed to you by the originating Subcommittee for printing and distribution.

3. Before putting into hand the lengthy job of having copies made of these Proclamations and General Orders will you please advise this Subcommittee which Proclamations and General Orders in printed or mimeographed form can be supplied by you. This would of course include the more recent General Orders the distribution of which has been handled by your Section.

H. H. WILMER,  
Col CAC.

Deputy Chief Legal Officer.



List of Proclamations and General Orders not included  
Sicily Gazettes and Italy Gazette.

Proclamation No. 15- Extension to French Property of  
Property Control.

Proclamation No. 16- Restoration of Territory.

| <u>GENERAL ORDER No.</u> | <u>SUBJECT</u>                                              |
|--------------------------|-------------------------------------------------------------|
| 3. Italy                 | - Termination of Moratorium.                                |
| 4. Italy                 | - Modification Proc. 10                                     |
| 5. Italy                 | - Wage increase and labour relations.                       |
| 6. Italy                 | - French property.                                          |
| 12. Sicily               | - Reorganizations of Bar Association.                       |
| 13. Sicily               | - Bills of exchange.                                        |
| 14. Sicily               | - Temporary Wage adjustment                                 |
| 15. Sicily               | - Reopening of Bank of Italy.                               |
| 16. S and I              | - Extension of Property Control.                            |
| 17. S and I              | - Labor Relations.                                          |
| 18. S and I              | - Rights of Jews.                                           |
| 19. S and I              | - French Property (Restored Property)                       |
| 20. Italy                | - Circulation of Motor Vehicles.                            |
| 21. Italy                | - Appointments Bank of Italy and Naples.                    |
| 22.                      |                                                             |
| 23. Italy                | - Elimination of Land Restrictions.                         |
| 24. Italy                | - Movement of Civilians and Passes.                         |
| 25. Italy                | - Public Meetings.                                          |
| 26. Italy                | - Consignment of wheat and barley to<br>People's Granaries. |
| 27. Italy                | - Registration of Aliens.                                   |



To:-  
Legal S-C.

HEADQUARTERS  
ALLIED COMMISSION  
APO 394

4/27

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Copy for information

28 May 1945

SUBJECT : Legal Records.

TO : ANC Naples Commune (attention Adjutant)

With reference to your letter R/5836 of 24 May 1945, this office has been consulted by Legal Sub-Commission in connection with a letter reference L/2051 of 26 May 1945 from Major Vecchiola to the sub-commission. It is assumed that the two letters relate to the same enquiry.

Records received from Southern Region have been examined by this office in conjunction with the Chief Clerk of the Legal Sub-Commission, and the latter has taken all the relevant papers which could be found.

The delay in answering this enquiry is regretted, but many of the papers emanating from Region 3-Southern Region were received in such a condition that accurate identification and conclusive search is almost impossible.

y3

For the Executive Commissioner

af

A.J. COLLINS  
Captain. R.E.  
Archivist.

This relates to Proc No 10.

|   |                 |    |
|---|-----------------|----|
| → | CL              |    |
|   | DOLO            | ay |
|   | Chief Counsel   |    |
|   | CL              |    |
|   | Italian Section |    |
|   | CL              |    |

28 MAY 1945



HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/rlp.  
28 May 1945.

AC/4027/L.

SUBJECT : Proclamation No. 10.

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

1. Reference your L-2051 of 26 May 1945, the best information available from the records at this Hq is that Proclamation No. 10 was posted as follows:

- a. In Southern Division, Naples Province, between 8 and 13 Feb 44.
- b. In Ischia, Procida, Ventotene and Ponza between 14 and 20 Feb 44.
- c. In Northern Division, Naples Province, instructions for posting were given at the same date but there is no evidence of actual posting.
- d. In Naples Commune, there is evidence that copies of the proclamation were despatched to the AD Hq shortly after 25 Jan 1944. There is no direct evidence that the proclamation was ever posted in Naples and a list of proclamations and orders posted in Naples which was supplied officially by Ente autonomo Volturno on 22 May 1944 shows that this Proclamation had not been posted there.

2. As this question was being raised at that time, it is reasonable to assume that the proclamation must have been posted after 22 May 1944 on receipt of this list, but again there is no evidence of it.

3. Technically, it can be argued that under Article IV, the proclamation was effective in Naples from 8 Feb 1944.

4. In any event, Bando of 24 Sept 1943 (see Raccolta Ufficiale, pp. 23 and 661) became effective in Naples at the end of July 1944. This does not cover Blue Seal dollars.

5. It may be desirable to post the proclamation now, so as to remove any doubt for the future, but in a clear case of dishonest trading, I should have no hesitation in relying on para. 3 above. There is no further supply in this Hq of Proclamation No. 10.

By command of Rear Admiral STONE.

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



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

1015/EC/L.

/rlp.  
28 May 1944.

SUBJECT : Proclamations and Orders.

TO : RC & LG Section.

1. Reference your letter 1015/EC of 26 May 44.

2. It will take some research to secure the information desired by you. Major Grossman who has made a study of the various proclamations and general orders at present time is sitting on a General Court and will not return before 4 or 5 days. As soon as he returns I shall ask him to prepare the information requested and in that connection will prepare the necessary form of certificate.

RICHARD H. WISER,  
Colonel,  
Deputy Chief Legal Officer.

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27 May 44

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Report on Proclamations and General Orders

To CLO

Reference attached letter from Executive Commissioner the question of the whereabouts of certain early Proclamations and GOs has always been shrouded in mystery - due to the fact that they were prepared by Col. Chenler - and to a certain extent by Lt. Col. Rose though this officer was in hospital for a long period in the <sup>early</sup> days at Chres (N. Africa) before the Legal Division as such was formed.

The following is the fullest information I can supply on the subject partly from records and partly from memory

Part I - Proclamations

1. Sixteen proclamations have been issued both in Sicily and Italy. I do not know whether in any case there is an original of the same Proclamation for both Sicily and Italy but I think that only one Proclamation was signed for both Sicily and Italy in the majority of cases. I hold a receipt dated 26/10/43 from Region I for certain files amongst which is (a) 4006/L - Proclamations General-Sicily and (b) 4007/L - General Orders Sicily. Some originals may be on these files but I doubt it. Original Proclamations held by me are as under:-

| <u>Proc.No.</u> | <u>Date</u> | <u>Signed by</u> | <u>Remarks</u>                                                                                                                                                                |
|-----------------|-------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1               | 13 Nov. 43  | Gen. Alexander   | Italy only.                                                                                                                                                                   |
| 3               | Undated     | " "              | Sicily and adjacent Islands only.<br>A printed copy in a discoloured condition.                                                                                               |
| 4.              | 6 July 43   | " "              | Territory covered is described as "Occupied Territory" and in the first recital is left blank, so it could be applicable to all occupied territory.<br>Same as Proclamation 4 |
| 5               | 6 July 43   | " "              | " " " " y.d                                                                                                                                                                   |
| 6               | 6 July 43   | " "              | " " " "                                                                                                                                                                       |
| 7               | 6 July 43   | " "              | " " " "                                                                                                                                                                       |
| 7               | 12 July 43  | " "              | Italy only.                                                                                                                                                                   |
| 8               | 6 July 43   | " "              | Same as Proc. 4                                                                                                                                                               |
| 9               | 6 July 43   | " "              | Same as Proc. 4. This Proc. relates                                                                                                                                           |



Region I for certain files amongst which is (a) 4006/L - Proclamations General-Sicily and (b) 4007/L - General Orders Sicily. Some originals may be on these files but I doubt it. Original Proclamations held by me are as under:-

| Proc.No. | Date       | Signed by      | Remarks                                                                                                                                                                                                                |
|----------|------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | 13 Nov. 43 | Gen. Alexander | Italy only.                                                                                                                                                                                                            |
| 3        | Undated    | "              | Sicily and adjacent Islands only.                                                                                                                                                                                      |
| 4.       | 6 July 43  | "              | A printed copy in a deteriorated condition. Territory covered is described as "Occupied territory" and in the first recital is left blank, so it could be applicable to all occupied territory. Same as Proclamation 4 |
| 5        | 6 July 43  | "              | "                                                                                                                                                                                                                      |
| 6        | 6 July 43  | "              | "                                                                                                                                                                                                                      |
| 7        | 6 July 43  | "              | "                                                                                                                                                                                                                      |
| 7        | 12 July 43 | "              | Italy only.                                                                                                                                                                                                            |
| 8        | 6 July 43  | "              | Same as Proc. 4                                                                                                                                                                                                        |
| 9        | 6 July 43  | "              | Same as Proc. 4. This Proc. relates to the publication of the Gazette and the title of the Gazette is left blank so that it could be applicable to either the "Italy" or "Sicily" Gazette.                             |
| 10       | 6 July 43  | "              | Same as Proc. 4.                                                                                                                                                                                                       |
| 11       | 6 July 43  | "              | "                                                                                                                                                                                                                      |
| 13       | Undated    | "              | Sicily and adjacent Islands only.                                                                                                                                                                                      |
| 15       | 30 Jan. 44 | "              | Applicable to all Occupied Territory.                                                                                                                                                                                  |

2. Proclamations 1, 2, 3, 4 (New Series) were signed by Lt. Gen. MacFarlane on the 25 April 1944 and the originals are held at this Subcommission.



- 2 -

3. The following originals are not with the Sub-Commission and the following comments are made thereon:-

Proclamation No. 2 - I think this Proclamation must have been signed on 6 July 43 and the territory covered left blank as was the case with the others but Col. Chandler had no knowledge of the whereabouts of the original and as a result a printed copy, as printed for Sicily and adjacent Islands, of Proc. 2 English and Italian was put in the original file for record purposes.

Proclamation No. 3 - This also I think was signed on 6 July and the territory covered left blank. A printed copy rubber-stamped (Italy) "Sicily and Adjacent Islands" signed by Gen. Alexander is held.

Proclamation No. 12 - This was dated 11 Sept. but I have no knowledge of the whereabouts of the original. Files handed over to Region 1 may give some clue.

Proclamation No. 14 - True copy is held certified by Major Mark Howe who, records show, held the original. The 15 Army Gp files are now with the Archivist.

Proclamation No. 16 - I believe everything to do with this Proc. was done with (restoration of Ter- Salerno Province office and I have no working papers ritory to Italian on it or the original. Govt dated 11 Feb. 44)

4. The position regarding the Proclamations not covered by the Sicily and Italian Gazette and the supplying of 4 copies thereof is as follows:

Proc. 14 (Sicily) - Same as Proc. 14 in Italy Gazette

Proc. 15 (applicable - 4 printed copies can be supplied to all occupied territory)

Proc. 16 - I have only 1 copy. Other copies would have to be typed.

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PART II- General Orders

1. After Major Grossman had gone carefully into all available records it has been established that the following is a complete list of General Orders issued:

| <u>GENERAL ORDER No.</u> | <u>SUBJECT.</u>                       |
|--------------------------|---------------------------------------|
| 1. Sicily -              | Partial Suspension of Moratorium      |
| 1. Italy -               | ditto                                 |
| 2. Sicily -              | Taxes and Public Monies               |
| 2. Italy -               | ditto                                 |
| 3. Sicily -              | Prices of grain                       |
| 3. Italy -               | Termination of Moratorium             |
| 4. Sicily -              | Price Control Order                   |
| 4. Italy -               | Modification Proc. 10                 |
| 5. Sicily -              | Declaration of essential supplies     |
| 5. Italy -               | Wage increase and labour relations    |
| 6. Sicily -              | Reopening of the Banks                |
| 6. Italy -               | French property                       |
| 7. Sicily -              | Amendment of Procs 2 and 4            |
| 8. Sicily -              | Labor Relations                       |
| 9. Sicily -              | Circulation of Motor Vehicles         |
| 10. Sicily -             | Termination of Financial Restrictions |
| 11. NOR USED             |                                       |
| 12. Sicily -             | Reorganizations of Bar Association    |
| 13. Sicily -             | Bills of exchange                     |
| 14. Sicily -             | Temporary Wage adjustment             |
| 15. Sicily -             | Reopening of Bank of Italy            |
| 16. S and I-             | Extension of Property Control         |



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5. Italy - Wage Increase and Labour relations
6. Sicily - Reopening of the Banks
6. Italy - French property
7. Sicily - Amendment of Pres 2 and 4
8. Sicily - Labor Relations
9. Sicily - Circulation of Motor Vehicles
10. Sicily - Termination of Financial Restrictions
11. NOT USED
12. Sicily - Reorganizations of Bar Association
13. Sicily - Bills of exchange
14. Sicily - Temporary Wage adjustment
15. Sicily - Reopening of Bank of Italy
16. S and I - Extension of Property Control
17. S and I - Labor Relations
18. S and I - Rights of Jews
19. S and I - French Property (Restored Property)
20. Italy - Circulation of Motor Vehicles
21. Italy - Appointments Bank of Italy and Naples
- 22.
23. Italy - Elimination of Land Restrictions
24. Italy - Movement of Civilians and Passes
25. Italy - Public Meetings
26. Italy - *Engagement of wheat & barley etc. Republic of Salerno*
27. Italy - *Registration of Aliens*



of these the originals are held of:

| GENERAL ORDER No. | DATE           | SIGNED BY                 | REMARKS                                         |
|-------------------|----------------|---------------------------|-------------------------------------------------|
| 2.                | Undated        | Maj. Gen. Rennell of Rodd | applicable to all occupied territory            |
| 4.                | 5 Sept 44      | " " "                     | together with duplicate. Original initialed "R" |
| 5.                | undated        | " " "                     | ---                                             |
| 5.                | 1st Oct. 44    | " " "                     | ---                                             |
| 5.                | Undated        | Brig. Lush                | ---                                             |
| 6.                | 30th Jan. 1944 | " "                       | ---                                             |
| 7.                | 17 Sept 44     | Maj. Gen. Rennell of Rodd | ---                                             |
| 8.                | 24 Sept 44     | " " "                     | ---                                             |
| 9.                | Undated        | " " "                     | ---                                             |
| 10.               | 1st Oct 44     | " " "                     | ---                                             |
| 12.               | 12 Oct 44      | " " "                     | ---                                             |
| 15.               | Undated        | Brig. Gen. Mc Sherry      | ---                                             |
| 16.               | 7th Dec 44     | " " "                     | ---                                             |
| 17.               | 18th Jan 44    | Col C.M. Spofford         | ---                                             |
| 19.               | 2nd Feb 44     | Lt. Gen. MacFarlane       | ---                                             |
| 20.               | 9th Feb 44     | Brig. Lush                | ---                                             |

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this was cancelled and a further G.O. No. 20 signed the original of which is not held here.



|                      |             |                      |   |   |     |
|----------------------|-------------|----------------------|---|---|-----|
| 10. Sicily           | 1st Oct 44  | "                    | " | " | --- |
| 12. Sicily           | 12 Oct 44   | "                    | " | " | --- |
| 15. Sicily           | Undated     | Brig. Gen. Mc Sherry |   |   | --- |
| 16. Sicily and Italy | 7th Dec 44  | "                    | " | " | --- |
| 17. Sicily and Italy | 18th Jan 44 | Col C.M. Spofford    |   |   | --- |
| 19. Sicily and Italy | 2nd Feb 44  | Lt. Gen. MacFarlane  |   |   | --- |
| 20. Italy            | 9th Feb 44  | Brig. Lush           |   |   | --- |
| 25. Italy            | 12th May 44 | "                    | " | " | --- |

81  
this was concealed and a further G.O. No. 20 signed the original of which is not held here.

- General Order No. 1 (New Series) has been signed by Brig. Lush on 11 May 44 and original is held.
- The following information is given about missing original General Orders.  
General Order No.  
1.  
The same for Italy and Sicily. Original probably dated July 43. No knowledge of its whereabouts.



General Order No.

3. Sicily

I hold a copy which looks as if it might be a carbon of the original. It is dated... August 1943". I have no knowledge of ~~the~~ original.

3,4 and 5-Italy

Prepared and issued by 15 Army Gp. Originals may be in their files. (Files with archivist).

13. Sicily

Note in file on copy G.O. No.13 reads "Original with Col. Spofford- 27/11/43 - S/Sgt Wright."

14. Sicily.

Signed by Brig. Gen. McSherry, it was prepared and distributed entirely by Reg. 1 who, no doubt, hold the original.

18. Sicily and Italy

This was handled by Major Palmieri at Naples in a great deal of rush about 29/30 Jan 44. Original was never sent to this office.

21 and 22 Italy

Originals last passed to Finance Subcommittee ~~for~~ archives on 6 Mar 44 (note on folio 123-File 4074/L 2nd Vol.) Although the archivist has returned to us certain original G Os <sup>80</sup> these were not included.

23. Italy

Signature of Chief Commissioner obtained by Finance Subcommittee (see folio 122 file 4074/L 2nd Vol.) and original no doubt in their possession or passed by



18. Sicily and Italy

21 and 22 Italy

23. Italy

24. Italy

As regards supplying 4 copies of GO's not included in the Gazette this would be:-

|                                        |                                                                           |
|----------------------------------------|---------------------------------------------------------------------------|
| GOS 12-14 incl (Sicily)                | - Copies would have to be typed.                                          |
| GOS 15, 16, 17 and 19 (Sicily & Italy) | " " " "                                                                   |
| GO 18 (Sicily and Italy)               | Can be supplied.                                                          |
| GOS 20 and 24 -                        | RC & MG Section <sup>or</sup> <del>and</del> Public Safety should supply. |

pared and distributed entirely by me who, no doubt, hold the original. This was handled by Major Palmieri at Naples in a great deal of rush about 29/30 Jan 44. Original was never sent to this office.

Originals last passed to Finance SubCommission ~~for~~ archives on 6 Mar 44 (note on folio 123-File 4074/L 2nd Vol.) Although the archivist has returned to us certain original GOs these were not *included*. Signature of Chief Commissioner obtained by Finance Subcommission (see folio 122 file 4074/L 2nd Vol.) and original no doubt in their possession or passed by them to Archivist.

Public Safety passed draft to RC & MG Section for signature and distribution. No doubt RC and MG Section hold original.



GOs 21, 22 and 23 - RC & MG Section or Finance should supply.

GO No. 25 - RC & MG Section should supply.

Generally.

As regards missing early original Proclamations and GOs, Col. Chandler informed S/Sgt Wright and myself when enquiry was made regarding them after we had set up office in Palermo and ~~they~~ they were given to the printers to set the type and were "cut up and torn about by them" and, I understand, eventually destroyed.

*g. l. h.*

Cpl,  
Chief Clerk.

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HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.G. SECTION  
APO 394

Ref/1015/EC

26 May 1944

SUBJECT: Proclamations and Orders.

TO : Admin. Section.

1. Reference conversation today with Col. Wilmer (Legal Sub-Comm.) the attached copy of D.O. letter is passed to you for consideration of the last two paragraphs.
2. Regarding the word "filed" (sic) it is thought that it cannot mean "posted" in the sense of posting on walls, notice boards etc.; nor is it thought that copies of regional orders, based as they are on general orders, are necessary in this connection.
3. What would seem to be required are copies of the Sicily and Italy Gazettes, copies of proclamations and general orders issued subsequently and therefore not included in those publications, and copies of the recently issued proclamations 1 - 4 and Notices 1 and 2 all duly certified in a form to be decided by Legal Sub-Commission. With this collection should be a record, as far as is known, of where the originals are filed.
4. As Col. Spofford will be visiting during the week beginning May 29, discussions may be possible. He would probably like to take the collection back with him. Could action be taken with these possibilities in view.

*G. D. Fiske* *White* 81  
for NORMAN E. FISKE  
Colonel  
Deputy Executive  
Commissioner

53.  
Please see my note attached



ALLIED FORCE HEADQUARTERS  
Military Government Section

CMS/rl

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Ref/DO/16

13 May 1944.

My dear Lush:

This acknowledges your D/O letter of 6 May 1944, 339/58/CA, pointing to the letter of Headquarters, North African Theater of Operations, United States Army, AG 314/47 MGS-O, of 18 April, as an instance of possible lack of coordination at high levels. That AG letter enjoined care to prevent the destruction of archives in occupied territory, and then went on to call for two authenticated copies of all proclamations, etc., issued for administration of civil affairs in occupied territories. It was addressed to the Commanding Generals, Fifth Army, Seventh Army, and U.S. Contingent, AAI.

This letter originated from a message from the War Department, addressed to Commanding Generals of United States Army Forces in various areas throughout the world - General Devere as CG, NATOUSA, included. The Adjutant General of NATOUSA was given responsibility for taking action upon this message. The opinion of this Section was sought, which recommended an AFHQ AG letter addressed to the Armies and the Allied Control Commission, bringing the substance of the War Department messages to their attention and calling for the documents the United States Government desires. The Adjutant General, however, concluded that it would better be handled wholly on the NATOUSA side. Accordingly, the call was made by a NATOUSA AG letter, addressed to the CG U.S. Armies and U.S. Contingent, AAI. As to the ACC, his theory was that the CG, U.S. Contingent, would seek the necessary material by such means as he found proper, and transmit to CG, NATOUSA. He was surprised, when your letter was drawn to his attention, to find that the action finally taken was in the form of an indorsement, "for necessary action" by the regimental commander 2675th Regiment to the Chief Commissioner, ACC.

The special situation of the ACC has been discussed with the Adjutant General by an officer of this Section, and it is believed that in any future case a better coordination will be effected.

As to the direction going directly to the Commanding Generals, Fifth and Seventh Armies: this was on the view of the Adjutant General that it was appropriate for a direction from the War Department to be transmitted by the CG of a United States Army theater to a United States Army operating therein, calling upon the Commanding General to supply copies of any proclamations he may have posted. It is believed that General Patton caused some notices to be issued over his name, and



for all that was known General Clark and subordinate commanders might have done the same. This, of course, is quite aside from the proclamations issued by AMG. While we have copies of proclamations as contained in the Sicily and Italy Gazettes, we do not have an accurate record where the originals are "filed," which I take to mean posted, nor do we have copies of regional orders which might be pertinent.

If ACC will supply the documents with some form of certification which will, to the extent possible, comply with the requirements of the War Department, the immediate case will have been met. In any future instance I believe similar confusion may be avoided as a result of talks we have had with the AG.

CHARLES M. SPOFFORD  
Colonel, G.S.C.

Brigadier Maurice S. Lash  
Executive Commissioner  
R.C. and M.G. Section, HQ ACC  
APC 394.



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HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
NAPLES COMMUNE  
LEGAL DIVISION  
APO 394

L-2051

26 May 1945

SUBJECT: Publication of Proclamation 10.

TO : HQ, Allied Commission, (Attn: Legal Sub-Commission).

1. During the last few weeks numerous requests have been made to this office for clarification of the question of publication in Naples Commune of Proclamation 10.

2. Said request have been made by the Procura del Regno in Naples, the Greek Government Agent, Naples, the Allied Financial Agency, Military authorities particularly the Police, and various Italian lawyers.

3. Our only information regarding publication of Proclamation 10 in Naples stems from cases heretofore decided in Southern Region. In some of those cases, involving blue seal dollars, a conviction was obtained although defense counsel raised formal and written objection on the grounds that Proclamation 10 had never been published or posted in Naples. Notwithstanding such objection, the court took judicial notice that Proclamation 10 had been posted in Naples as of 25 Jan. 1944. On review, the convictions were affirmed.

4. We understand, however, that in one or two cases the presiding judge dismissed the charges on the ground that said Proclamation had not been posted in Naples.

5. Inasmuch as other cases may arise, concerning violations under proclamation 10, we request your advice concerning the date of publication of Proclamation 10 in Naples.

For the Commissioner:

DCLO

Chief Counsel  
CIO

Italian Section

CCB/ga

Frank L. Vecchiolla  
FRANK L. VECCHIOLLA, *ly*  
Major, J.A.G.D.,  
Senior Legal Officer.

27 MAY 1945



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HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
NAPLES COMMUNE  
LEGAL DIVISION  
APO 394

L-2051

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For the Commissioner:

DCLO

Chief Counsel

CLO

Italian Section

CSB/ga

Frank L. Vecchiolla  
FRANK L. VECCHIOLLA, *lyb*  
Major, J.A.G.D.,  
Senior Legal Officer.

27 MAY 1945



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394.

ACC/4027/L.

8 August 1944.

SUBJECT : Proclamations.

TO : Col. G. R. Upjohn, Adm Sec.

1. I have felt unable intelligently to grapple with the problem of the preamble to the proclamations because of lack of knowledge of the exact nature of the criticism of the old, or of the policy upon which the new is to be predicated.

2. I recognize, of course, the so called problem of the "patriots", but that seems only to be incidental, and is rather to be met by deeds and acts rather than by the words of our proclamations.

3. In any case, I submit the attached, in the preparation of which I have been handicapped as above indicated. I guess I am stupid enough to require a blue print.

MARC J. GROSSMAN.  
Lieutenant-Colonel,  
Chief Counsel,  
for Acting Chief Legal Officer.

80

MBG/wsw.



Vast areas of your historic land have been freed of the German yoke, but the battle still rages on Italian soil as the armies of the United Nations and the soldiers and patriots of Italy make common cause and sacrifice for victory and liberation.

As rapidly as the exigencies of war have permitted the sovereignty of the Italian Nation has been restored over areas liberated from the Germans, and this process will be extended as the enemy is thrown back.

The maintenance of law and order in territory behind advancing armies is indispensable to their success, to the rehabilitation and reconstruction of Italy, and to the peaceful pursuit of the lives of her people.

To the end that these objectives may be achieved I hereby proclaim in our common purpose as follows :

Alternative last paragraph.

That victory may the sooner be achieved by the great soldier and citizen armies engaged against the enemy and for your safety, protection and welfare, I proclaim in our



The maintenance of law and order in territory behind advancing armies is indispensable to their success, to the rehabilitation and reconstruction of Italy, and to the peaceful pursuit of the lives of her people.

To the end that these objectives may be achieved I hereby proclaim in our common purpose as follows :

Alternative last paragraph.

That victory may the sooner be achieved by the great soldier and citizen armies engaged against the enemy and for your safety, protection and welfare, I proclaim in our common purpose as follows:



1566

166 LEGAL

2339  
S-1580

RESTRICTED

HQ ACC RC AND MG SECTION

M98/23

HQ REGION 5 AFG, NPT

RESTRICTED  
NONE

211

JUNE 232119

REF OUR R5/511/17 DTD 9 JUNE. PLEASE EXPEDITE DELIVERY OF  
BALANCE OF PROCLAMATIONS AND ORDERS. NOW URGENTLY REQUIRED.

ACC DISTR

Action - CABR 2  
Info - Dep CC 1 18  
- Legal 1  
- File 1  
- Front 1



REF OUR R35/511/17 DTD 9 JUNE. PLEASE EXPEDITE DELIVERY OF  
BALANCE OF RECOMMENDATIONS AND ORDERS. NOW URGENTLY REQUIRED.

ACC DISTR

Action - CAPR 2  
Info - Rep CC 1<sup>8</sup>  
- Legal 1  
- File 1  
- Fleet 1



JUNE 232119

RESTRICTED



H. O. RESTRICTED

Group: British RESTRICTED

OUTGOING

CROSSMAN/jel  
XXXXXXXXXX

RESTRICTED

PRIORITY

ACC REAR

AND NIGHTMARE



2969

JUNE 22 1948

YOUR REQUEST ONE ZERO ZERO ZERO PROCEEDINGS FOR AND TWO POLISH CORPS PARM  
TO AND NIGHTMARE FOR SAIL LOVE ONE FROM ACC REAR FROM LEGAL SIGNED M. C. FARLANE  
PARM REFERENCE YOUR MINE THREE FOUR SEVEN OF TWO ONE JUNE BEING DEALT WITH  
 BY NO AND NO RIT REGIONAL CONTROL AND MILITARY GOVERNMENT SECTION PD

AUTHENTICATED:

*E. J. Chiosca*  
 E. J. CHIOSCA  
 CAC, USA  
 Adjutant

DISTRIBUTION:

- 1 - File
- 1 - Fleet
- 1 - ICC
- 1 - Legal
- 1 - PD & DC Section
- 1 - Adj (Main)

U. S. RESTRICTED

Group: British RESTRICTED



RESTRICTED

LEGAL SC.

ACC ANG REGION 5 CAMPOBASSO ANG 8TH ARMY REAR  
~~KTB/POLISH/2011~~

ANG POLISH CORPS

V86

JUNE 212130

B577  
 N84/22

RESTRICTED  
 IMPORTANT

~~ANY~~ 500 PROCLAMATIONS AND NOTICES URGENTLY REQUIRED FORWARD BY  
 ANY AVAILABLE MEANS. ALL ADDRESSES REQUESTED TO ASSIST.

ACC DISTN

Action - CA Br 2  
 Info - Dep CC 1 76  
 - Legal SC 1  
 - File 1  
 - Float 1

RESTRICTED

JUNE 22/



1570

U. S. RESTRICTED  
Equals British RESTRICTED

ALLIED CONTROL COMMISSION INCOMING MESSAGE /msr

7204  
109

SVC/RELAY NO.  
CLASS: RESTRICTED  
PREC : IMPORTANT  
FROM : MAIN AMG EIGHT ARMY  
TO : ACC REAR FOR LEGAL SUBCOM



M/C NO :  
REF NO: M347  
FILED : JUNE 211500B  
REC'D : JUNE 220920B

Send 1,000 complete sets of Proclamations to AMG 2 Polish Corps.

DISTRIBUTION:

- 1 File
- 1 Flo at
- 1 DCC Info
- 1 Adj Main Info
- 1 Legal ACTION

|                     |                  |
|---------------------|------------------|
| LEGAL SUB-COMMISSIO |                  |
| CLO                 |                  |
| DCLO                | RKS              |
| Chief of Section    | Italian Section  |
| CLO                 |                  |
| Italian Section     | Chief of Section |
| CL RKS              |                  |
|                     |                  |
| SUB-COMMISSIO       |                  |

75

**ACTION**

U. S. RESTRICTED  
Equals British RESTRICTED



1571

Declassified E.O. 12356 Section 3.3/NND No.

785016

4027/ *file*

5-4898 *170*  
KXLR  
1313

ACC NAPLES

*Legal*

N31/11

AMG 8 ARMY

R/969

RCNR  
IMPORTANT

JUNE 110915

2000 COPIES PROCLAMATIONS 123 AND 4 GENERAL ORDER 1 AND  
GENERAL NOTICES 1 AND 2 REQUIRED IMMEDIATELY.

ACC DISTN

Action...C A Br...2

Info....Dep C C

Legal S C

File

Float

*INFO*

HEADQUARTERS

11 JUN 1944

A. C. C.

74

JUNE 111325



27 May 44

ACC/4027/L

Report on Proclamations and General Orders

TO CLO

Reference attached letter from Executive Commissioner the question of the whereabouts of certain early Proclamations and COs has always been shrouded in mystery - due to the fact that they were prepared by Col. Chandler - and to a certain extent by Lt. Col. Rowe though this officer was in hospital for a long period in the days at Chroua (N. Africa) before the Legal Division as such was formed.

The following is the fullest information I can supply on the subject partly from records and partly from memory

Part I - Proclamations

1. Sixteen proclamations have been issued both in Sicily and Italy. I do not know whether in any case there is an original of the same proclamation for both Sicily and Italy but I think that only one proclamation was signed for both Sicily and Italy in the majority of cases. I hold a receipt dated 26/10/43 from Region I for certain files amongst which is (a) 4006/L - Proclamations General - Sicily and (b) 4007/L - General Orders Sicily. Some originals may be on these files but I doubt it. Original proclamations held by me are as under:-

| <u>Proc.No.</u> | <u>Date</u> | <u>Signed by</u> | <u>Remarks</u>                                                                                                                                     |
|-----------------|-------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1               | 13 Nov. 43  | Gen. Alexander   | Italy only.                                                                                                                                        |
| 3               | Undated     | "                | Sicily and adjacent Islands only.<br>A printed copy in a dilapidated condition                                                                     |
| 4.              | 6 July 43   | "                | Territory covered is described as "Occupied Territory" and in the first recital is left blank, so it could be applicable to all occupied territory |
| 5               | 6 July 43   | "                | Same as Proclamation 4                                                                                                                             |
| 6               | 6 July 43   | "                | "                                                                                                                                                  |
| 7               | 6 July 43   | "                | "                                                                                                                                                  |
| 7               | 12 July 43  | "                | Italy only.                                                                                                                                        |

Same as Proc. 4



do not know whether in any case there is an original of the same proclamation was signed for both both Sicily and Italy but I think that only one Proclamation was signed for both Sicily and Italy in the majority of cases. I hold a receipt dated 26/10/43 from Sicily and Italy in the majority of cases. I hold a receipt dated 26/10/43 from Region I for certain files amongst which is (a) 4006/L - Proclamations General-Sicily and (b) 4007/L - General Orders Sicily. Some originals may be on these files but I doubt it. Original Proclamations held by me are as under:-

| Proc.No. | Date       | Signed by      | Remarks                                                                                                                                                                                                              |
|----------|------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | 13 Nov. 43 | Gen. Alexander | Italy only.                                                                                                                                                                                                          |
| 3        | Undated    | "              | Sicily and adjacent Islands only.                                                                                                                                                                                    |
| 4.       | 6 July 43  | "              | A printed copy in a dilapidated condition territory covered is described as "Occupied Territory" and in the first recital is left blank, so it could be applicable to all occupied territory Same as Proclamation 4. |
| 5        | 6 July 43  | "              | "                                                                                                                                                                                                                    |
| 6        | 6 July 43  | "              | "                                                                                                                                                                                                                    |
| 7        | 6 July 43  | "              | "                                                                                                                                                                                                                    |
| 7        | 12 July 43 | "              | Italy only.                                                                                                                                                                                                          |
| 8        | 6 July 43  | "              | Same as Proc. 4                                                                                                                                                                                                      |
| 9        | 6 July 43  | "              | Same as Proc. 4. This Proc. relates to the publication of the Gazette and the title of the Gazette is left blank so that it could be applicable to either the "Italy" or "Sicily" Gazette.                           |
| 10       | 6 July 43  | "              | Same as Proc. 4.                                                                                                                                                                                                     |
| 11       | 6 July 43  | "              | "                                                                                                                                                                                                                    |
| 13       | Undated    | "              | Sicily and adjacent Islands only.                                                                                                                                                                                    |
| 15       | 30 Jan. 44 | "              | Applicable to all Occupied Territory.                                                                                                                                                                                |

2. Proclamations 1, 2, 3, 4 (New Series) were signed by Lt. Gen. MacFarlane on the 25 April 1944 and the originals are held at this Subcommission.



- 2 -

3. The following originals are not with the Sub Commission and the following comments are made thereon:-

Proclamation No. 2 - I think this Proclamation must have been signed on 6 July 43 and the territory covered left blank as was the case with the other but Col. Chanler had no knowledge of the whereabouts of the original and as a result a printed copy, as printed for Sicily and adjacent Islands, of Proc. 2 English and Italian was put in the original file for record purposes.

Proclamation No. 3 - This also I think was signed on 6 July and the territory covered left blank. A printed copy rubber-stamped (Italy) "Sicily and Adjacent Islands" signed by Gen. Alexander is held.

Proclamation No. 12 - This was dated 11 Sept. but I have no knowledge of the whereabouts of the original. Files handed over to Region 1 may give some clue.

Proclamation No. 14 - True copy is held certified by Major Mark Howe who, records show, held the original. The 15 Army Gp files are now with the Archivist.

Proclamation No. 16 - I believe everything to do with this Proc. was done with (Restoration of Ter- Salerno Province office and I have no working papers ritory to Italian on it or the original. Govt dated 11 Feb. 44)

4. The position regarding the Proclamations not covered by the Sicily and Italian Gazette and the supplying of 4 copies thereof is as follows:

Proc. 14 (Sicily) - Same as Proc. 14 in Italy Gazette

Proc. 15 (applicable - 4 printed copies can be supplied to all occupied territory)

Proc. 16 - I have only 1 copy. Other copies would have to be typed.



PART II- General Orders

After Major Grossman had gone carefully into all available records it has been established that the following is a complete list of General Orders issued:

| <u>GENERAL ORDER No.</u> | <u>SUBJECT.</u>                       |
|--------------------------|---------------------------------------|
| 1. Sicily -              | Partial Suspension of Moratorium      |
| 1. Italy -               | ditto                                 |
| 2. Sicily -              | Taxes and Public Monies               |
| 2. Italy -               | ditto                                 |
| 3. Sicily -              | Prices of grain                       |
| 3. Italy -               | Termination of Moratorium             |
| 4. Sicily -              | Price Control Order                   |
| 4. Italy -               | Modification Proc. 10                 |
| 5. Sicily -              | Declaration of essential supplies     |
| 5. Italy -               | Wage increase and labour relations    |
| 6. Sicily -              | Reopening of the Banks                |
| 6. Italy -               | French property                       |
| 7. Sicily -              | Amendment of Prcs 2 and 4             |
| 8. Sicily -              | Labor Relations                       |
| 9. Sicily -              | Circulation of Motor Vehicles         |
| 10. Sicily -             | Termination of Financial Restrictions |
| 11. NOT USED             |                                       |
| 12. Sicily -             | Reorganizations of Bar Association    |
| 13. Sicily -             | Bills of exchange                     |
| 14. Sicily -             | Temporary Wage adjustment             |
| 15. Sicily -             | Reopening of Bank of Italy            |
| 16. S and I-             | Extension of Property Control         |



5. Sicily - Wage increase and labour relations

6. Sicily - Reopening of the Banks
6. Italy - French property
7. Sicily - Amendment of Pros 2 and 4
8. Sicily - Labor Relations
9. Sicily - Circulation of Motor Vehicles
10. Sicily - Termination of Financial Restrictions
11. NOT USED
12. Sicily - Reorganizations of Bar Association
13. Sicily - Bills of exchange
14. Sicily - Temporary Wage adjustment
15. Sicily - Reopening of Bank of Italy
16. S and I- Extension of Property Control
17. S and I- Labor Relations
18. S and I- Rights of Jews
19. S and I- French Property (Restored Property)
20. Italy - Circulation of Motor Vehicles
21. Italy - Appointments Bank of Italy and Naples
- 22.
23. Italy - Elimination of Land Restrictions
24. Italy - Movement of Civilians and Passes
25. Italy - Public Meetings



General Order No.

- 3. Sicily I hold a copy which looks as if it might be a carbon of the original. It is dated... August 1943". I have no knowledge of its original.
- 3,4 and 5 - ITALY Prepared and issued by 15 Army Gp. Originals may be in their files. (File with archivist).
- 13. Sicily Note in file on copy G.O. No.13 reads "Original with Col. Spofford- 27/11/43 - S/Sgt Wright."
- 14. Sicily. Signed by Brig. Gen. McSherry, it was prepared and distributed entirely by Reg.1 who, no doubt, hold the original. This was handled by Major Palmieri at Naples in a great deal of rush about 29/30 Jan 44. Original was never sent to this office.
- 18. Sicily and Italy Originals last passed to Finance Subcommittee ~~for~~ archives on 6 Mar 44 (note on folio 123-File 4074/L 2nd Vol.) Although the archivist has returned to us ~~to~~ obtain original G O on these were not ~~included~~.
- 21 and 22 Italy Signature of Chief Commissioner obtained by Finance Subcommittee (see folio 122 file 4074/L 2nd Vol.) and original no doubt in their possession or passed by
- 23. Italy



10. Sicily and Italy  
 Naples in a great deal of rush about 29/30 Jan 44. Original was never sent to this office.

21 and 22 Italy  
 Originals last passed to Finance Subcommittee <sup>for</sup> archives on 6 Mar 44 (note on folio 123-File 4074/L 2nd Vol.) Although the archivist has returned to us <sup>to obtain original</sup> ~~to obtain~~ <sup>original</sup> G On these were not *included*.

23. Italy  
 Signature of Chief Commissioner obtained by Finance Subcommittee (see folio 122 file 4074/L 2nd Vol.) and original no doubt in thier possession or passed by them to Archivist.

24. Italy  
 Public Safety passed draft to RC & MG Section for signature and distribution. No doubt RC and MG Section hold original.

As regards supplying 4 copies of GO's not included in the letter this would be:-

|                                        |                                                                           |
|----------------------------------------|---------------------------------------------------------------------------|
| GOs 12-14 incl (Sicily)                | - Copies would have to be typed.                                          |
| GOs 15, 16, 17 and 19 (Sicily & Italy) | " " " " "                                                                 |
| GO 18 (Sicily and Italy)               | Can be supplied.                                                          |
| GOs 20 and 24 -                        | RC & MG Section <sup>or</sup> <del>and</del> Public Safety should supply. |



GOs 21, 22 and 23 - RC & MG ction or Finance should supply.

GO No.25 - RC & MG Section should supply.

Generally.

As regards missing early original Proclamations and GOs, Col. Chandler informed S/Sgt Wright and myself when enquiry was made regarding them after we had set up office in Palermo ~~initially~~ they were given to the printers to set the type and were "cut up and torn about by them" and, I understand, eventually destroyed.

Cpl,  
Chief Clerk.

69



CLO:

- 4027 file
1. An awkward point has arisen.
  2. Under old Proc. 2 it was an offence not to have "an identification card issued pursuant to existing law."
  3. As a result of discussion at the April Conference, it was decided to amend this provision on the ground that the law did not require a normal identity card, various other official cards being accepted in lieu as prima facie evidence of identity.
  4. New Proc. 1 Part. V(4) makes it an offence not to have in possession "a proper means of identification as required by law."
  5. AMG, 5th Army, have asked what law imposes the obligation to carry a means of identification: and the answer appears to be "NONE".
  6. I am told that there are police powers in this respect; but they are negative- they authorise the police to "HOLD" anybody who can't produce the necessary means of identification: but they do not require a person to have in possession a Proper means of identification.

I. Campbell

I. G. H. CAMPBELL  
MAJORCopy to:- Italian Courts  
Subsection.Seen by { CHO  
DCHO

No action to be taken

R2

23 May 44

68



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

785/242

ACC/4027/L

19 May 1944

SUBJECT: Record of Posting Proclamations.

TO : SLO (thru SCAO) 5th Army.

1. A report has been received that at Castelforte the policy recently adopted as to recording the date of posting of proclamations was not being followed (see para 2 b of Minutes of Meeting dated 6 April 1944 ref ACC/4013/L/L).
2. It is necessary that the procedure agreed upon be followed.

R. H. THOMPSON  
Lt. Col. SAC  
Deputy Chief Legal Officer.

Copy to: RLO Region 4.



4027

HEADQUARTERS REGION IV  
Allied Military Government  
APO 394

Legal 174

U-1788

TO : C.L.O., Legal Sub-Commission, A.C.C.  
FROM : R.L.O., Region 4.  
SUBJECT: Record of Posting Proclamations  
REF : R4/LE/Reg/D/1.  
DATE : 18 May 1944.

1. Attached letter has been received from the Regional Public Safety Officer of this Region.

2. My letter of 10 May 1944, Ref. No. R4/LE/Reg/E/2, referred to therein, was a letter in which I set out, for the information of the Public Safety Division, the gist of the arrangement at the Conference of Legal Officers of 6 April 1944. I refer to para. 2b of the minutes of that meeting.

3. It appears that the arrangement made at the conference <sup>attached</sup> is not in fact being carried out in the territory recently occupied by the 5th Army. I would ask, therefore, that the attention of those concerned be drawn to the matter forthwith. Otherwise I foresee that in the future there will be a recurrence of the previous difficulty caused by lack of proof of the date of posting of the Proclamations and Notices.

H. L. Linn

Colonel,  
R.L.O., Reg. 4.

Copy to S.L.O. A.M.G. 5th Army (Field)

| SUB-COMMISSION  |  |
|-----------------|--|
| Chief Counsel   |  |
| CJO             |  |
| Italian Section |  |
| CL RKS          |  |
|                 |  |
|                 |  |
|                 |  |



RTM/bca

4475

HEADQUARTERS REGION  
Allied Military Government  
APO 394

178

TO : Regional Legal Officer, Region IV.  
FROM : Regional Public Safety Officer, Region IV.  
SUBJECT: Proclamations.  
REF : R4/PS/36.  
DATE : 18 May, 1944.

1. On the 17th day of May, 1944, an inspection was made by Regional Public Safety Officer of Castelforte, in 5th Army Area.

2. The CAO of that town was asked about the posting and verification of the date of posting of proclamations in his area. He stated that no set form or policy was followed in this respect and that he had received no instructions with respect to uniform verification of the date of posting.

3. Since this office is in receipt of your letter of 10 May, 1944, Ref. No. R4/LE/Reg/E/2, wherein instructions with respect to said verification are laid down, this matter is forwarded to you for your attention.

65

*R.T. Millhouse*  
R.T. MILLHOUSE  
Lt. Colonel

Regional Public Safety Officer, AMG,  
Region IV.



*File*

HEADQUARTERS

REGION 3, ALLIED CONTROL COMMISSION  
APO 394, U.S. Army

*4027*

*4645*

L-2053

13 May 1944

Subject: Permits for Meetings.

To : C.L.O. Legal Subcommittee, A.C.C. ✓

1. In connection with the matter of permits for meetings, arise a couple of questions that need either clarification or other actions.

2. In Proclamation 11, Article V, Section 2, it is provided, "Such permits will be..... issued by..... the Commissioner of Civil Police," etc. This is the only place in the Proclamations or AMGOT Bible that I have found such a title. Who is the Commissioner of Civil Police ?

3. The next question is this: where a Proclamation places a duty upon a particularly designated officer can a regional order shift the duty to any other officer or person ?

For the Regional Commissioner:

66

JWC/cm

| LEGAL SUB-COMMISSION |   |
|----------------------|---|
| CLO                  | ✓ |
| DCLO                 |   |
| Chief Counsel        |   |
| CJO                  |   |
| Italian - S.         |   |
| CL RKS               |   |
|                      |   |

*John W. Chapman*

JOHN W. CHAPMAN,  
Lt. Col., J.A.G.D.,  
Reg. Legal Officer.

*no action.*

*has G.O. covering this*  
*As Chapman already*  
*informed in conf on 13.5.44*  
*given*



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

GRU/

177

13 May 1944

ACC/4027/1/L.

SUBJECT : Delegation of Powers under Proclamation 10 .

TO : Director of Finance sub-Commission, HQ ACC .

1. Region J has suggested that the powers conferred on the C.C.A.C. (now Chief Commissioner) by Proclamation 10 should be decentralised and conferred upon the Regional Commissioner.

2. Will you let me have your comments please.

*G. R. Johnson*  
G. R. JOHNSON,  
Colonel,  
Chief Legal Officer 63

Copy to : File ACC/4027/L.



NEAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
AFO 394

GRW/pa

178  
168

13 May 1944

ACG/4089/RL

SUBJECT : Delegation of Powers under Proclamations 7 and 10.  
TO : R.L.O. ( thru RC) Region 3 .

1. Reference para 2 of your letter L/2010 dated 10 May 1944 as to delegation of such powers under Arts , 3 and 4 of Procl.7 I think it is better that this should be done by Decree of the Italian Government. They are at the moment proposing a compendious bill dissolving all fascist societies and organizations, which will be applied to occupied territory .

2. With regard to Procl.10 I am referring the matter to the Finance Sub-Commission.

62



G. R. UPJOHN,  
Colonel,  
Chief Legal Officer.

Copy to : File ACG/4027/L.



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
INFORMATION DIVISION

179

SUBJECT: Request for Proclamations  
TO : Legal Subcommittee, AGC

2153/INFO  
18 March 1944

1. This office is repeatedly receiving requests for information on Proclamations etc.

2. It is requested, if and when possible, that the Information Division be furnished with one set of all General Orders, Proclamations etc issued in Allied Occupied Territory.

Gpl Pappas.

Please submit me French

*[Signature]* Capt S L. DG  
Director,  
Information Division

Forward Proc 1-12 } 28/3/44  
GOS 1,2,3 }



HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

GEM/rly.

15 March 1944.

AOC/1027/L.

SUBJECT : Construction of Phrase "Allied Forces."

TO : SAC (MEMO: HQ), Regions III, IV & V.  
SIO 5th & 6th Army.

You are requested to delete the classification "SECRET" from our letter AOC/1027/L of 29 Feb 44 and reclassify as follows:

"CONFIDENTIAL: To be disclosed only to members of the Allied Control Commission."

DISTRIBUTION: VP HQ &amp; HQ

VP Admin Sec  
VP Political Sec  
Legal Sub-Commission

*Gerald R. Upjohn*  
GERALD R. UPJOHN  
Colonel  
Chief Legal Officer



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

181

ACC/4027/L.

GAU/rlp.  
15 March 1944.

SUBJECT : Construction of Phrase "Allied Forces."  
TO : HQ (THRU: HQ), Region III.

1. Reference yours 3/6042/L of 8 March 1944, subject as above.
2. You may delete the classification "SECRET" and substitute the following:

"CONFIDENTIAL! To be disclosed only to members of the Allied Control Commission."

54

GERALD R. URJOHN,  
Colonel,  
Chief Legal Officer.



11 MAR 1944

U-1571 Legal

SUBJECT: Proclamations and Orders.Rear AMG Eighth Army.C.L.O., Rear HQ, A.C.C.  
Legal Sub-Commission, A.P.O. 394.

Ref: O. 3.

188 8 Mar 44.

*Major General*

1. Attached is a copy of order to spearhead officers and pertains to the Provinces of Chieti and Campobasso.
2. While it cannot be conclusively stated that such orders have been fully complied with in every commune, it can be assumed that it was substantially complied with.
3. This office needs a supply of Proclamation No 1 (Revised) as soon as possible. Our new location will facilitate delivery.
4. Further advice will be sent you regarding needs in the immediate future.

HEADQUARTERS

10 MAR 1944

A. C. C.

*Edwin J. Mercer*  
 EDWIN J. MERCER,  
 Major GRD.,  
 Senior Legal Officer,  
 for Officer Commanding,  
 AMG Eighth Army.

58



SUBJECT: Proclamations and Orders.

AME. Liaison Officer 5 Corps.  
 AME. Liaison Officer 13 Corps.  
 AME. Liaison Officer 78 Division.  
 S.C.A.O. Campobasso.  
 S.C.A.O. Chieti.  
 S.C.A.O. Pescara.  
 S.C.A.O. Teramo.  
 S.C.A.O. Aquila.  
 All C.A.Os.

11 MAR 1944

AME, H.Q. Eighth Army

Ref: OM/73.

23 Dec 43.

183

1. There will be delivered to you copies of Proclamations No. 1 (Revised), Proclamation No. 7 and Proclamation 12.

2. These should be posted within your territory immediately.

3. Proclamation No. 1 (Revised) should be posted over the old Proclamation No. 1 which it supersedes.

4. Proclamation No. 12 supersedes the AVVISO commencing "La valuta ..... Allied Military Currency", regarding the same subject and should now be posted over it or the AVVISO torn down or obliterated.

5. On first arrival in a town Proclamations Nos. 1, 2, 3, 4, 5, 7 and 12, the notices regarding surrender of arms and of curfew, and General Orders 1 and 2 will be posted. General Order No. 3 will be posted when you are notified to do so by this office. The order "Ordine Generale No. 3" signed by Group Captain Benson is superseded by General Order No. 3 and any copies of the old order in your possession should be destroyed. In approximately ten days Proclamations Nos. 6, 10, 11 and 13, will be posted.

6. Copies of all such Proclamations and General Orders are available at this Headquarters.

7. Attention is directed to the omission from Proclamation No. 1 (Revised) of the para. numbered IV in the original Proclamation No. 1 which provided that all courts, universities and schools would be closed until further order of A.M.G. **51**

8. The revised Proclamation is dated 15 Oct 43, which means that in most places now within 8th Army Area courts and schools were not closed by the Military Governor, but only by the exigencies of war.

9. As soon as conditions warrant you will be advised by this Headquarters to require all judicial officers and teachers return to their duties, excepting such as may be removed.



Military Curfew, regarding and same subject and subject to be obliterated.

AMVISO term down or obliterated.

5. On first arrival in a town Proclamations Nos. 1, 2, 3, 4, 5, 7 and 12, the notices regarding surrender of arms and of curfew, and General Orders 1 and 2 will be posted. General Order No. 3 will be posted when you are notified to do so by this office. The order "Ordre Generale No. 3" signed by Group Captain Benson is superseded by General Order No. 3 and any copies of the old order in your possession should be destroyed. In approximately ten days Proclamations Nos. 8, 10, 11 and 13, will be posted.
6. Copies of all such Proclamations and General Orders are available at this Headquarters.
7. Attention is directed to the omission from Proclamation No. 1 (Revised) of the para. numbered IV in the original Proclamation No. 1 which provided that all courts, universities and schools would be closed until further order of A.M.G. **5**
8. The revised Proclamation is dated 15 Oct 45, which means that in most places now within 8th Army Area courts and schools were not closed by the Military Governor, but only by the exigencies of war.
9. As soon as conditions warrant you will be advised by this Headquarters to require all judicial officers and teachers return to their duties, excepting such as may be removed.
10. Proclamation No. 11, excerpts from which were sent you a few days ago for information, will not be posted in the operational area.

*Edwin J. Merker*

EDWIN J. MERKER,

MAJOR,

S. 10. AM. H.Q. Eighth Army.  
for O.C. AM. H.Q. Eighth Army.



HEADQUARTERS  
REGION 3, ALLIED CONTROL COMMISSION  
LEGAL DIVISION  
APO 394, U.S. Army

JWC/mc  
3/6042/L

8 March 1944

Subject: Construction of Phrase "Allied Forces".

To : C.L.O., Legal Sub-Commission, A.C.C.

From : R.L.O., Region 3; A.C.C.

1. Reference to your ACC/4027/L, 29 February 1944, subject as above.

2. It would seem that the information contained in the above mentioned directive should be disseminated to all legal and court officers in the Region, yet the document is classified as SECRET. This Headquarters cannot reproduce this in accordance with Security Regulations and the distribution of the directive as a Secret document presents further difficulties.

3. May the documents be reclassified?

*John W. Chapman*

JOHN W. CHAPMAN,  
Lt.Col., J.A.G.D.,  
Reg.Legal Officer.



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394.

/guf

ACC/4027/L

12 March 1944.

SUBJECT: Proclamation No. 7.

TO : Executive Commissioner.

An urgent request has been communicated to Regions 1 and 2 that any copies of Proclamation No. 7 not required for their use be immediately forwarded to you.

55

G. R. UPJOHN, Colonel  
Chief Legal Officer.



1595

Declassified E.O. 12356 Section 3.3/NND No.

785016

U. S. RESTRICTED

RESTRICTED

CONTROL COMMISSION

XXXXXXXXXXXXXXXXXXXX

OUTGO

Legal HH/hft

3/12

2469

MAR

12/16/50A

RESTRICTED

PRIORITY

FATIMA HEAR

IBS RUTD DIS:40

4027

NEED OF EM BLANT OR PERSONNEL CRITICAL PD TO IBS FOR ANG REGION ONE FOR LEGAL  
 RUTD DISTRO FOR ANG REGION TWO FOR LEGAL FROM FATIMA HEAR FROM WILMER SIGNED  
 MACFARLANE PD CABLE NAMES OF SUCH AS YOU CAN POSSIBLY SPARE PD PROCLAMATIONS  
 PD FORWARD TO BRIGADIER LUSH ALL COPIES PROCLAMATION NUMBER SEVEN NOT REQUIRED  
 FOR YOUR USE

AUTHENTICATED:

E. J. CHIOCCA  
 CWO, USA  
 Asst Adj

DISTRIBUTION:

- 1 - AG
- 1 - DSC
- 1 - DCC
- ✓ 2 - Legal

54

U. S. RESTRICTED



via Roma

Bank of Naples Room  
2nd Floor 28186

Region IV, Lt Col. Willmer) would like to have adequate number of copies of Proclamation 14 for the Region. (The Army does not publish proclamations in said region).

2. They have not been advised of all general orders issued and would like a complete set of all General Orders for office use.

Ref 2 above. We can only supply G.Os. 1, 2, 3 and 18 all of which they must have.

G.Os 4 and 5 are not available.

G.Os 16 & 17 were published only in King's Italy but anyway are not available ditto No 19.

G.Os 21, 22 & 23 are not available.  
EP.

11772  
52678

9 March.

I REGION IV will 53  
Send for 2500 copies  
Prod. 14 +

II They have agreed to waive  
the general orders  
RJ



187

NEAR HEADQUARTERS  
ALLIED GUINCE COMMISSION.  
LEGAL SUB-COMMISSION.  
APO 394.

8th March, 1944.

REFERENCE : APO/4627/L.  
SUBJECT : Revision of Proclamations.  
TO : V. P. Economic Section A.G.C.

1. The Legal Sub-Commission is now engaged in revising certain of the proclamations heretofore issued with a view to consolidating some of them in amended form. Certain provisions have been shown by experience to be useless or to require revision.

2. Sub-Commissions of the Economic Section may be interested in having Proclamation No. 8 revised and in including in such revised form provisions of certain of the general orders.

3. The Finance Sub-Commission is already considering consolidation and revision of proclamations dealing solely with financial matters.

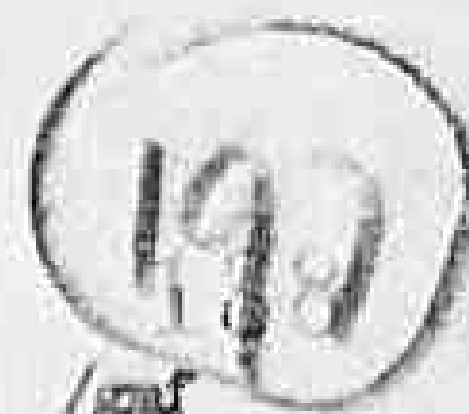
4. If you are interested in this I would appreciate your suggestions as soon as possible so that this work may be completed at an early date.

RICHARD H. WILSON.  
Lieut. Colonel, C.A.C.  
Deputy Chief Legal Officer.

H/W/awr.



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394



ACC/4027/L

1 March 1944

SUBJECT: Proclamation No. 7.

TO : Executive Commissioner, ACC.

1. Region III has requested additional copies of Proclamation No. 7 (Dissolution of Fascist Organizations) which now is out of print.

2. This request raises the question as to whether any useful purpose is to be served by the publication of this Proclamation in already occupied areas or in the forward areas as and when occupied.

3. Since existing and impending Italian legislation suffice to accomplish the objectives of Proclamation No. 7, its publication is not legally necessary in any part of the occupied territory.

4. It accordingly only remains to be determined whether it is politically desirable that the publication of this proclamation be continued.

5. It is clear that the number of proclamations should be maintained at a minimum. It would further appear that the anti-fascist views of Allied Military Government have been sufficiently enunciated in the now occupied areas including Region III as to require no repetition or emphasis. It might, however, be asserted that the contrary is true in areas yet to be occupied.

6. May we have an expression from you as to your wishes with respect to the extent, if at all, that you desire Proclamation No. 7 published.

O. R. UPJOHN, Colonel  
Chief Legal Officer.



HEADQUARTERS  
REGION 3, ALLIED MILITARY GOVERNMENT  
A.P.O. 394, U.S. Army

AG  
4578  
100

RMCC/pv  
3/6013/L

March  
1 February 1944

Subject: Proclamations Nos. 6 and 7.

To : Hq. A.G.C.

1. Reference is made to letter from A.M.G. Hq. 15 Army Group to H.C.L.C. A.M.G. Hq. Region III, 20 January 1944, subject as above (A.M.G./205/198).

2. It has been determined that two thousand (2000) additional copies of Proclamation No. 7 are needed in this region to secure adequate publication.

3. Request that the copies mentioned in paragraph 2 above be forwarded to this headquarters.

For the Regional Civil Affairs Officer:

*Douglas N. Batson*  
DOUGLAS N. BATSON,  
1st Lt., C.M.P.,  
Actg Asst Adj Gen.



191

HEADQUARTERS  
REGION 3, ALLIED MILITARY GOVERNMENT  
A.P.O. 394, U.S. Army

RMCC/pv  
3/6013/L

1 February 1944

Subject: Proclamations Nos. 6 and 7.

To : Hq. A.C.C.

1. Reference is made to letter from A.M.G. Hq. 15 Army Group to R.C.L.O. A.M.G. Hq. Region III, 20 January 1944, subject as above (A.M.G./205/198).

2. It has been determined that two thousand (2000) additional copies of Proclamation No. 7 are needed in this region to secure adequate publication.

3. Request that the copies mentioned in paragraph 2 above be forwarded to this headquarters.

For the Regional Civil Affairs Officer:

49

WNB  
DOUGLAS N. BATSON,  
1st Lt., C.M.P.,  
Actg Asst Adj Gen.



*File*  
 112121  
 Confidential

REAR HEADQUARTERS  
 ALLIED CONTROL COMMISSION  
 Legal Subcommittee  
 APO 394

(192)

ASG/HQ/27/A

29 February 1944

SUBJECT: Construction of Phrase "Allied Forces".

TO : PIO Region 3, 4, & 5.  
 WFO 5th & 6th Army.

The question has recently arisen as to proclamation offenses against members of armed forces such as Yugoslav and Polish contingents and the Corps Expeditionnaire Francaise who are fighting on the Allied side in Italy and the following directive is issued for your guidance.

1. The expression "Allied Forces" when used in Proclamation No. 2 and other relevant proclamations in describing offenses against the Allied Forces will be construed to include organized contingents of other nationalities (such as the above) who are under the command of C in C Italy.

This does not include Italian troops who are only cobelligerents and who in any event have ample resources in their own courts for punishing offenders.

2. In some cases e.g. Proclamation 2 Art II Sec 30 a different wording is used and in this case the normal construction will be used and if for instance words disrespectful to members of the U.S.F. are used it is not an offence under that section.

3. Allied Military Courts have no jurisdiction over members of the "Allied Forces" (Procl 4 Art II Sec 2(a)) and Courts will not therefore try members of organized contingents of armed forces of other nationalities who are under the command of the C in C Italy. This does not preclude trial in A.M. Courts (1) of soldiers of other nationalities who are not in an organized body under the C in C, (2) of Italian soldiers, but normally and in the absence of some reason to the contrary they will be handed over to their own Military Courts for trial.

Copy to: VP RG & MG  
 VP Admin. Sec.  
 VP Political Sec.  
 Army Subcommittee.

*G. R. Shipman*  
 G. R. Shipman, Colonel  
 Chief Legal Officer.



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/4001/2/L

1 March 1944

SUBJECT: Labor Matters.

TO : Executive Commissioner.

May I summarize what I understood to be the result of conference on the above mentioned matter on 26 February.

1. General Order No. 17 was published in Region II but was not actually published in Region I as the freedom of labor to organize had already been granted sometime before and that on 27th February 1944 it was published in Region III.

2. SAC, 5th Army stated General Order No. 5 of the same general import as General Order No. 8 for Sicily was published in 15th Army Group Area, but it is still not clear in exactly what portions of such area it was published.

3. Proclamation No. 8 has not been enforced in presently occupied territory as the basic date used in Art II made it impracticable to do so. In future printings of this proclamation the date can be amended by substituting the words "one week prior to the posting hereof" and the Labor Subcommittee wanted the policy of this proclamation to be continued.

4. The Labor Subcommittee has received a draft of a decree which the Italian Government is expected to promulgate in unoccupied territory combining in effect General Orders Nos. 5 and 17 and that either in that decree or a following one there will be an added list of Fascist institutions to be abolished. After the Labor Subcommittee has examined the proposed decree, it will be transmitted to the Legal Subcommittee before final approval, insofar as ACC is concerned, is given. In the meantime, General Orders Nos. 8 and 17 will no longer be published, but the decree will be made part of the law of occupied territory.

5. Labor Subcommittee have no objection to the Italian Courts continuing their complete jurisdiction in labor disputes.

6. You will consider with the U.S., Economic Section, the question of the revision of General Orders 3, 4 and 5 with a view to bringing them up to date to assist in preventing black market offences. This Subcommittee has already had some correspondence on this matter (our ACC/4001/1 of 17 Feb. 44) with the Economics Section and would be happy to attend any conference.

Copy to: Labor Subcommittee  
10 5th Army.

G. R. WILSON, Colonel  
Chief Legal Officer.



20 FEB 1944

Legal Sec

193

4044

HEADQUARTERS  
REGION 3, ALLIED MILITARY GOVERNMENT  
LEGAL DIVISION  
APO 394, U.S. Army

GAB/pv  
3/6062/L

19 February 1944

Subject: Black Market

To : The Chief Legal Officer, Legal Sub-  
Commission, ACC.

(178)

1. Reference is made to my letter of 12 February 1944 on the above subject, and to the copy of the Notes of a Conference sent therewith.

2. I enclose a copy of a revised edition of page 1 of the Notes of the Conference. This has been prepared in the light of comments made by the officers who attended the Conference.

3. I shall be obliged if you will substitute the revised page 1 for the original one. 46

*John W. Chapman*

JOHN W. CHAPMAN,  
Lt. Col., J.A.G.D.,  
Reg. Chief Legal Officer.

Handed to Col. Cripps  
who is sending it  
to the Economic Section  
23 Feb 44 RMP



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

134

ACC/4027/L

GRU/301

17 February 41.

SUBJECT: Offences against French and other forces in Italy.

TO: V.P. Administrative Section.

1. By Proclamation No. 2, Section 30 it is provided that any person who:

"Utters any speech or words hostile or disrespectful toward the United States or Great Britain, the armed forces of either or any member thereof or the Allied Military Government or the government of any other of the United Nations"

and by Section 43 of the same Article it is provided that any person who:

"Does any act to the prejudice of good order or the safety or security of the Allied Forces or any member thereof;"

shall, upon conviction by a Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct.

2. A case has arisen in the 5th Army Area where disrespectful words have been used towards an officer of the Corps Expeditionnaire Francais and the question arises as to what action should be taken.

3. It is plain that Section 30, as it stands does not cover the case because even if the words used were disrespectful to the French Committee in Algiers that Government is not the Government of a United Nations.

4. An alternative charge could no doubt be brought under Section 45 if Allied Forces be construed to include all Forces under the command of the C. in C. ACPF. 45

This construction raises a question of policy for two reasons:

- (a) Offences Against the "Allied Forces" are set out in numerous sections of Proclamation No. 2 and the same construction should be given to the phrase in all sections.
- (b) If the French Forces in Italy are to be included in the phrase Allied Forces because they are under the command of the C in C this would include Yugoslav, Polish, and other bodies including the Italian Army itself, and this would seem to involve a political issue. It may be that the Italian Army should be



CAPTAIN PEARSON: Please see comments of  
political Section on page 2 of attached  
Memo. We feel strongly about this ques-  
tion and will be grateful if you will insure  
that no decision contrary to our views  
is taken without our having an opportunity  
to comment further.

HAZ.  
HC

2/20/44

McCliff

Please see return

12/6  
Hypocrite

21-2-44

Capt



CAPTAIN PEARSON: Please see comments of  
political Section on page 2 of attached  
Mem. We feel strongly about this ques-  
tion and will be grateful if you will insure  
that no decision contrary to our views  
is taken without our having an opportunity  
to comment further.

AAC

HC

2/20/44

W. C. Cripps

Please see return

1215  
Capt Pearson

21-2-44

Capt



2<sup>nd</sup> Minute.10. V.P.

CACCIA

11. C.S.O. Adv. Sec.

- ① I conveyed your views on this matter to C.S.O. He feels that
- ③ perhaps I should have consulted with the Political Section, before putting this up to you.

It is my view that this should be raised at the next V.P. meeting when all the V.P.s are present and a decision made by C.C.

19 Feb. 44

R.P. Lippes



10. LEGAL

1. In view of remarks by V.P. Political.  
V.P. follows his decision that course as at  
para 2 page 2 of your Acc/4027/c dated  
17 Feb. 44. to be adopted.

22 Feb. 44.

G.R. Clippes W.  
C.S.O. Admin. Sec.



P. Nick.

To I.P.From Cdo. Cdo. Inc

(1) It looks as though act as at last from number 2 is the most advisable.

(2) I have discussed this with Mr. Lee, who is most anxious to have all fighting up and

and together with regulations & know that and also require action to be taken in the present time

(3) If you think that the procedure should be

amended, it would seem to be most reasonable

to have any direct action that department against

any one. Hence a No.

41

(4) You may also it advisable to pay the rest to the other of R. C. C.

Up. 1 area

S

18.2.44

P. Nick.



- 2 -

excluded as they have only the status of  
cotelligerency.

Your decision is requested.

- (1) Whether Section 30 should be amended to include in its scope offences against all personnel of whatever nationality under the command of the C in C and if so whether a private directive should be issued that Italian Soldiers are not to have the benefit of this section.

No.

JR

HAC

- (2) Whether in Proclamation No. 2 offences against the "Allied Forces" are to be construed as including all military bodies of whatever nationality under the command of the C in C.

Yes.

JR

HAC

*Richard H. Widmer*  
*local car*  
*for*

GERALD R. UPJOHN

Colonel

Chief Legal Officer

40

Copy to Deputy Chief Commissioner,  
Military Section.

Mr. Caccia and Mr. Reber,

313 5th Army (also BGAD 5th Army) Your 208/CA/7

Dated 15th February 44 refers.



U. S. RESTRICTED  
 Equals British RESTRICTED

OUTGOING

Legal  
GRG/mer

RESTRICTED

ROUTINE

PATINA

100-10710 DISTNO

FEB

LOOK AT YOUR SEVEN THREE THREE NINE DATED TWO TWO FEBRUARY PD WHEN YOU RECEIVED  
 CLARIFICATION OF PROCLAMATION ONE SIX OF ELEVEN FEBRUARY PD ITS EFFECT ON GENERAL AND  
 LOCAL ORDERS MADE BY ALLIED MILITARY GOVERNMENT PRIOR TO TRANSFER OF TERRITORY PD  
 STATED BY YOU TO BE REQUIRED TO CONTINUE IN FORCE FOR PURPOSES OF ADMINISTRATION AND YOU  
 STATE YOU CONSIDER THAT SUCH ORDERS ARE OFFICIAL MEASURES WITHIN MEANING OF PARA THREE OF  
 ORDINANCE AND REMAIN IN FULL FORCE AND EFFECT UNTIL SPECIFICALLY MODIFIED OR REPEALED BY  
 ITALIAN GOVERNMENT PD TO IDS FOR AMG REGION ONE UNTD DATED FOR AMG REGION TWO FROM  
PATINA SIGNED MCFARLANE PD YOUR CONSTRUCTION EMPHATICALLY IN ALL PROCLAMATIONS AND  
 GENERAL AND LOCAL ORDERS ISSUED BY ALLIED MILITARY GOVERNMENT CEASED TO BE OPERATIVE AT  
 ZERO ZERO ZERO ONE HOUR ELEVEN FEBRUARY PD SEE PROCLAMATION ONE SIX PD 39 WHEREBY  
 ORDINANCE ONLY VALIDATES PROCLAMATIONS AND ORDERS DURING THE PERIOD OF THEIR OPERATION  
 AND ALL ACTS DONE THEREUNDER BUT NOTHING IN THAT ORDINANCE CONTINUES THE OPERATION OF  
 SUCH PROCLAMATIONS AND ORDERS AFTER TWO FEBRUARY PD ACCORDINGLY THEY ARE NO LONGER  
 OPERATIVE IN UNOCCUPIED TERRITORY PD PARA PD IF LOCAL ADMINISTRATION WAST TO CONTINUE IN  
 FORCE VARIOUS REGIONAL OFFICES AND ORGANIZATIONS CREATED BY ALLIED REGIONAL ORDERS DATED  
 PRIOR TO ELEVEN FEBRUARY THEY SHOULD ASK ITALIAN GOVERNMENT TO TAKE NECESSARY ACTION TO  
 AUTHORIZE CONTINUANCE OF SUCH OFFICES AND ORGANIZATIONS PD ITALIAN GOVERNMENT HAVE  
 ALREADY CONTINUED THE EFFECT OF CERTAIN GENERAL ORDERS BY DECREES PUBLISHED IN OFFICIAL  
 GAZETTE ONE SIX FEBRUARY

U. S. RESTRICTED AUTHENTICATED;  
 Equals British RESTRICTED

E. J. CHIOCCA  
 CWO USA  
 Asst Adj

## DISTRIBUTION

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 1 - Legal Sub Comm



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

GRU/gmf

27 February 1944.

ACC/4027/L

SUBJECT: Cable.

TO : Adjutant General Department, ACC.

1. Request that the following cable be prepared.

ROUTINE

RESTRICTED

TO REGION 1

REGION 2 (FOR INFORMATION)

LOOK AT YOUR 7339 DATED 22 FEBRUARY IN WHICH YOU REQUEST CLARIFICATION OF PROCLAMATION 16 OF 11 FEBRUARY IN ITS EFFECT ON GENERAL AND LOCAL ORDERS MADE BY ALLIED MILITARY GOVERNMENT PRIOR TO TRANSFER OF TERRITORY AND STATED BY YOU TO BE REQUIRED TO CONTINUE IN FORCE FOR PURPOSES OF ADMINISTRATION AND YOU STATE YOU CONSIDER THAT SUCH ORDERS ARE OFFICIAL MEASURES WITHIN MEANING OF PARA 3 OF ORDINANZA AND REMAIN IN FULL FORCE AND EFFECT UNTIL SPECIFICALLY MODIFIED OR REPEALED BY ITALIAN GOVERNMENT.

YOUR CONSTRUCTION ERRONEOUS. ALL PROCLAMATIONS AND GENERAL AND LOCAL ORDERS ISSUED BY ALLIED MILITARY GOVERNMENT CEASED TO BE OPERATIVE AT 0001 HOURS 11 FEBRUARY. SEE PROCLAMATION 16. FURTHERMORE ORDINANZA ONLY VALIDATES PROCLAMATIONS AND ORDERS DURING THE PERIOD OF THEIR OPERATION AND ALL ACTS DONE THEREUNDER BUT NOTHING IN THAT ORDINANZA CONTINUES THE OPERATION OF SUCH PROCLAMATIONS AND



ORDERS AFTER 10 FEBRUARY. ACCORDINGLY THEY ARE NO LONGER OPERATIVE IN UNOCCUPIED TERRITORY.

IF LOCAL ADMINISTRATION WANT TO CONTINUE IN FORCE VARIOUS REGIONAL OFFICES AND ORGANIZATIONS CREATED BY ALLIED REGIONAL ORDERS DATED PRIOR TO ELEVEN FEBRUARY/SHOULD ASK ITALIAN GOVERNMENT TO TAKE NECESSARY ACTION TO AUTHORIZE CONTINUANCE OF SUCH OFFICES AND ORGANIZATIONS. ITALIAN GOVERNMENT HAVE ALREADY CONTINUED THE EFFECT OF CERTAIN GENERAL ORDERS BY DECREES PUBLISHED IN OFFICIAL GAZETTE 16 FEB.

G. R. UPJOHN  
Colonel  
Chief Legal Officer

37



1614

785016

4027

Routine  
Restricted

197

TO : REGION ONE, REGION TWO *for info.*

Look at your 7339 dated 22 February in which you request clarification of Proclamation 16 of 11 February in its effect on general and local orders made by Allied Military Government prior to transfer of territory and stated by you to be required to continue in force for purposes of Administration and you state you consider that such orders are official measures within meaning of para 3 of Ordinanza and remain in full force and effect until specifically modified or repealed by Italian Government.

Your construction erroneous. All proclamations and general and local orders issued by Allied Military Government ceased to be operative at 0001 hours 11 February. See Proclamation 16, Furthermore Ordinanza only validates Proclamations and orders during the period of their operation and all acts done thereunder but nothing in that Ordinanza continues the operation of such proclamations and orders after 10 February. Accordingly they are no longer operative in unoccupied territory.

*local*  
If Italian administration want to continue in force various Regional offices and organizations created by Allied Regional orders dated prior to eleven February they should ask Italian Government to take necessary action to authorize continuance of such offices and organizations. <sup>36</sup>

*Italian Govt have already continued the effect of certain procla general orders by decrees published in Official Gazette 16 Feb. My*



1615

Form 1200  
221740A

N-3759

ARMY CABLE

Signal Corps, United States Army  
Telegram

4353

*Legal S.C.*

Received at

PENINSULAR BASE SECTION  
SIGNAL MESSAGE CENTER

FEBRUARY 22 1944

198  
79

*6 copies*

HEADQUARTERS  
23 FEB 1944  
A.C.C.

- CLEAR
- ROUTINE

TO (ACTION)

PENCE FOR FARGO

(INFORMATION): NONE

FROM

SEARS FOR HANCOCK

DATE TIME SIGNED: 221640A

DATE TIME REC'D: 221740A

REFERENCE NR.: S7339

SITE

REQ-82

CLARIFICATION REQUESTED AS TO PRECISE EFFECT OF PROCLAMATION

ONE SIX AND ORDINANZA OF 11 FEBRUARY UPON GENERAL OR LOCAL ORDERS  
MADE BY ALLIED MILITARY GOVERNMENT PRIOR TO TRANSFER OF TERRITORY  
AND REQUIRED TO CONTINUE IN FORCE FOR PURPOSE OF ADMINISTRATION.  
THIS HEADQUARTERS CONSIDERS SUCH ORDERS TO BE OFFICIAL MEASURES  
WITHIN MEANING OF PARAGRAPH 3 OF ORDINANZA AND AS REMAINING  
FORCE AND EFFECT UNTIL SPECIFICALLY MODIFIED OR REPEALED BY  
ITALIAN GOVERNMENT. CONFIRMATION OF THIS INTERPRETATION AND  
SPECIFIC DIRECTIONS TO LOCAL ITALIAN PERSONNEL BY ITALIAN GOVERN-  
MENT ARE CONSIDERED DESIRABLE TO REMOVE WIDESPREAD DOUBT AMONG  
ITALIAN OFFICIALS



DATE TIME REC'D 221742A

REFERENCE NO. 57339

NOTE REO-32

CLARIFICATION REQUESTED AS TO PRECISE EFFECT OF PROCLAMATION ONE SIX AND ORDINAZA OF 11 FEBRUARY UPON GENERAL OR LOCAL ORDERS MADE BY ALLIED MILITARY GOVERNMENT PRIOR TO TRANSFER OF TERRITORY AND REQUIRED TO CONTINUE IN FORCE FOR PURPOSE OF ADMINISTRATION. THIS HEADQUARTERS CONSIDERS SUCH ORDERS TO BE OFFICIAL MEASURES WITHIN MEANING OF PARAGRAPH 3 OF ORDINANZA AND AS REMAINING IN FORCE AND EFFECT UNTIL SPECIFICALLY MODIFIED OR REPEALED BY ITALIAN GOVERNMENT. CONFIRMATION OF THIS INTERPRETATION AND SPECIFIC DIRECTIONS TO LOCAL ITALIAN PERSONNEL BY ITALIAN GOVERNMENT ARE CONSIDERED DESIRABLE TO REMOVE WIDESPREAD DOUBT AMONG ITALIAN OFFICIALS.

ACTION COPY

FORM 313-A

15677

Acc. This  
(Action) Legal SC (2)  
(Info) Hq. C. C.  
C. A. B. I.  
Admin. Sec.  
Chief of Base  
Kleber



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394.

GMB/gmf

19 February 1944.

ACC/4027/L

SUBJECT: Proclamation No. 5.

TO : C.S.O. Economic Section.

1. Ref your 13016/P dated 16 Feb. 44.

2. I see no objection as a matter of policy to declaring how interest and so on is to be dealt with during the moratorium. If the Allies deem it wise to order a moratorium during the period of occupation or any part thereof they may properly deal with questions of rights and liabilities arising during the moratorium.

3. I do not follow however what the Finance Subcommittee have in mind. I have pointed out in para 1 of my letter dated 11 Feb. 44 (ACC/4027/L) the effect of the deletion of certain words from Proclamation 5. One of these effects is that interest on matured debts will continue to accrue (See para 1(b)). This result apparently is not now desired by the Finance Subcommittee for reasons of policy.

It necessarily follows that Proclamation 5 must be amended in some other way than merely striking out the words and it will be necessary to put in other words to ensure that interest on matured debts payable <sup>34</sup> fixed date does not run.

4. It seems to be suggested in para 4 of your letter that in some way the construction of the Proclamation can be affected by some administrative instruction but of course this is not so. The rights of the parties are defined by the Proclamation and cannot be altered by some administrative instruction.

It must be remembered in this connection that the rights of the parties under this Proclamation may well be litigated in the Italian Courts and it would not be fair on anyone to effect the interpretation by some administrative instruction.

5. Accordingly if the Finance Subcommittee really deem it wise to provide that interest on matured debts payable at a fixed date shall not run but that interest on debts payable on demand shall run, this Subcommittee ~~we~~ should be asked to make the appropriate amendment to Proclamation 5.

G. R. UPJOHN, Colonel  
Chief Legal Officer.



6133

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
ECONOMIC SECTION  
APO 394

200

13016/P

16 February 1944

SUBJECT: Proclamation No. 5

TO: Chief Legal Officer.

174

1. Reference your letter of 11 February 1944, AGC/4027/L.

2. With respect to paragraph 1 (b), it is the view of the Finance Sub-Commission that as a matter of policy, interest should not be allowed to accrue after the maturity date of an obligation when such date falls within a moratorium period. It is assumed that your statement of existing Italian law on this point is based on the assumption that the Allied Military Government is content to give effect to these provisions of Italian law. In this case, however, we believe that policy considerations require that existing law be over-ridden. I should be glad to know whether you see any objection to this course. Interest on demand obligations would, of course, continue to accrue during the whole moratorium period if the obligations remained unpaid.

3. We do not feel justified in reopening the interest question in Region III by formally amending Proclamation No. 5. Bank entries have been made based on the more legally correct construction of the interest clause and in the opinion of Region III Finance Officers undue confusion would result from any retrospective amendment of the Proclamation. 33

4. Regions IV and V are being advised that the non-accrual of interest clause should be deleted from Proclamation No. 5. If you see no objection to the policy set out in paragraph 2 above, these Regions will also be instructed to circulate an Administrative Instruction embodying this interpretation.

*Carroll*  
For: D.S. ADAMS, Col, G.S., *Stor*  
Chief Staff Officer,  
Economic Section.

BEIC/FPF



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
ECONOMIC SECTION  
APO 394

16 February 1944

13016/P

SUBJECT: Proclamation No. 5

TO: Chief Legal Officer.

1. Reference your letter of 11 February 1944, ACC/4027/L.
2. With respect to paragraph 1 (b), it is the view of the Finance Sub-Commission that as a matter of policy, interest should not be allowed to accrue after the maturity date of an obligation when such date falls within a moratorium period. It is assumed that your statement of existing Italian law on this point is based on the assumption that the Allied Military Government is content to give effect to these provisions of Italian law. In this case, however, we believe that policy considerations require that existing law be repealed. I should be glad to know whether you see any objection to this course. Interest on demand obligations would, of course, continue to accrue during the whole moratorium period if the obligations remained unpaid.
3. We do not feel justified in reopening the interest question in Region III by formally amending Proclamation No. 5. Bank entries have been made based on the more legally correct construction of the interest clause and in the opinion of Region III Finance Officers undue confusion would result from any retrospective amendment of the Proclamation.
4. Regions IV and V are being advised that the non-accrual of interest clause should be deleted from Proclamation No. 5. If you see no objection to the policy set out in paragraph 2 above, these Regions will also be instructed to circulate an Administrative Instruction embodying this interpretation.

For: D.B. ADAMS, Col, C.E.,  
Chief Staff Officer,  
Economic Section.

HEIR/ETP



1620

ACC/4027/L

102

18th February 1944

233

PROCLAMATIONS PUBLISHED THROUGH OUT AREA  
NORTH OF SALERNO, POTENZA AND BARI EXCEPT  
AS NOTED.

|                                                                                                     |                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Proclamation I</u><br><u>General</u>                                                             | Italian version used. In new areas<br>consideration should be given to portions<br>omitted from Sicily version.                                                                                                                                                                         |
| <u>Proclamation II</u><br><u>war crimes</u>                                                         | Published throughout above areas.                                                                                                                                                                                                                                                       |
| <u>Proclamation III</u><br><u>currency exchange</u>                                                 | " " " " " "                                                                                                                                                                                                                                                                             |
| <u>Proclamation IV</u><br><u>Allied Military</u><br><u>Courts</u>                                   | " " " " " "                                                                                                                                                                                                                                                                             |
| <u>Proclamation V</u><br><u>Closing of Financial</u><br><u>institution and</u><br><u>Moratorium</u> | (Not published in Foggia Province)<br>However a provincial order was published<br>in Foggia restricting transactions in land.                                                                                                                                                           |
| <u>Proclamation VI</u><br><u>Controller of property.</u>                                            | Published with marginal note to Article V.<br>"Article V applies only to property of<br>states actively prosecuting the war against<br>the Allied Powers. The rights and duties of<br>the Allied Powers in regard to Italian State<br>property remain unaffected by this proclamation." |
| <u>Proclamation VII</u><br><u>Dissolution Fascist Party.</u>                                        | Revised form published-dated 12 Sept 1943<br>(original dated July 1943.)                                                                                                                                                                                                                |
| <u>Proclamation VIII</u><br><u>Rationing, Price fixing</u>                                          | <u>Published.</u>                                                                                                                                                                                                                                                                       |
| <u>Proclamation X</u><br><u>Financial regulation</u>                                                | <u>Published.</u>                                                                                                                                                                                                                                                                       |
| <u>Proclamation XI</u><br><u>General police and security</u><br><u>regulations.</u>                 | Published with new S 2 Article III<br>loss of identity card and with new Article VI<br>display of flags and singing of National<br>anthem. (Proclam. 11 revised)                                                                                                                        |



Proclamation V  
Closing of Financial  
Institution and  
Moreatorium

(Not published in Foggia Province)  
No ever a provincial order was published  
in Foggia restricting transactions in land.

Proclamation VI  
Centrailler of property.

Published with marginal note to Article V.  
"Article V applies only to property of  
states actively prosecuting the war against  
the Allied Powers. The rights and duties of  
the Allied Powers in regard to Italian State  
Property remain unaffected by this Proclamation."

Proclamation VII

Dissolution Fascist Party.

Revised form published-dated 12 Sept 1943  
(original dated July 1943.)

Proclamation VIII  
Rationing, Price fixing

Published.

Proclamation X

Financial regulation

Published.

Proclamation XI  
General police and security  
regulations.

Published with new § 2 Article III  
loss of identity card and with new Article VI  
display of Flags and Singing of National  
anthem. (Proclam. 11 revised)

Proclamation XII  
Allied Military Lira  
Proclamation XIII  
Legal rights of Ital. People.

Published

Published

Proclamation XIV  
Extension of Adm. power.

Not published in 5th or 5th Army Areas, but  
identity card and Italy provision published  
in Proclamation XI as revised.

Proclamation XV  
Extension to French property

Not Published.

Proclamation XVI ???



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION

203

AGC/4027/L

GRU/jpl

17 February 44

SUBJECT : Offences against French and other forces in Italy.

TO : V.P. Administrative Section.

1. By Proclamation No. 2, Section 30 it is provided that any person who:

"Utters any speech or words hostile or disrespectful toward the United States or Great Britain, the armed forces of either or any member thereof or the Allied Military Government or the government of any other of the United Nations"

and by Section 45 of the same Article it is provided that any person who:

"Does any act to the prejudice of good order or safety or security of the Allied Forces or any member thereof;"

shall, upon conviction by a Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct.

2. A case has arisen in the 5th Army Area where disrespectful words have been used towards an officer of the Corps Expeditionnaire Francaise and the question arises as to what action should be taken.

3. It is plain that Section 30 as it stands does not cover the case because even if the words used were disrespectful to the French Committee in Algiers that Government is not the Government of a United Nations. 30

4. An alternative charge could no doubt be brought under Section 45 if Allied Forces be construed to include all Forces under the command of the C. in C. AOMF.

This construction raises a question of policy for two reasons:

- (a) Offences against the "allied Forces" are set out in numerous sections of Proclamation No. 2 and the same construction should be given to the phrase in all sections.
- (b) If the French Forces in Italy are to be included in the phrase Allied Forces because they are under the command of the C in C this would include Yugoslav, Polish, and other bodies including the Italian Army itself, and this would seem to involve a political issue. It may be that the Italian Army should be



- 2 -

excluded as they have only the status of  
cobelligerency.

Your decision is requested.

- (1) Whether Section 30 should be amended to include in its scope offences against all personnel of whatever nationality under the command of the C in C and if so whether a private directive should be issued that Italian Soldiers are not to have the benefit of this section.
- (2) Whether in Proclamation No. 2 offences against the "Allied Forces" are to be construed as including all military bodies of whatever nationality under the command of the C in C.

*Russell H. Wilson*  
Lt Col. CAC

for GERALD R. UPJOHN

Colonel  
Chief Legal Officer

Copy to Deputy Chief Commissioner,  
Military Section.  
Mr. Caccia and Mr. Reber,  
SIO 5th Army (Saru SCAS 5th Army) Your 208/CA/7  
dated 15th February 44 refers.



1624

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394.

/gnt

208

17 February 1944.

ACC/4027/1

SUBJECT: Maximum Price Regulations.

TO : V.P. Economics Section.

1. I am enclosing a copy of Minutes of a meeting in Region III, 11 Feb. 1944, of a letter written by Brig. Gen. Hume, 8 Feb. 1944 which raise questions that have direct bearing on the food problem.
2. This Subcommittee would like to have your views on what, if anything, would seem advisable to do from a legal standpoint of preparation of an Order, amending Proclamation No. 8 etc. to meet the economic situation.

RICHARD H. WILMER  
Lt. Col.  
Deputy Chief Legal Officer.

*This letter sent through Admin Section 28*

*folio 179*

*See folio 187*



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
ASO 394.

/gmf

177  
230

17 February 1944.

ACC/4027/L

SUBJECT: Black Market.

TO : RLO Region III.

178

1. Reference your letter 3/6062/L dated 12 Feb. 44 and Minutes of Meeting of 11 Feb. 44.
2. This Subcommittee has referred to the Economics Section ACC the copy of the Minutes of the Meeting for its recommendation.
3. When you have had the opportunity to discuss with the new R.C., Region III the advisability of having an order similar to Order No. 5 for Region I promulgated, I will appreciate it if you will advise me of his recommendations.

27

RICHARD H. WILMER  
Lt. Col.  
Deputy Chief Legal Officer.



4027  
~~SECRET~~  
HEADQUARTERS  
REGION 3, ALLIED MILITARY GOVERNMENT  
LEGAL DIVISION  
APO 394, U.S. Army

237

12 February 1944

GAB/mc  
3/6062/L

Subject: Black Market .

To : The Chief Legal Officer  
Legal Sub-Commission  
ACC.

1. Herewith are enclosed a copy of the Notes of a Conference which was held recently on the above subject and the draft of a Report which is being considered with a view to the submission to the RCAO.

2. I shall be grateful if you will let me have your views on the matter and if you could let me know how proposals on the lines indicated in the draft Report would be likely to be received by ACC. 26

*John W. Chapman*  
JOHN W. CHAPMAN,

Lt.Col., J.A.G.D.,  
Regional Chief Legal Officer.



Legal

208

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO 394

REF/276/27/CA

12 February 1944

## MEMORANDUM

TO : All Concerned

1. By Proclamation No. 16, that part of the Italian Peninsula which lies south of the northern boundaries of the provinces of Salerno, Potenza and Bari, together with the island of Sicily (but exclusive of the islands of Pantellaria, Lampedusa and Linosa) was restored to the jurisdiction of the Italian Government with effect from 0001 hrs. on 11 February 1944.

2. Without prejudice to the rights which the United Nations have under the Armistice and which are exercised in their behalf by the Commander-in-Chief of the Allied Forces and his representatives, including the Allied Control Commission, all powers of government in the above mentioned areas will henceforth belong to the Government of Italy.

3. According to the terms of the Armistice, the Allied Control Commission will continue to insure the effective use of Italian resources in the common war and to represent Allied interests to the Italian National and Local governments.

By command of Lieutenant General MASON MACPARKLAND:

M. S. LUSH  
Brigadier

Executive Commissioner

Distribution:

Dist. (a)  
60 copies Region I  
60 copies Region II  
60 spares



4027  
HEADQUARTERS  
AMG 5 ARMY  
A.P.O. 464 U.S. ARMY  
Legal Division

209  
203/GA/7.

15 February 1944

To : A.C.C., Legal Sub-Commission.  
Subject : Proclamation No. 2, Article 2, Section 30.

With reference to the meeting with the Chief Legal Officer yesterday, I should be grateful to have a ruling as to the application of Section 30 of Article 2, Proclamation No. 2 to members of the Corps Expeditionnaire Francais. The literal interpretation of this section could not include personnel of that corps, but a case has arisen where disrespectful words have been gratuitously offered to an officer of the C.E.F.

May I please be informed whether an amendment will be made to this proclamation to cover such cases.

*J. V. M. Shields* 24  
J. V. M. SHIELDS,  
Lt. Col.,  
Senior Legal Officer,  
A.W.G. 5 Army.



210

HEADQUARTERS  
AMC 5 ARMY  
A.P.C. 464 U.S. ARMY  
Legal Division.

206/CA/7.  
15 February 1944.

To : A.C.C., Legal Sub-Commission.  
Subject : Proclamation No. 2, Article 2, Section 30.

With reference to the meeting with the Chief Legal Officer yesterday, I should be grateful to have a ruling as to the application of Section 30 of Article 2, Proclamation No. 2 to members of the Corps Expeditionnaire francs. The literal interpretation of this section could not include personnel of that corps, but a case has arisen where hierarchical words have been gratuitously offered to an officer of the C.E.F.

As I please be informed whether an amendment will be made to this proclamation to cover such cases.

*J.M. Shields*  
J.M. Shields  
Lt. Col.,  
Senior Legal Officer,  
A.M.C. 5th Army.



211

ADMINISTRATIVE  
 UNITED STATES DEPARTMENT OF  
 THE ARMY  
 WASHINGTON, D.C. 20315

See Exh 173

1. Ref 10016/7 dated 20 January 1964 addressed to you by Col. Miller

2. Ref 10016/7 dated 20 January 1964 addressed to you by Col. Miller

11th February 1964

the effect of the deletion of the words set out in that letter in my opinion, as I expressed to Col. Miller at the time, as follows:-

(a) Before maturity of the debt

Where a debt has not matured at the date of the amendment of the constitution, then, whether or not interest accrues during the moratorium depends entirely on the contract (including in such case any stipulation in that behalf or making or other matter as to running of interest on a non-matured debt). If the contract, as defined above, provides for the accrual or payment of interest before maturity then interest will continue to accrue during the moratorium.

(b) After maturity of the debt

Interest will almost certainly be payable either by the terms of the contract or under s.10, 1924 and 1874 of the Code of Laws which fix interest at the rate of 5% per annum (in the absence of agreement) on overdue debts. Such interest will continue to accrue during the period of the moratorium.

2. It appears that Regions I and II have in fact adopted a constitution of the association which approximates to the statement of the position set out in para 1 but Region III, were legally correct in the deletion of the moratorium so it stood before deletion of the words involving accrual of interest, have adopted a different constitution. In these circumstances it is not desirable in the interests of uniformity formally to amend the constitution in Region III with retrospective effect? Such amendment need not be posted but in my view it would be sufficient if the amendment was published in the



27.  
satisfactorily depends entirely on the contract (or any substitute in that behalf or banking or other contract as to funding of interest on a non-secured debt). If the contract, as defined above, provides for the payment or payment of interest before maturity then interest will continue to accrue during the moratorium.

(b) Effect on maturity of the debt

Interest will almost certainly be payable either by the terms of the contract or under Arts. 1224 and 1225 of the Code Civile which fixes interest at the rate of 5% per annum (in the absence of agreement) on overdue debts. Such interest will continue to accrue during the period of the moratorium.

2. It appears that Regions I and II have in fact adopted a construction of the amendment which approximates to the statement of the position set out in para 1 but Region III, now legally barred in the construction of the amendment as it stood before deletion of the words negating accrual of interest, have adopted a different construction. In these circumstances it is not desirable in the interests of uniformity formally to amend the amendment in Region III with retrospective effect. Such amendment need not be posted but in my view it would be sufficient if the amendment was published in the newspapers and specific notice given to the banks in the zone.

3. It would also seem desirable for you to ascertain what construction is being adopted in Regions IV and V and for us to make any necessary amendment thereto.

4. Under Art. 1225 of the Code Civil French interest upon interest appears for 6 months is payable in certain circumstances, but such (in effect) compound interest is only payable as a result of an order of the court. It will be therefore a matter for the Italian Courts to decide whether the existence of the moratorium is an answer to any such claim and this seems to be the most appropriate way of leaving the matter.

Copies to : Region I  
Region II  
Region III

WILLIAM H. SMITH  
Colombel,  
Chief Legal Officer.



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
Salerno Detachment.

GMU/Gmf

212

6 February 1944.

ACC/4027/L.

SUBJECT: Revision of Proclamation No. 6.

TO : Property Control Subcommittee.

1. Reference your letter of 22 Jan 1944 which has been considered along with other related matters.
2. In the absence of some compelling reason it would seem better at this time not to amend outstanding proclamations. Brigadier Lush has already expressed his reluctance to make further amendments unless absolutely necessary.

3. Aside from minor amendments there are two principal amendments suggested in your letter:

(a) The right of the Controller to take into his control <sup>2</sup>property of nations at war with any of the United Nations and their nationals.

(b) The right of the Controller to take into his control property of the Italian Government and that of the Fascist Party.

4. The first of the above principal suggested amendments involves a matter of international law and high policy. You will appreciate that your suggested amendment is inconsistent with Art 46 of the Hague Convention; it seems that private property should either be requisitioned or taken under control only in the circumstances mentioned in Art VI of Proc. 6 and that it would involve an extension of international law to assume the powers your propose.

Further as to so-called enemy property, we should be advised of the approximate quantity, type, and general location of property of the various enemy nations and their nationals and the overriding reasons why it is necessary that the Director of Property Control should take such property into control. These factors will have to be weighed by higher authority against possible political damage to any of the United Nations and the Ital-



1 6 3 3

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4. The first of the above principal suggested amendments involves a matter of international law and high policy. You will appreciate that your suggested amendment is inconsistent with Art 46 of the Hague Convention; it seems that private property should either be requisitioned or taken under control only in the circumstances mentioned in Art VI of Proc. 6 and that it would involve an extension of international law to assume the powers your propose.

Further as to so-called enemy property, we should be advised of the approximate quantity, type, and general location of property of the various enemy nations and their nationals and the overriding reasons why it is necessary that the Director of Property Control should take such property into control. These factors will have to be weighed by higher authority against possible political damage to any of the United Nations and the Italian Government and against possible danger to the property of the Italian Government and its nationals located in such enemy countries. The Italian Government is reluctant, because of possible retaliation, to take affirmative steps in this direction itself.

5. With regard to the second of the above mentioned principal suggested amendments Fascist property has been dealt with by decree of the Italian Government and strict instructions have already been issued to the army authorities that Fascist property must be treated like private property and requisitioned in the usual way. In view of the relationship of the Allies and Italian Government it would seem to be an unfriendly and high handed action to take over Government property unless required as a matter of military necessity when it would be requisitioned in the usual way, though whether payment should be made is a matter of doubt.

6. In view of these considerations it appears to this Subcommittee that in the absence of some compelling and overriding reasons coupled with full facts and figures as mentioned in para 4 above to justify your proposal to higher authority, the matter should not be proceeded with.

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



Copy for 7% 4027

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
(SALERNO DETACHMENT)  
LEGAL SUB-COMMISSION

21

ACC/4073/L

SUBJECT: Proclamations and General Orders

TO : Property Control Sub-Commission

3rd February 1944

1. To hand you herewith copies of Proclamation No. 15, and General Orders No. 6 and No. 19 the originals of which have been duly executed.
2. It is our understanding that you will assume full responsibility for such printing or other reproduction, posting, publication and distribution thereof as may be deemed necessary.

GERALD R. UPJOHN.  
Colonel,  
Chief Legal Officer.

20

1st Indorsement:

I assume full responsibility for distribution but cannot do so for translation which is a technical matter belonging to the sphere of your sub-commission. I should be grateful if you could prepare an Italian text at your earliest convenience

(Sgd) C. S. Harris (Lt. Col.)

D.P.C. 4/2/44.

We are not a translating agency and do not accept this responsibility.

(Sgd) G. R. Upjohn (Col.)

5.2.44.



ALLIED MILITARY GOVERNMENT  
(ITALY)

## GENERAL ORDER NO. 6

## PROPERTY CONTROL

PURSUANT to the provisions of Sections 5 and 6 of Article IV of Proclamation No. 6 as amended by Proclamation No. 15, I, MARCEL STANLEY, MAJ, CBR, MC, Brigadier, Deputy Chief Civil Affairs Officer of the Allied Military Government, hereby order as follows:

## ARTICLE I

## EXTENSION OF PROPERTY CONTROL

AS FROM the effective date of this Order the provisions of Article IV of Proclamation No. 6 shall be applicable to the property situated in occupied territory, including obligations of service, in such occupied territory, owned by any government or any national of any of the United Nations not mentioned in Section 1 of such Article and by the French Government or any national thereof, or in which any such government or national has any interest.

## ARTICLE II

## EFFECTIVE DATE

THIS General Order will become operative in each Province or part thereof of the occupied Territory north of the northern boundaries of the Provinces of SALERNO, POTENZA and BARI on the date of its first publication therein.

M.S. Case  
Brigadier,  
Deputy Chief Civil Affairs Officer.

Dated: 30<sup>th</sup> January, 1944.



ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 19

PROPERTY CONTROL

Pursuant to the provisions of Section 6 of Article IV of Proclamation No. 6 as amended by Proclamation No. 15, I, SIR NOEL MASON MacFARLANE, K.C.B., D.S.O., M.C., Lieutenant-General, Chief Civil Affairs Officer, of the Allied Military Government hereby order as follows :

ARTICLE I

EXTENSION OF PROPERTY CONTROL

As from the effective date of this order the provisions of Article IV of Proclamation No. 6 shall be applicable to the property situated in Occupied Territory, including obligations of debtors within such Occupied Territory, owned by the French Government or any National thereof or in which such Government or any National thereof or interest.

ARTICLE II

EFFECTIVE DATE

This General Order will become operative in each province or part thereof of SICILY, CALABRIA, LUCANIA and the Province of SALERNO, on the date of its first publication therein.

DATED: 2nd FEBRUARY 1944

F. N. Mac Farlane (signed)

Lieutenant-General  
Chief Civil Affairs Officer











Section II. Information to Country of the Person Concerned and

Foreign Information. The provisions of this article are  
 to be used by persons or agencies under of the United  
 States, or persons or agencies engaged by the  
 to the property relations in the United States, and  
 including distribution of letters within the country  
 territory, owned by the United Government or any national  
 thereof or in which such Government or any national  
 thereof has any interest.

Article 100

This provision shall become operative in each country or part  
 thereof within the foreign territory in the date of its first publication  
 therein.

Article 101

General. Wherever the provisions of this article are applied, the United States  
 Government shall be bound to the same extent as the United States

Date: Jan. 6, 1946



HEADQUARTERS  
ARMED CONTROL COMMISSION  
FINANCE SUB-COMMISSION  
APO 594

13016/P

28 January 1946

SUBJECT: Proclamation No. 5 - Interest

TO: Colonel A.P. Haffey-Smith,  
Chief Finance Officer, APO,  
Headquarters, A.C.C.F.

Referring to our conversation on this subject, the matter was discussed with the head of the Legal Sub-Commission, who feels that the elimination of the clause "nor shall any interest accrue during the period of such moratorium" in Proclamation No. 5 will accomplish the objective we have in mind. This, as you will remember, is that interest on debit as well as credit balances shall accrue, where due, during the period of the moratorium.

After carefully considering the matter, we feel that the suggestion will, in fact, accomplish the purpose, and are in complete accord with it. <sup>16</sup>

The papers you left with me recently are returned herewith.

MAJ. A. MILLER,  
Lieut-Colonel,  
Finance Sub-Commission.

Copy to:- Region I  
Region II  
Region III  
Legal Sub-Commission

GAS/PPF



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUBCOMMISSION

218

30 January 1944

SUBJECT: Report of CLO, AGC HQ, 15th Army Group

TO: Chief Legal Officer  
Legal Subcommission  
HQ AGC

1. On 20 January 1944, when the undersigned was transferred from AGC HQ, 15th Army Group to the Legal Sub-Commission the situation in 15th Army Group areas was as indicated below:
2. Proclamations and General Orders: A proclamation (tentatively numbered 13) making it possible to extend the benefits of Proclamation No. 6 to French properties was awaiting the signature of the Military Governor. Supplementing this there had been drawn up a General Order, No. 6, for the signature of the AGC by which the extension could be made effective. It should be added that this Order, as drawn, will also extend the protection of Proclamation No. 6 to United Nations properties; it was considered desirable to include both categories of property in the one Order so that in areas subsequently occupied, and in those already occupied in which Provincial Orders concerning United Nations properties have not been posted, all matters might be dealt with at once. The publication of the General Order in Region 3 and in the Province of Foggia, where United Nations properties are already protected under Provincial orders, though to an extent ~~superfluous~~, will none the less be undertaken. General Order No. 5, signed by Brigadier Lush on 10 January 1944, is the order on wage increases and labor relations; its printing has just been completed and it will be posted forthwith in 5th and 8th Army areas, as well as in the Province of Foggia. In that Province it will supersede the Regional Order on the same matter which was posted in December. In Region 3, the General Order will not be published; the matters will be governed by Regional Order No. 2, posted in early December. It is intended to have General Order 5 posted hereafter immediately after an area is occupied. General Order No. 4, which lifts the embargo on dealings with unoccupied Italy, has been printed and posted in all areas, and will in the future be posted at the same time as Proclamation No. 10. On 22 January Brigadier Lush signed a General Order, as yet unnumbered, which partially lifts ~~xxxx~~ the prohibition on transactions in land. This was sent to AGC for translation, but it is understood that the Finance Subcommission wants to reconsider its substance. Instructions have been given to the ELO's with 5th and 8th Armies that thereafter the publication of Proclamation No. 14 is to be postponed until an area is regionalized; the amendments to Proclamation No. 11 to which No. 14 refers have been ~~xxxxxxxx~~ made in the texts of No. 11 as it is being posted in forward areas,



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The only other provisions of No. 14 concern the procedure for judicial review in Regions, and do not concern Army areas.

3. Review of Military Court Cases : In Regions 3 and 4 review is being conducted in accordance with the provisions of Proclamation 14; the only modification of the procedure there defined is that the RCOAO in Region 4 has delegated his powers of review to the RCOLO. That delegation has not been made in Region 3. In the 5th and 8th Army areas a routine examination of all cases must, under Act VII of Proclamation No 4, be conducted by the CLO. Col. Chanler in fact delegated the power of examination of the records of cases in which the sentence was less than two years of imprisonment or a fine of L. 50,000 to Col. Shields. No such delegation to Major Mercer, with the 8th Army, has taken place, and accordingly all records from 8th Army area have been forwarded to HQ for examination. The CLO at HQ has made recommendations for reversal and modification to the RCOAO. Forms J3 and J4 were not distributed in 15th Army Group areas and accordingly are not being used.
  4. Appointment of Military Courts : In army areas the Commanding Generals have been authorized to delegate the power to appoint General and Superior Military Courts to the SCAG's. In the 8th Army area the power has in fact been delegated by General Montgomery to Group Captain Benson; in the 5th Army it is understood that General Clark has not made any delegation and the one General Court functioning in that area was appointed by General Clark. In Region 4 the power to appoint General Military Courts has been delegated by the RCOAO to the RCOLO. To date the RCOAO of Region 3 has not delegated the power of appointment.
  5. Rules of Procedure : On 6 January 1944 Brigadier Lush signed an order amending the Rules of Procedure by the deletion of the last sentence of Rule 12 and the substitution in its place of the following :  
 " In every case in a Summary Military Court in which there is entered a plea of 'not guilty' the Court shall make a record in brief narrative form of all material evidence, and the testimony so recorded shall be sent to the reviewing authority on Form 8 in every case in which the verdict is 'guilty' and in which the sentence is in excess of 90 days imprisonment or a fine of L. 4000, and in every case, regardless of sentence, in which a petition for review is filed."
- On 23 December 1943 the Senior Legal Officers with Armies and the RCOLO's in Regions 3 and 4 were advised that they could exercise the various powers conferred upon the Chief Legal Officer by the Rules of Procedure. The ~~draft~~ draft of a proposed administrative instruction dealing with the procedure of Allied Military Courts and bringing into one document the various instructions which have been issued from time to time has been circulated among the Legal Officers for their observations and suggestions. The criticisms of the SLO, 8th Army and the RCOLO, Region 4, have already been received. Form J1 is not in use in any of the 15th Army Group areas.

*Wm. H. R.*

Major, AUS

Copy to : Chief Judicial Office r  
 Legal Subcommittee, AEC



Proclamations and General Orders (Sicily & Italy) 220

1. Proclamations Published in Sicily and Italy

| Proclamation No: | Title of Proclamation                                                                                                         |
|------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 1.               | General Provisions                                                                                                            |
| 2.               | War Crimes                                                                                                                    |
| 3.               | Currency & exchange                                                                                                           |
| 4.               | Allied Military Courts                                                                                                        |
| 5.               | Closing of Financial Institutions and establishment of Moratorium                                                             |
| 6.               | Controller of Property                                                                                                        |
| 7.               | Dissolution of Fascist Organizations and repeal of laws                                                                       |
| 8.               | Rationing, Price Fixing, Wages and Agriculture                                                                                |
| 9.               | The Gazette (Italy and Sicily)                                                                                                |
| 10.              | Financial Regulations                                                                                                         |
| 11.              | General Police and Security Regulations                                                                                       |
| 12.              | Allied Military Lira Notes                                                                                                    |
| 13.              | Legal Rights of Italian people                                                                                                |
| 14.              | Extension of Administrative Powers (division into Regions)                                                                    |
| 15.              | Amendment to Art IV of Proc. No. 6                                                                                            |
| 16.              | <del>Extension of Italian legislation to occupied territory.</del><br><i>Termination of military law in re-occupied area.</i> |

Proclamations in draft stage

2. General Orders

Region I only

General Order No:

|      |                                      |
|------|--------------------------------------|
| ✓ 1. | Partial Suspension of Moratorium     |
| ✓ 2. | Taxes and Public Monies              |
| 3.   | Prices of certain grain              |
| 4.   | Price Control Order                  |
| 5.   | Declaration of Essential Supplies    |
| 6.   | Reopening of the Banks               |
| 7.   | Amendment of Procs. 2 & 4 (Region I) |
| 8.   | Labor Relations                      |
| 9.   | Circulation of Motor Vehicles        |
| 10.  | Regulation of Restrictions           |



Proclamations in draft stage

11. lations
12. Allied Military Lira Notes
13. Legal Rights of Italian people
14. Extension of Administrative Powers (division into Regions)

15. Amendment to Art IV of Proc. No. 6
16. ~~Extension of Italian legislation to~~ occupied territory.

*Termination of military law  
in certain areas*

2. General OrdersRegion I only

General Order No:

- ✓ 1. Partial Suspension of Moratorium
- ✓ 2. Taxes and Public Monies
3. Prices of certain grain
4. Price Control Order
5. Declaration of Essential Supplies
6. Reopening of the Banks
7. Amendment of Procs. 2 & 4 (Region I)
8. Labor Relations
9. Circulation of Motor Vehicles
10. Termination of Restrictions on Financial Institutions
12. Reorganization of Bar Association
13. Bills of Exchange
14. Temporary Wage Adjustment
15. Re-opening of Bank of Italy
16. Extension of Property Control
17. Labor Relations (further to G.O. No. 8)

General Orders  
in draft stage

18. Rights of Italian Jews
19. French Property (as signed by  
Lt. Gen. MacFarlane)  
(for use in Regions 1 and 2)

NOTE: See next page for Italy General Orders.



GENERAL ORDERS (ITALY)

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|     | <u>Title</u>                                                                                   |     |
|-----|------------------------------------------------------------------------------------------------|-----|
| 1.  | Partial suspension of Moratorium                                                               |     |
| 2.  | Taxes and Public Moneys                                                                        |     |
| 3.  | Termination of Moratorium                                                                      |     |
| 4.  | Modification of Proc 10 (transactions between occupied and unoccupied territory)               |     |
| 5.  | Wage increase and labor relations                                                              |     |
| 6.  | French property (signed by Brig. Lush) (for use in Regions 3, 4 and 5 and 5th and 8th Armies). |     |
| 7.  |                                                                                                |     |
| 8.  |                                                                                                |     |
| 9.  |                                                                                                |     |
| 10. |                                                                                                |     |
| 11. |                                                                                                |     |
| 12. |                                                                                                |     |
| 13. |                                                                                                |     |
| 14. |                                                                                                |     |
| 15. |                                                                                                |     |
| 16. | Extension of Property Control                                                                  | 1-1 |
| 17. | Labor Relations                                                                                | 1-1 |
| 18. | Rights of Jewish Citizens                                                                      |     |
| 19. | Extension of Property Control (PCI)                                                            |     |
| 20. | Control of Public Venues, Pottery                                                              |     |
| 21. | APPs in Bank of Italy and Naples.                                                              |     |
| 22. |                                                                                                |     |
| 23. | Elimination of hard restrictions                                                               |     |

*NOTE: A. 1945 in Italy.*

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IMPORTANT NOTE: Nos. 7 to 15 inclusive and No. 19 must be used for General Orders to be published in Italy ONLY.

If publication is required in Italy AND SICILY then Nos. 20 onwards can be used.



Proclamations and General Orders published north of the  
 Province of Salerno, Potenza and Basilicata  
 (mostly in Army Headquarters)

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- Proc. No. 1. (A) General Provisions  
 " " 2. War Crimes  
 " " 3. Currency - Exchange  
 " " 4. Allied Military Courts  
 " " 5. Closing of Financial Institutions (A)  
 and Proclamations on Belts  
 Prohibition of Bank Transactions  
 " " 6. (A) Controller of Property  
 " " 7. (A) Dissolution of Fascist Party  
 " " 8. Determining Price Fixing, Agri-Agriculture  
 " " 9. Commercial Regulations  
 " " 10. (A) Police & Security Regulations  
 " " 11. Allied Military Courts  
 " " 12. Rights of Italian People  
 " " 13. Extension of Administrative Powers (A)  
 " " 14. Amendment to Proc. No. 1 & 2

- Proc. No. 15. Partial Suspension of Mortarium (B)  
 " " 16. Taxes and Public Money  
 " " 17. Limitation of Mortarium  
 " " 18. Public with suspended State  
 " " 19. Large Increases and Sales of Italian (A)  
 " " 20. Extension of Property Control (A)  
 " " 21. Extension of Property Control (A)  
 " " 22. Rights of Italian People (A)

Notes:

(A) General Provisions. Provisions shown  
 on attached sheets.

(a) Not published in Italian Provisions, but  
 a Provincial Order published Prohibiting  
 bank transactions.

(b) Not published in Italian Provisions, but  
 provisions of 10.13 which apply Italian  
 Regions are incorporated in 10.11 and 10.12.

(c) Signed but not yet published.

(d) Not published in Italian Provisions, but  
 Provincial Order 1 & 2 published already in  
 published order covering the subject.

(e) Provincial Order 10.13 was published  
 in Naples, Benevento, Salerno and Caserta  
 extending Property Control to Italian people  
 Property 10.13, 10.14, 10.15, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, 10.22, 10.23, 10.24, 10.25, 10.26, 10.27, 10.28, 10.29, 10.30, 10.31, 10.32, 10.33, 10.34, 10.35, 10.36, 10.37, 10.38, 10.39, 10.40, 10.41, 10.42, 10.43, 10.44, 10.45, 10.46, 10.47, 10.48, 10.49, 10.50, 10.51, 10.52, 10.53, 10.54, 10.55, 10.56, 10.57, 10.58, 10.59, 10.60, 10.61, 10.62, 10.63, 10.64, 10.65, 10.66, 10.67, 10.68, 10.69, 10.70, 10.71, 10.72, 10.73, 10.74, 10.75, 10.76, 10.77, 10.78, 10.79, 10.80, 10.81, 10.82, 10.83, 10.84, 10.85, 10.86, 10.87, 10.88, 10.89, 10.90, 10.91, 10.92, 10.93, 10.94, 10.95, 10.96, 10.97, 10.98, 10.99, 10.100, 10.101, 10.102, 10.103, 10.104, 10.105, 10.106, 10.107, 10.108, 10.109, 10.110, 10.111, 10.112, 10.113, 10.114, 10.115, 10.116, 10.117, 10.118, 10.119, 10.120, 10.121, 10.122, 10.123, 10.124, 10.125, 10.126, 10.127, 10.128, 10.129, 10.130, 10.131, 10.132, 10.133, 10.134, 10.135, 10.136, 10.137, 10.138, 10.139, 10.140, 10.141, 10.142, 10.143, 10.144, 10.145, 10.146, 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10.772, 10.773, 10.774, 10.775, 10.776, 10.777, 10.778, 10.779, 10.780, 10.781, 10.782, 10.783, 10.784, 10.785, 10.786, 10.787, 10.788, 10.789, 10.790, 10.791, 10.792, 10.793, 10.794, 10.795, 10.796, 10.797, 10.798, 10.799, 10.800, 10.801, 10.802, 10.803, 10.804, 10.805, 10.806, 10.807, 10.808, 10.809, 10.810, 10.811, 10.812, 10.813, 10.814, 10.815, 10.816, 10.817, 10.818, 10.819, 10.820, 10.821, 10.822, 10.823, 10.824, 10.825, 10.826, 10.827, 10.828, 10.829, 10.830, 10.831, 10.832, 10.833, 10.834, 10.835, 10.836, 10.837, 10.838, 10.839, 10.840, 10.841, 10.842, 10.843, 10.844, 10.845, 10.846, 10.847, 10.848, 10.849, 10.850, 10.851, 10.852, 10.853, 10.854, 10.855, 10.856, 10.857, 10.858, 10.859, 10.860, 10.861, 10.862, 10.863, 10.864, 10.865, 10.866, 10.867, 10.868, 10.869, 10.870, 10.871, 10.872, 10.873, 10.874, 10.875, 10.876, 10.877, 10.878, 10.879, 10.880, 10.881, 10.882, 10.883, 10.884, 10.885, 10.886, 10.887, 10.888, 10.889, 10.890, 10.891, 10.892, 10.893, 10.894, 10.895, 10.896, 10.897, 10.898, 10.899, 10.900, 10.901, 10.902, 10.903, 10.904, 10.905, 10.906, 10.907, 10.908, 10.909, 10.910, 10.911, 10.912, 10.913, 10.914, 10.915, 10.916, 10.917, 10.918, 10.919, 10.920, 10.921, 10.922, 10.923, 10.924, 10.925, 10.926, 10.927, 10.928, 10.929, 10.930, 10.931, 10.932, 10.933, 10.934, 10.935, 10.936, 10.937, 10.938, 10.939, 10.940, 10.941, 10.942, 10.943, 10.944, 10.945, 10.946, 10.947, 10.948, 10.949, 10.950, 10.951, 10.952, 10.953, 10.954, 10.955, 10.956, 10.957, 10.958, 10.959, 10.960, 10.961, 10.962, 10.963, 10.964, 10.965, 10.966, 10.967, 10.968, 10.969, 10.970, 10.971, 10.972, 10.973, 10.974, 10.975, 10.976, 10.977, 10.978, 10.979, 10.980, 10.981, 10.982, 10.983, 10.984, 10.985, 10.986, 10.987, 10.988, 10.989, 10.990, 10.991, 10.992, 10.993, 10.994, 10.995, 10.996, 10.997, 10.998, 10.999, 11.000, 11.001, 11.002, 11.003, 11.004, 11.005, 11.006, 11.007, 11.008, 11.009, 11.010, 11.011, 11.012, 11.013, 11.014, 11.015, 11.016, 11.017, 11.018, 11.019, 11.020, 11.021, 11.022, 11.023, 11.024, 11.025, 11.026, 11.027, 11.028, 11.029, 11.030, 11.031, 11.032, 11.033, 11.034, 11.035, 11.036, 11.037, 11.038, 11.039, 11.040, 11.041, 11.042, 11.043, 11.044, 11.045, 11.046, 11.047, 11.048, 11.049, 11.050, 11.051, 11.052, 11.053, 11.054, 11.055, 11.056, 11.057, 11.058, 11.059, 11.060, 11.061, 11.062, 11.063, 11.064, 11.065, 11.066, 11.067, 11.068, 11.069, 11.070, 11.071, 11.072, 11.073, 11.074, 11.075, 11.076, 11.077, 11.078, 11.079, 11.080, 11.081, 11.082, 11.083, 11.084, 11.085, 11.086, 11.087, 11.088, 11.089, 11.090, 11.091, 11.092, 11.093, 11.094, 11.095, 11.096, 11.097, 11.098, 11.099, 11.100, 11.101, 11.102, 11.103, 11.104, 11.105, 11.106, 11.107, 11.108, 11.109, 11.110, 11.111, 11.112, 11.113, 11.114, 11.115, 11.116, 11.117, 11.118, 11.119, 11.120, 11.121, 11.122, 11.123, 11.124, 11.125, 11.126, 11.127, 11.128, 11.129, 11.130, 11.131, 11.132, 11.133, 11.134, 11.135, 11.136, 11.137, 11.138, 11.139, 11.140, 11.141, 11.142, 11.143, 11.144, 11.145, 11.146, 11.147, 11.148, 11.149, 11.150, 11.151, 11.152, 11.153, 11.154, 11.155, 11.156, 11.157, 11.158, 11.159, 11.160, 11.161, 11.162, 11.163, 11.164, 11.165, 11.166, 11.167, 11.168, 11.169, 11.170, 11.171, 11.172, 11.173, 11.174, 11.175, 11.176, 11.177, 11.178, 11.179, 11.180, 11.181, 11.182, 11.183, 11.184, 11.185, 11.186, 11.187, 11.188, 11.189, 11.190, 11.191, 11.192, 11.193, 11.194, 11.195, 11.196, 11.197, 11.198, 11.199, 11.200, 11.201, 11.202, 11.203, 11.204, 11.205, 11.206, 11.207, 11.208, 11.209, 11.210, 11.211, 11.212, 11.213, 11.214, 11.215, 11.216, 11.217, 11.218, 11.219, 11.220, 11.221, 11.222, 11.223, 11.224, 11.225, 11.226, 11.227, 11.228, 11.229, 11.230, 11.231, 11.232, 11.233, 11.234, 11.235, 11.236, 11.237, 11.238, 11.239, 11.240, 11.241, 11.242, 11.243, 11.244, 11.245, 11.246, 11.247, 11.248, 11.249, 11.250, 11.251, 11.252, 11.253, 11.254, 11.255, 11.256, 11.257, 11.258, 11.259, 11.260, 11.261, 11.262, 11.263, 11.264, 11.265, 11.266, 11.267, 11.268, 11.269, 11.270, 11.271, 11.272, 11.273, 11.274, 11.275, 11.276, 11.277, 11.278, 11.279, 11.280, 11.281, 11.282, 11.283, 11.284, 11.285, 11.286, 11.287, 11.288, 11.289, 11.290, 11.291, 11.292, 11.293, 11.294, 11.295, 11.296, 11.297, 11.298, 11.299, 11.300, 11.301, 11.302, 11.303, 11.304, 11.305, 11.306, 11.307, 11.308, 11.309, 11.310, 11.311, 11.312, 11.313, 11.314, 11.315, 11.316, 11.317, 11.318, 11.319, 11.320, 11.321, 11.322, 11.323, 11.324, 11.325, 11.326, 11.327, 11.328, 11.329, 11.330, 11.331, 11.332, 11.333, 11.334, 11.335, 11.336, 11.337, 11.338, 11.339, 11.340, 11.341, 11.342, 11.343, 11.344, 11.345, 11.346, 11.347, 11.348, 11.349, 11.350, 11.351, 11.352, 11.353, 11.354, 11.355, 11.356, 11.357, 11.358, 11.359, 11.360, 11.361, 11.362, 11.363, 11.364, 11.365, 11.366, 11.367, 11.368, 11.369, 11.370, 11.371, 11.372, 11.373, 11.374, 11.375, 11.376, 11.377, 11.378, 11.379, 11.380, 11.381, 11.382, 11.383, 11.384, 11.385, 11.386, 11.387, 11.388, 11.389, 11.390, 11.391, 11.392, 11.393, 11.394, 11.395, 11.396, 11.397, 11.398, 11.399, 11.400, 11.401, 11.402, 11.403, 11.404, 11.405, 11.406, 11.407, 11.408, 11.409, 11.410, 11.411, 11.412, 11.413, 11.414, 11.415, 11.416, 11.417, 11.418, 11.419, 11.420, 11.421, 11.422, 11.423, 11.424, 11.425, 11.426, 11.427, 11.428, 11.429, 11.430, 11.431, 11.432, 11.433, 11.434, 11.435, 11.436,



## ANNEX TO

## TABLE OF PROCLAMATIONS

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## A. M. G. O. T. PLAN, PROCLAMATIONS AND INSTRUCTIONS

Certain Proclamations have been revised and Proclamation No. 34 and General Orders Nos. 3, 4, 5 and 6 have been published since the A. M. G. O. T. MANUAL was issued. The addition of this Annex will bring the Table of Proclamations up to date.

## PROCLAMATION No. 1

Substitute for the second and third paragraphs of the preamble the following:

"WHEREAS in pursuance of the armistice granted to the Italian Government by the United Nations, in order to preserve law and order and provide for the safety and welfare both of my troops and of yourselves, it is necessary to establish Military Government in the occupied territory"

Delete Article IV.

Renumber Articles V, VI and VII as Numbers IV, V and VI.

## PROCLAMATION No. 6

Insert as a marginal note to Article V the following :

"NOTE:

Article V applies only to the property of states actively prosecuting the war against the Allied Powers. The rights and duties of the Allied Powers in regard to Italian State property remain unaffected by this Proclamation." <sup>10</sup>

## PROCLAMATION No. 7

Substitute Proclamation No. 7 attached for Proclamation No. 7 as printed in the Table.

## PROCLAMATION No. 11

Substitute for Article III, Section 2 the following :

" Section 2. Loss of Identity Card. If any person has lost or shall lose his identity card he shall report this fact both to the nearest Carabinieri Post and to the official of the local government by whom the card was originally issued. A duplicate card may be issued to him providing the word "duplicate" is marked thereon."



Remember Articles V, VI and VII as Numbers IV, V and VI.

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Article V applies only to the property of states actively prosecuting the war against the Allied Powers. The rights and duties of the Allied Powers in regard to Italian State property remain unaffected by this Proclamation." 10

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Substitute for Article VI the following :

" DISPLAY OF FLAGS AND SINGING OF NATIONAL ANTHENS.

The public display of any flag or colors of any nation which is at present actively prosecuting war against Great Britain or the United States and the public singing and playing of the national anthem and any other patriotic or political song or music of any such country are prohibited."

Add to the Table of Proclamations Proclamation No. 14 and General Orders Nos. 5, 4, 5 and 6 attached.

Dated: 27 January 1944



ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORYPROCLAMATION No. 7

234

DISSOLUTION OF FASCIST ORGANIZATIONS AND REMOVAL OF LAWS

Whereas by Proclamation No. 7 of July 1943, issued on the occupation of Sicily, I declared that it was the purpose of the Allied Powers to deliver the people of Italy from the Fascist Regime, and that accordingly the Fascist Party was dissolved and declared to be illegal within the occupied territory,

Now, therefore, Harold R.L.G. Alexander, G.C.B., G.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and Military Governor of the Occupied Territory, hereby proclaim as follows:-

Article IDISSOLUTION OF THE FASCIST PARTY

The Fascist Party shall remain dissolved and shall not be revived under any name or form. Any property or assets belonging to that organization or remaining in its possession or control or held for its benefit within the occupied territory shall be taken by or delivered to the Allied Military Government or as it shall direct.

Article IIORGANIZATIONS AFFILIATED TO THE FASCIST PARTY

The Chief Civil Affairs Officer will from time to time issue any orders which may be necessary for dissolving any body or activity which appears to, depends from or in any way affiliated to or controlled by the Fascist Party. Any such Order may make provision for the taking or safeguarding of the property or assets of any such organization and provide penalties for failure to observe and perform any provision of the Order.

Article IIIDISPOSAL OF PROPERTY OF FASCIST ORGANIZATIONS

The Chief Civil Affairs Officer will make orders which may be necessary as to the disposal of any property acquired by the Allied Military Government under this Proclamation and may in his discretion as a part of any such order direct that the said property or any part thereof shall be supplied by the Allied Military Government for the benefit of the people of the occupied territory in such manner or through such organization as he may direct.

Article IV



# ORGANIZATIONS APPLICABLE TO THE FASCIST PARTY

The Chief Civil Affairs Officer will from time to time issue any orders which may be necessary for dissolving any body or activity which appears to, depends from or in any way affiliated to or controlled by the Fascist Party. Any such Order may make provisions for the taking or safeguarding of the property or assets of any such organization and provide penalties for failure to observe and perform any provision of the Order.

## Article III

### DISPOSAL OF PROPERTY OF FASCIST ORGANIZATIONS

The Chief Civil Affairs Officer will make Orders which may be necessary as to the disposal of any property acquired by the Allied Military Government under this Proclamation and may in his discretion as a part of any such order direct that the said property or any part thereof shall be supplied by the Allied Military Government for the benefit of the people of the occupied territory in such manner or through such organization as he may direct.

## Article IV

### OFFENCES.

No person shall-

- (1) Promote, assist or attend at any public or private meeting of the Fascist Party;
- (2) Use or permit to be used any building or other premises for the purposes of conducting any meeting, business or other affairs of the Fascist Party;
- (3) Print, publish or circulate or have in his possession with intent to publish or circulate any printed or written matter issued by or on behalf of the Fascist Party;
- (4) Wear or have in his possession any badge or insignia of the Fascist Party, or attire himself in such a manner as to suggest membership of the Fascist Party;
- (5) Make, collect or receive any subscription to the funds of the Fascist Party;
- (6) Take or receive any oath or give or receive any undertaking or promise to the Fascist Party;

(7)/.....



(7) Do any other act whatsoever intended or likely to promote or sustain the Fascist Party.

For the purpose of this Proclamation the Fascist Party shall include any organization designed to replace it and any organization declared to be illegal under an order of the Chief Civil Affairs Officer made under Article II hereof.

#### Article V

#### PENALTIES

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

#### Article VI

#### EFFECTIVE DATE

This Proclamation will become operative in each province or part thereof within the occupied territory on the date of its first publication therein.

Dated: 12 September 1943

H. R. Alexander - General  
General Officer Commanding  
the Allied Forces and Military Governor



## ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORIES

223

## PROCLAMATION No. M.

Whereas for the better and more expeditious administration of Military Government of territories which are now or which may hereafter be in the occupation of the forces of Great Britain and the United States under my command it has become desirable to divide such territories into Regions and to grant powers to Regional Officers and to make other amendments to the Proclamations which I have issued or may hereafter issue;

Now, therefore, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces and Military Government of the occupied territories of Sicily and the adjacent islands and of the Italian Mainland, do hereby proclaim as follows :-

## Article I.

## EXTENSION OF ADMINISTRATIVE POWERS

The powers, functions and duties conferred by me upon certain officers of the Allied Military Government by proclamation may henceforth be exercised conferred by the Allied Military Government; be exercised in the manner hereinafter mentioned :-

| Para.                                                                                                                                                                                                                 | Art. | Sect. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------|
| 2                                                                                                                                                                                                                     | VII  | 2     |
| DEFINITION OF SUSPECTS.                                                                                                                                                                                               |      |       |
| The Regional Chief Legal Officer may also perform the functions previously assigned to the Chief Legal Officer.                                                                                                       |      |       |
| 4                                                                                                                                                                                                                     | IV   | 1     |
| PROCEDURE IN ALLIED MILITARY COURTS.                                                                                                                                                                                  |      |       |
| The power of ordering an Allied Military Court to sit in camera may also be exercised by the Regional Chief Legal Officer.                                                                                            |      |       |
| "                                                                                                                                                                                                                     | "    | 2(b)  |
| The Regional Chief Legal Officer may exercise the power of prohibiting any lawyer or other person from appearing in any Court in his Region.                                                                          |      |       |
| 4                                                                                                                                                                                                                     | VII  | 1     |
| REVIEW OF TRIALS OF PERSONS CONVICTED BY A MILITARY COURT.                                                                                                                                                            |      |       |
| All petitions may be filed with the trial Court or may be forwarded to the Regional Chief Legal Officer, but shall continue to be addressed to the Chief Civil Affairs Officer.                                       |      |       |
| "                                                                                                                                                                                                                     | "    | 2     |
| Every record shall be transmitted to the Regional Chief Legal Officer for examination and file.                                                                                                                       |      |       |
| "                                                                                                                                                                                                                     | "    | 3     |
| Where there has been no petition of appeal under Section 1 of the Proclamation, the Regional Chief Legal Officer shall forward two copies of the record to the Regional Chief Legal Officer for examination and file. |      |       |



interfered by the Allied Military Government to exercised in the manner hereinafter mentioned :-

- |       |      |        |
|-------|------|--------|
| Proc. | Art. | Subst. |
| 2     | III  | 2      |
| 4     | IV   | 1      |
| "     | "    | 2(1)   |
| 4     | VII  | 1      |
| "     | "    | 2      |
| "     | "    | 3      |

DEFINITION OF SUSPECTS.

The Regional Chief Legal Officer may also perform the functions previously assigned to the Chief Legal Officer.

PROCEDURE IN ALLIED MILITARY COURTS.

The power of ordering an Allied Military Court to sit in camera may also be exercised by the Regional Chief Legal Officer.

(2)(1) The Regional Chief Legal Officer may exercise the power of prohibiting any lawyer or other person from appearing in any Court in his Region.

REVIEW OF TRIALS OF PERSONS CONVICTED BY A MILITARY COURT.  
All petitions may be filed with the trial Court or may be forwarded to the Regional Chief Legal Officer. The latter continues to be addressed to the Chief Civil Affairs Officer.

Every record shall be transmitted to the Regional Chief Legal Officer for examination and file.

Where there has been no petition of appeal under Section 1 and the sentence does not exceed two years' imprisonment or a fine of 50,000 lire, the Regional Chief Legal Officer shall review the case and may appoint a judicial officer not below the rank of Major for that purpose. Where cases are reviewed by the Chief Civil Affairs Officer, he may appoint a judicial officer not below the rank of Lieutenant Colonel for that purpose.

Article II

IDENTITY CARDS

- |       |      |        |
|-------|------|--------|
| Proc. | Art. | Subst. |
| 11    | III  | 2      |

IDENTITY CARDS.

From henceforth it shall be a sufficient compliance with Art. III, Sect. 2 of Proclamation No. 11, if any person losing his identity card reports the fact to the nearest Carabinieri post and to the official of the local government by whom the card was originally issued.

.....Article III



## Article III

FLAGS AND NATIONAL ANTHEMS

In view of the status of co-belligerency which has been granted to Italy, article VI of Proclamation II shall be amended to read as follows :-

DISPLAY OF FLAGS AND SINGING OF NATIONAL ANTHEMS

The public display of any flag or colours of any nation which is at present actively prosecuting war against Great Britain or the United States and the public singing and playing of the national anthem and any other patriotic or political song or music of any such country are prohibited.

## Article IV

EXECUTIVE DATE

This Proclamation will become operative throughout the whole of the Occupied Territory on the date hereof.

H. R. ALEXANDER,

General.

General Officer Commanding  
the Allied Forces and Military Governor.

Dated 15th October, 1943.



GENERAL ORDER NO. 3.

(ITALY)

226

TERMINATION OF RESTRICTIONS  
ON FINANCIAL INSTITUTIONS  
AND OF MORATORIUM

WHEREAS by Proclamation No. 5, of the General Officer Commanding the Allied Forces in the Occupied Territory, the closing of financial institutions and the putting into effect of a moratorium were ordered and the Chief Civil Affairs Officer was given power to order the reopening of such institutions and to suspend or terminate such moratorium in respect of any obligation or class of obligations and to prescribe the conditions governing such reopening and such suspension or termination.

NOW, THEREFORE, I Francis, Baron Fennell of Rodd, Major-General, Chief Civil Affairs Officer, hereby ORDER as follows :

## ARTICLE I

## RE-OPENING OF BANKS AND FINANCIAL INSTITUTIONS

The provisions of Proclamation No. 5, Article I closing all banks and other financial institutions are hereby terminated.

## ARTICLE II

## TERMINATION OF MORATORIUM

The moratorium on debts proclaimed in Proclamation No. 5, Article II is hereby terminated.

## ARTICLE III

## SAFE DEPOSIT FACILITIES

The initial opening of safe deposit boxes and the handing out of articles held in safe custody will take place in the presence of a representative of the Allied Military Government on a date or dates to be announced. Thereafter unrestricted access to safe deposit boxes is permitted.

## ARTICLE IV



ARTICLE I

RE-OPENING OF BANKS AND FINANCIAL INSTITUTIONS

The provisions of Proclamation No. 5, Article I closing all banks and other financial institutions are hereby terminated.

ARTICLE II

TERMINATION OF MORATORIUM

The moratorium on debts proclaimed in Proclamation No. 5, Article II is hereby terminated.

ARTICLE III

SAFE DEPOSIT FACILITIES

The initial opening of safe deposit boxes and the handing out of articles held in safe custody will take place in the presence of a representative of the Allied Military Government on a date or dates to be announced. Thereafter unrestricted access to safe deposit boxes is permitted.

ARTICLE IV

EFFECTIVE DATE

This General Order will become operative in the occupied territory at the places and on the dates respectively appointed by the Chief Civil Affairs Officer or an officer empowered by him.

RUSSELL OF RODD

Major-General,  
Chief Civil Affairs Officer.

Dated : 1 December 1943

I direct that General Order No. 3 shall become operative in  
on the 194

Dated

. 194



227

## ALLIED MILITARY GOVERNMENT

(ITALY)

General Order No. 4,

WHEREAS by Proclamation No. 10 of the General Officer Commanding the Allied Forces in the Occupied Territory certain commercial and financial transactions with persons outside the Occupied Territory are prohibited except as authorized by the Allied Military Government :

Now, therefore, I, Maurice Stanley Bush, C.D.E., M.C., Brigadier, Deputy Chief Civil Affairs Officer, hereby authorize financial, commercial and other transactions involving trade and communication to be conducted with persons in those portions of unoccupied Italy which are freed from German control and domination, provided always that such dealings are conducted in accordance with Italian law, and provided that they do not conflict with specific orders or regulations issued by the Allied Military Government.

b



b

Now, therefore, I, Maurice Stanley Lush, C.M.B.,  
M.C., Brigadier, Deputy Chief Civil Affairs Officer,  
hereby authorize financial, commercial and other  
transactions involving trade and communication to be  
conducted with persons in those portions of unoccupied  
Italy which are freed from German control and domination,  
provided always that such dealings are conducted in  
accordance with Italian law, and provided that they do  
not conflict with specific orders or regulations issued  
by the Allied Military Government.

M. S. Lush,

Brigadier,  
Deputy Chief Civil Affairs Officer.

Dated : 6th January 1944.



HEADQUARTERS 15TH ARMY GROUP

ALLIED MILITARY GOVERNMENT

GENERAL ORDER NO. 5.

228

TEMPORARY WAGE ADJUSTMENT

AND

LABOUR RELATIONS

Whereas by Proclamation No. 8 of the General Officer Commanding the Allied Forces in Occupied Territory, a general limitation on wages was declared, and the Allied Military Government was given power in Article II thereof to alter rates of wage, and,

Whereas by Proclamation No. 7 the Chief Civil Affairs Officer was given power by General Order to dissolve the organization of any body affiliated to or controlled by the Fascist Party,

Now, therefore, I, Maurice Stanley Lush, C. B. E., M.C., Brigadier, Deputy Chief Civil Affairs Officer, hereby order as follows:-

TITLE ONE

TEMPORARY WAGE ADJUSTMENT

Wage Adjustment for Government Employees

Section One. Employees of permanent and temporary status of the State, Province, Commune, Anti Para-State, and Public Institutions and Agencies (Azende) which are administered by any of the foregoing governmental units shall receive a "Temporary Wage Adjustment" which shall be calculated on the basis of present total salaries (base plus ordinary and extraordinary increments which normally represent an integral part of their total salary) as described in Article IV of this Title.

Section Two. Increases under Section One of this Article shall become effective in each Commune as of the first day of the month in which this Order is first posted in such Commune, or as of such date as the Senior Civil Affairs Officer of the Army Area or Province may determine.

ARTICLE II

Permissive Wage Adjustment for Private Employees

Section One. Private employers are permitted to grant increases in both salaries and wages, effective thereafter, which shall not exceed the percentages described in Article IV of this Title. Such increases shall be calculated upon the salaries and wages fixed in effect upon the 1st day of September,

## ARTICLE I

Wage Adjustment for Government Employees

Section One. Employees of permanent and temporary status of the State, Province, Commune, Enti Povo-Stato, and Public Institutions and Agencies (Aziende) which are administered by any of the foregoing governmental units shall receive a "Temporary Wage Adjustment" which shall be calculated on the basis of present total salaries (base plus ordinary and extraordinary indemnities which normally represent an integral part of their total salary) as described in Article IV of this Title.

Section Two. Increases under Section One of this Article shall become effective in each Commune as of the first day of the month in which this Order is first posted in such Commune, or as of such date as the Senior Civil Affairs Officer of the Army Area or Province may determine.

## ARTICLE II

Permissive Wage Adjustment for Private Employees

Section One. Private employers are permitted to grant increases in both salaries and wages, effective thereafter, which shall not exceed the percentages described in Article IV of this Title. Such increases shall be calculated upon the salaries and wages fixed by the Collective Labour Contracts which were in effect upon the last day of September, 1942. However, within such city or area as may be designated by the Senior Civil Affairs Officer of the Province or Army Area, the said percentage increases shall be based upon the contract wage so fixed plus the indemnity of Presenza. These increases shall in no way affect or be affected by the fasce di famiglia.

Section Two. If increases in salaries and wages have been granted since last September 1942 and such increases are less than the amount of increase computed in accordance with the terms of the preceding section, the computed increase alone shall be added to the salary or wages fixed by the Collective Labour Contracts which were in effect upon last September 1942. If increase in salaries and wages are equal to or greater than the percentage increase as computed under Section One of this Article, no further increase is permitted.

Section Three. Any disputes which arise between employer and employee or employees under this Article shall be adjusted in accordance with the machinery provided in Title Two of this Order.

ARTICLE III/.....

## ARTICLE III

Exception for Employees of Allied Forces

229

Title One of this Order does not apply to persons directly employed by branches of the Allied Forces or by contractors rendering services to said forces.

## ARTICLE IV

Scale of Wage Adjustment

Section One. The foregoing provisions shall be applied in accordance with the following schedule:

|                                                  |     |
|--------------------------------------------------|-----|
| On 1st L. 1,000 per month (or fraction thereof), | 70% |
| On 2nd " " " " " "                               | 60% |
| On 3rd " " " " " "                               | 50% |
| On 4th " " " " " "                               | 20% |
| On 5th " " " " " "                               | 10% |

Section Two. There shall be one maximum indemnity of L. 1,900 per month for salaries or wages which exceed L. 5,000 per month.

## TITLE TWO

LABOR UNIONS

## ARTICLE I

Abolition of Certain Fascist Institutions

The Fascist Corporative Syncretic System and the following unions and councils, that is to say:-

- (a) Unione Provinciale Fascista Lavoratori dell' Industria;
- (b) Unione Provinciale Fascista Lavoratori dell' Agricoltura;
- (c) Unione Provinciale Fascista Lavoratori del Commercio;
- (d) Unione Provinciale Fascista Lavoratori del Credito Assicurazioni;
- (e) Unione Fascista degli Industriali;
- (f) Unione Fascista degli Agricoltori;
- (g) Unione Fascista dei Commercianti;
- (h) Unione Fascista del Credito;
- (i) Unione Provinciale Fascista Professionisti ed Artisti;
- (j) Consiglio Provinciale delle Corporazioni;

and all branches, constituent syndicates, units and other dependencies and successor organizations thereof, are hereby dissolved.

## ARTICLE II



LABOUR RELATIONSARTICLE IAbolition of Certain Fascist Institutions

The Fascist Corporative Quadrante System and the following unions and councils, that is to say:-

- (a) Unione Provinciale Fascista Inventori dell' Industria;
- (b) Unione Provinciale Fascista Lavoratori dell' Agricoltura;
- (c) Unione Provinciale Fascista Lavoratori del Commercio;
- (d) Unione Provinciale Fascista Lavoratori del Credito Assicurazioni;
- (e) Unione Fascista degli Industri;
- (f) Unione Fascista degli Artigiani;
- (g) Unione Fascista dei Commercianti;
- (h) Unione Fascista del Credito;
- (i) Unione Provinciale Fascista Impiegati e Professionisti di Artisti;
- (j) Consiglio Provinciale delle Corporazioni;

and all branches, constituent syndicates, units and other dependencies and successor organisations thereof, are hereby dissolved.

ARTICLE IICreation of Labour Offices

The following institutions are hereby created:

- (a) A Regional Labour Office for each of such Regions as may be established in Occupied Territory.
- (b) A Provincial Labour Office for each Province in occupied territory.

ARTICLE IIIRules and Regulations

Rules and Regulations will be issued by the Allied Military Government to enable the Regional and Provincial Labour Offices to fulfill their objects and perform and carry out their powers, duties and functions.

ARTICLE IV/.....

## ARTICLE IV

Objects of the Regional Labour Office

Subject to the Rules and Regulations to be issued as aforesaid, each Regional Labour Office will have the following powers, duties and functions, respectively:

- (a) To consider the most practicable and expeditious method of re-establishing and assuring freedom of labour organisation and representation throughout the Region.
- (b) The co-ordination of the work of and the information and statistics compiled by the Provincial Labour Offices.
- (c) The compilation of similar Regional statistics and information.
- (d) The issuing of periodical reports and bulletins on labour questions for issue to the public or otherwise.
- (e) To act as conciliator, mediator, and arbitrator in labour cases which are of special economic significance or of interest to the entire Region.
- (f) Generally to do all such other things in connection with labour matters within each Region as may be required.

## ARTICLE V

Objects of Provincial Labour Offices

Subject to the Rules and Regulations to be issued as aforesaid, each Provincial Labour Office will have the following powers, duties and functions within the Province in which it is established, and may exercise such powers, duties and functions pending the establishment of a Regional Labour Office:

- (a) Until the establishment of a Regional Labour Office with jurisdiction over the Province, to take steps for the re-establishment and guarantee of freedom of labour organisation and representation throughout the Province.
- (b) The compilation of information and statistics on labour.
- (c) The establishment of offices for the registration and supply of labour.
- (d) To act as conciliators, mediators or arbitrators in labour disputes.
- (e) Generally to do all such other things in connection with labour matters within the Province as may be required.

## ARTICLE VI

Penalties



Subjects of Provincial Labour Offices

Subject to the Rules and Regulations to be issued or amended, each Provincial Labour Office will have the following powers, duties and functions within the Province in which it is established, and may exercise such powers, duties and functions pending the establishment of a Provincial Labour Office:

- (a) Until the establishment of a Provincial Labour Office with jurisdiction over the Province, to take steps for the re-establishment and guarantee of freedom of labour organization and representation throughout the Province.
- (b) The compilation of information and statistics on labour.
- (c) The establishment of offices for the registration and supply of labour.
- (d) To act as conciliators, mediators or arbitrators in labour disputes.
- (e) Generally to do all such other things in connection with labour matters within the Province as may be required.

ARTICLE VIPenalties

Any person violating any provision of either title of this Order shall upon conviction by an Allied Military Court be liable to punishment by imprisonment or fine or both.

ARTICLE VIIEffective Date

This Order will become operative in each Province or part thereof within the occupied territory on the date of its first publication therein.

Y. A. S. LUSH

Brigadier,  
Deputy Chief Civil Affairs Officer.

DATED: 16 January 1944.

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MEMO FOR MAJOR THACKERAY

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Basic Differences Between the AMG Temporary Amendments to Civil and Penal Procedure (as enacted in Region I, II, proposed in Region III) and the Italian Legislation on this Subject (RDL 3 Jan 1944 No 1).

# 1. Suspension of prescription terms and other peremptory terms.

a. The AMG orders simply suspend both the prescription terms and other peremptory terms.

b. The Italian Law

- (i) Suspends the prescription terms by force of law as do the AMG orders.
- (ii) Provides for suspension of other peremptory terms only if there is an impossibility arising out of conditions of war which prevents the performance of the acts required to interrupt the course of the terms. However, if such impossibility is present it will be considered by the Court of its own motion.

## 2. Terms established by taxation laws.

a. The terms in financial laws do not enjoy special treatment under the AMG solution of the problem.

b. The Italian Law (Art. 2) applies general rules for suspension to tax laws but provides for an exception as to the terms fixed for payment of taxes. These terms are suspended only if the tax payer shows a physical impossibility to fulfill his obligation because of being, when the tax falls due, in an enemy occupied territory or in a locality with which the postal and railway communications have been interrupted, or because the taxing authority should find itself in the enemy occupied territory.

## 3. Pending civil actions.

a. The AMG solution provides that in case of impossibility to serve summons or enter appearance a Special Curator may be appointed to represent the parties etc. (Art 4)

b. The Italian Law provides that independently of the suspension dealt with above under 1b and 2b, civil, administrative, and tax proceedings may be suspended, if one of the parties is outside of the "free" Italy (ie outside of the King's Italy).

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Regional order No 9, Region II, on the above subject, differs in the following from the draft order of Region III on the same subject.

| Articles     | Region Order 2 | Draft Order Region III              |
|--------------|----------------|-------------------------------------|
| ART 3 para 2 |                | omitted for any other court sitting |

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| Articles     | Region Order 2 | Draft Order Region III                                           |
|--------------|----------------|------------------------------------------------------------------|
| ART 3 para 2 |                | omitted "or any other court sitting outside Sicily."             |
|              |                | omitted Art <sup>IV</sup> V, VI, and VII of the Regional Order 2 |
|              |                | omitted Art X of the Regional Order 2                            |

Comparative Schedule

| Reg Ord 9           |        | Draft order Region III            |
|---------------------|--------|-----------------------------------|
| Art I               | equals | Art I                             |
| Art II              | equals | Art II                            |
| Art III, V, VI, VII | equals | Art III with omission (see above) |
|                     |        | omitted                           |
| Art VIII            | equals | Art IV                            |
| Art IX              | equals | Art V                             |
| Art X               |        | omitted                           |



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MEMORANDUM ON PROPOSED MODIFICATION TO PROCLAMATION NO. 5Re Interest.

Ref: C.C. Article 1224.

DAMAGES IN PECUNIARY OBLIGATIONS. In the case of obligations which have for object a sum of money, legal interest runs from the date when the debt falls due, even if such were not stipulated beforehand and even if the creditor does not prove having suffered any damage.

If prior to the date of maturity interest was payable at a figure higher than the legal rate, the interest on account of delay is payable at the same rate.

Note: C.C. Art 1224. Rate of interest, etc. The legal rate of interest is five percent per annum. Conventional interest is computed at this rate if the parties have not fixed it. Interest in excess of this rate must be fixed in writing; otherwise the legal rate is payable. Vide C.C.

Art 1223. In the absence of custom to the contrary, interest fallen due can only produce interest from the date of demand in justice or as the result of convention posterior to the date of maturity, and only if the interest has been due for at least six months.

Ref: C.C. Article 1256.

IMPOSSIBILITY OF PAYMENT. ..... If the impossibility is only temporary, the debtor, as long as it lasts, is not responsible for the delay in performance.

Note: The code in effect does not distinguish between force majeure and a fortuitous happening. The two expressions, however, can be treated as equivalents. The cause of impossibility to pay must be extraneous to the debtor and result from an act not imputable to him.

A debtor is held not only responsible for his own acts but likewise for those of persons of whose service he has made use in the fulfillment of his obligations. (Diritto Civile Italiano - Venzi p. 457 per 464). Thus it seems that the failure of closing of a banking institution would not constitute an "impossibility" since no one is obliged to invest money in a bank, whereas the declaration of a moratorium constitutes a temporary legal impossibility both as to the payment of the capital of a debt as well as to the accessories attaching thereto as long as such moratorium lasts; But although the debtor is no longer responsible for the delay, he remains firmly responsible for the fulfillment of his obligations as soon as possible.

result of contention posterior to the date of the contract. Interest has been due for at least six months.

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Moratorium by Proclamation No. 5

The effect of Sec. 2 is that all obligations effected are suspended... but... shall be of full force and effect upon the termination of such moratorium. But it is laid down "nor shall any interest accrue during the period of such moratorium", so that if interest had been stipulated under contract the creditor was deprived of his contractual right. The proposed elimination of this stipulation would imply that if (a) the obligation came to maturity during the moratorium the creditor would have to wait until its close for the repayment of capital and accrued interest at due date, or (b) the obligation came to maturity after close of moratorium then any suspended accrued interest would become immediately due at close and any further interest would be payable according to the terms of the contract.



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