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

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Declassified E.O. 12958 Section 1.3/NND No. 785016

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GENERAL ORDER NO. 50, MEZZADRIA CONTRACTS  
MAR. 1944 - AUG. 1945

0021

Classified E.O. 12356 Section 1.3/HND No. 785016

FILE CLOSED 9 August 1945

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GRO/30

OAO

11 August 1945

HQ. A.G. Agriculture Sub-Commission  
General Order No 50  
/ASR/530

Attached letter from the Regional Commissioner with instructions regarding implementation of G.O. No 50 is forwarded for your information

Regional Agricultural Office  
Lt. Col. A.U.S.

Enclosed (1)

Copy to : Legal Sub-Commission

SUB-COMMISSION	
CLO	✓
DCLO	
Chief Counsel	
CJO	
Italian	7 14
CL RKS	
14 AUG 1945	

HGW/lp

HEADQUARTERS  
VENEZIA REGION  
Allied Military Government  
APO 394

TO : All Provincial Commissioners 9 August 1945  
SUBJECT : General Order N° 50  
FILE N° : RXII/LE/REG/D/01

- 1. Herewith copies of General Order N° 50, together with copy of letter AG/4074/35/L of 24 July 1945 from the Legal Sub-Commission, HQ., AC.
- 2. General Order N° 50 may be published where required, at the discretion of Provincial Commissioners.
- 3. It is not proposed to have a supply of the Orders printed. Attention is directed to paragraph 5 of attached letter as to the method of publication.
- 4. Instructions to publish this General Order have already been issued to the provinces of Belluno and Vicenza, and in ~~ix~~ these cases no further copies of the Order are supplied.

          13            
Regional Commissioner

Copy to : Regional Legal Officer  
          Regional Agriculture Officer



HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/rlp.  
24 July 1945.

10/4074/35/A.

SUBJECT : General Order No. 50.

TO : Regional Commissioner (Attn: Regional Legal Officer),  
LIGURIA, PIEMONTE, LOMBARDIA AND VENETIA Regions.

1. Cases have arisen in Venetia <sup>Regia</sup> ~~Office~~ of disputes under DIL No. 157 of 5 April 1945 dealing with agricultural contracts.
2. DIL 157 provides that any such disputes shall be referred to a commission under DIL 311 of 19 October 1944.
3. In addition to establishing such commissions, DIL No. 311 provided for a re-distribution of the proceeds of certain expropriated contracts. This part of DIL No. 311 was, and still is, strongly disapproved by this Commission and the Decree was therefore excluded from implementation. The result is that no commissions to hear disputes under DIL 157 officially exist.
4. In spite of the fact that AGI is expected to last only a few more weeks, it is not intended to implement DIL No. 311 during the continuance of AGI. It is necessary therefore to constitute commissions where they are required. General Order No. 50, which follows exactly the relevant terms of DIL No. 311 is designed for this purpose.
5. The General Order ~~shall~~ only be put into effect where it is specifically required. Publication can be made by serving a copy of the order on the Prefect, judicial and agricultural authorities in the area concerned.

By command of Rear Admiral RICHIE,

W. D. BROWN,  
Colonel,  
Chief Legal Advisor. 11

Copy to: RC (Attn: RLC), EMILIA Region (for info).

Incls: General Order No. 50  
Liguria Region - 15 copies  
Piemonte " - 25 "  
Lombardia " - 35 "  
Venetia " - 85 "

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ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 50

WHEREAS D.L. 157 of 5 April 1945 has been implemented in AMG Territory by order published in C.U. 62 of 24 May 1945, and

WHEREAS by Article 3 of the said decree it is provided that disputes arising thereunder shall be determined by a commission

NOW, THEREFORE, I, MILITARY WINNER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I

There is hereby appointed a Commission with jurisdiction to determine by arbitration all disputes arising from the operation of D.L. No. 157 of 5 April 1945.

ARTICLE II

Such commission shall be established in each "Circondario" by the Prefect and a Judge selected by him, and two members who shall be the President of the Tribunale or the designation of the local union and who shall be nominated by the Prefect on "rent-paying tenants" and the "coloni or compartecipati or mezzadri" respectively.

The Provincial Inspector for Agriculture or his representative shall sit on the Commission in an advisory capacity.

ARTICLE III

An appeal shall lie from such commissions to a Regional Commission to be established by the Prefect of the Province and to be composed of a President who shall be the President of the Regional Court of Appeal or a magistrate of such court selected by him, and two members who shall be designated by the branch of the union located in the regional capital and who shall respectively represent the respective parties mentioned in Article II hereof.

An Inspector General from the technical branch of the Ministry of Agriculture shall sit on the Commission.

157 of 5 April 1945.

ARTICLE II

Such commission shall be established in each "Circoscrizione" by the Prefect and a Judge selected by him, and two members who shall be nominated by the Prefect on the designation of the local union and who shall represent the landowner or "rent-paying tenants" and the "coloni or compartecipari or mezzadri" respectively.

The Provincial Inspector for Agriculture or his representative shall sit on the Commission in an advisory capacity.

ARTICLE III

An appeal shall lie from such commissions to a Regional Commission to be established by the Prefect of the Province and to be composed of a President who shall be the President of the Regional Court of Appeal or a magistrate of such court selected by him, and two members who shall be designated by the branch of the union located in the regional capital and who shall respectively represent the respective parties mentioned in Article II above.

An Inspector General from the technical branch of the Ministry of Agriculture and Forests shall sit on the Regional Commission in an advisory capacity.

An appeal shall lie from the Regional Commission to the Supreme Court of Cassation of Rome on questions of jurisdiction.

ARTICLE IV

An appeal shall lie from the Regional Commission to the Supreme Court of Cassation of Rome on questions of jurisdiction.

ARTICLE V

This order shall come into operation in any province or part thereof subject to the administration of Allied Military Government on the date of its first publication therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR:

EMERY WHEELER, JR.,  
Major General,  
United States Army, Surgeon,  
Chief Civil Affairs Officer

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GOVERNO MILITARE ALLEATO  
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE N. 90

DATO CHE il Senato Legislativo Longotransversale 5 aprile 1945, n. 157, e' stato reso esecutivo nel territorio sottoposto al Governo Militare Alleato con ordine inserito nella Gazzetta Ufficiale 24 maggio 1945, n. 66, e

MAFO CHE l'articolo 9 del decreto stesso prevede che le controversie dipendenti dall'applicazione del decreto sono sottoposte a una commissione;

IO, CLAYTON WENTWORTH STONE, Contrammiraglio della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

ARTICOLO I

La competenza e' devoluta tutte le controversie dipendenti dalla applicazione del DL 5 aprile 1945, n. 157 e' attribuita, in via arbitraria, a una commissione.

ARTICOLO II

Questa Commissione e' costituita in ogni circondario dal Prefetto e composta dal Presidente del Tribunale o da un giudice da lui delegato che la presiede, da un rappresentante dei proprietari ed affittuari conduttori e da un rappresentante dei coloni e compartecipi e mezzadri, nominati dal prefetto su designazione delle organizzazioni sindacali esistenti nel circondario. Della Commissione fa parte, con voto consultivo, l'ispettore provinciale dell'agricoltura od un suo delegato.

ARTICOLO III

Contro le decisioni della Commissione circondariale e' ammesso ricorso ad una Commissione regionale costituita dal Prefetto del capoluogo o composta dal Presidente della Corte d'Appello del capoluogo della regione o da un magistrato della stessa Corte da lui designato, che la presiede, da un rappresentante dei proprietari ed affittuari conduttori e da un rappresentante dei coloni e compartecipi e mezzadri designati dalle rispettive organizzazioni sindacali esistenti nel capoluogo della regione.

Dalla Commissione fa parte, con voto consultivo, un ispettore generale del ruolo tecnico del Ministero della Agricoltura e delle Foreste.

ARTICOLO III

Questa Commissione è costituita in ogni circondario dal Prefetto e composta dal Presidente del tribunale e da un giudice da lui delegato che lo presiede, da un rappresentante dei proprietari ed altrettanti conduttori e da un rappresentante delle colonie e contadini e mezzadri, nominati dal Prefetto su designazione delle organizzazioni sindacali esistenti nel circondario. Della Commissione fa parte, con voto consultivo, l'ispettore provinciale dell'agricoltura ed un suo delegato.

ARTICOLO IIII

Contro le decisioni della Commissione circondariale e' ammesso ricorso ad una Commissione regionale costituita dal Prefetto del capoluogo e composta dal Presidente della Corte d'appello del capoluogo della regione e da un magistrato della stessa Corte da lui designato, che la presiede, da un rappresentante dei proprietari ed altrettanti conduttori e da un rappresentante dei coloni e contadini e mezzadri designati dalle rispettive organizzazioni sindacali esistenti nel capoluogo della regione. Della Commissione fa parte, con voto consultivo, un ispettore generale del ruolo tecnico del Ministero della Agricoltura e delle Foreste.

ARTICOLO IV

Contro le decisioni della Commissione e' ammesso ricorso alla Suprema Corte di Cassazione di Roma per incompetenza.

ARTICOLO V

La presente Ordinanza entra in vigore in ogni provincia e sua parte sottoposta alla Amministrazione del Governo Militare all'atto alla data della sua prima pubblicazione nella medesima.

PER IL COMANDANTE SUPREMO ALLIATO E GOVERNATORE MILITARE:

ELMER WHEELER STONE,  
Comandante in capo nella Riserva  
della Marina degli Stati Uniti,  
Ufficiale Capo degli Affari Civili.



(4A)

Executive Commissioner

1. Reference Minute 3, DLI No. 311 treats all forms of share tenancy contracts, including "mezzadria impropria", but does not cover "Mezzadria" proper. This latter form of contract is considered a partnership contract rather than owner-worker contract, and is characteristic in Toscana and Emilia. Hence, in addition to modifications in the contracts which were considered undesirable by the Agriculture Sub-Commission at the time DLI No. 311 was published, it is not, as now written, directly applicable to "mezzadria" contracts.

2. DLI No. 157 of 5 April is interpreted as applicable to all agrarian contracts, and settlement of disputes thereunder is provided for, in the area where DLI No. 311 has been implemented, by reference to the Commissions established by the latter decree.

3. The Minister of Agriculture proposes to establish collective agreements in each of the agrarian contract areas, and has agreed that provision for appeal should be by means of Commissions of this nature. The proposed General Order has been discussed with him, and he is in agreement with its implementation in Allied Military Government territory as soon as the initial collective agreements have been established.

4. Therefore, publication of General Order 50 should preclude the necessity for revising DLI No. 311 in order to make it suitable for implementation in the North. It is considered advisable to establish the Commissions for appeal of disputes arising under the terms of the contracts as now written, and collective agreements, rather than to change the contracts by decree, as was done by DLI No. 311.

*J. M. Merritt*  
JAMES M. MERRITT  
Agriculture Sub-Commission

3A

MEMORANDUM

TO : CHIEF COMMISSIONER, HQ. AS.

STATEMENT AS TO PURPOSE  
OF GENERAL ORDER NO 50

1. This General Order is required in order to regulate the operation of mezzadria contracts.

2. DLI No. 157 of 5 April 1945 provided that agricultural contracts should be extended until a year after the state of war.

This decree was approved for implementation and implemented in ASD Territory.

3. The decree provides that if disputes arise as to the terms of the extended contracts they shall be referred to a Commission under DLI No. 311 of 19 Oct 44.

4. DLI No. 311 did establish these commissions, which are perfectly satisfactory. It also however modified the distribution of products between owner and tenant in mezzadria contract. Agriculture S/C disapproved this modification and the decree was excluded from ASD Territory.

5. Some disputes are now arising under DLI No. 157; there are no authorized commissions to hear them. This Order sets up the Commissions in accordance with the unobjectionable portion of DLI No. 311.

Dated: 14 July 1945.

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

2A

AC/4005/L.

/rlp.  
10 July 1945.

SUBJECT : Contracts of Mezzadria.  
TO : Office of the Chief Commissioner.

1. The legal position concerning 'mezzadria' contracts is as follows:-

a. They have existed for a very long period of time in Italy and also in France.

b. Originally they were voluntary contracts and the basis of division of products could be freely agreed between owner and tenant. Local custom generally established a 50-50 basis and now by Art. 2141 of the Civil Code of 1942 this basis has been officially accepted. The obligations of landlord under this contract are substantially those set out in Mr. Gallaby's letter, although his enumeration is not complete. The law is contained in Art. 2141 to 2169 of the Code.

c. In spite of this it is still legal to agree to a different distribution of products. Such contracts, termed 'mezzadria impropria' are common in south Italy; the landlord provides the bare land without other capital or equipment, and receives a smaller proportion of the fruits.

d. Mezzadria contracts are yearly unless otherwise specified.

e. The only Italian legislation which has been recently enacted on these contracts is:

RDL 146 of 3 June 1944 which extended mezzadria contracts for one year after 31 Dec 1945.

DLL 311 of 19 Oct 1944 which established commissions to settle disputes, including division of products; but this only applies to mezzadria impropria colonia parafaria e com-partecipazione. It does not apply to the normal, regular contracts.

DLL 157 of 5 April 1945 extended mezzadria contracts for one year after cessation of hostilities.

f. AMO has issued no order relating to these contracts so far as is known.

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2. It will be seen from this position that the contracts are freely negotiated. It is illegal for bodies like Feder Terra or the Camere di Lavoro to attempt to interfere with them. The Prefect of Florence has no authority to interfere as he has done. His powers under the Legge Provinciale e Comunale is restricted to emergency action.

3. If it is necessary for the sake of law and order that the terms of the contract should be varied, this could be done as an extraordinary and temporary measure by government decree in accordance with the action taken in 1920. It appears doubtful, however, whether there is any justice in the demands for a modification of the basis of distribution; from information reaching this sub-commission (perhaps not impartial) the demands appear to be largely inspired by political motives.

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

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MEMO ON MR. MALLABY'S LETTER TO THE  
CHIEF COMMISSIONER

- 4005
- (28)
1. Personally I agree with most of the views expressed in Mr. Mallaby's letter, which are identical to those of Count Antonio Spolletti, a large landowner in Emilia where his family and himself have made 'mezzadria' contracts with the same families of peasants since the XVII century. These families of peasants are now, if they were not before, very well to do. Some of their sons have received university education and the daughters, on getting married, have been well provided for.
  2. The mezzadria, which is also practiced in France (metayers) has been the most successful method of cultivation of large estates where the landowner was not himself an agriculturist. 'Mezzadria' cannot be suppressed without eliminating the landlord altogether and dividing the land among the peasants.
  3. There exist many forms of 'mezzadria' and they vary according to the regions of Italy. In early days the mezzadria contract was (or is still) voluntary, the division of products could be fully agreed by both parties. On the other hand, local custom generally prevailed and the proportion of 50-50 indicated in Mr. Mallaby's letter was usually the rule. This has been legalized finally by the Civil Code of 1942 (art. 2141) which however sets out also that products can be divided in other proportions and that such agreements are legal. These contracts where the products are not divided 50-50 are called 'mezzadria improprie.' They prevail in some Southern Regions of Italy (Puglia) where the landlord does not provide either capital, cattle, farm equipment or fertilizers, but just the bare land. The complaints which the peasants of Puglia may raise cannot be justified in Toscana, where all capital expenses and stock outlay and upkeep are borne by the landlord under the obligations of 'mezzadria' proper.
  4. Mezzadria is a yearly contract unless otherwise specified. The obligations of landlords and 'mezzadria' are correctly set out in Mr. Mallaby's letter, his enumeration is however not complete (art. 2141 to 2169 of Codice Civile refer).
  5. The fact that the 'Camera di Lavoro' and 'Feder Terra' are demanding that the agreed proportion should be based on a 65-35 basis in order to eliminate big land owners, is merely political propaganda. There exists, at the present time, no decree amending the articles of the Code above referred to. Therefore any attempt by the 'mezzadria' to withhold these products which, under the agreement, they should surrender is a definite breach of contract which cannot be justified at the moment by any legal text.
- ii 4

6. AMD did not issue any specific order with regard to mezzadria, but have implemented the Italian decrees promulgated from time to time by the Italian Government. The Agriculture S/C informs that the following legislation only has been passed which affects directly or indirectly the mezzadria system existing previous to Allied occupation.
- 1) RDL 146 of 3 June 44 - Extending "mezzadria" contract for one year after 31 Dec 45.
  - 2) DDL 311 of 19 Oct 44 - Which affects only mezzadria impropria colonia parziaria e compartecipazione, not mezzadria proper.
  - 3) DDL 157 of 5 April 45 - Extending mezzadria contracts for one year after cessation of hostilities.
7. The decision of the Prefect of Florence appears to have been to say the least ultra vires, as his only powers to act in such a way under the "Legge provinciale and comunale" derives from a state of emergency that cannot be justified in the case in point.
8. Furthermore, it must be again pointed out that DDL No. 311 of 19 Oct 44, deals exclusively with "mezzadria impropria". ~~That~~ all the powers given to certain commissions circondarie and regionali under this decree with a view to arriving to the settlement of disputes between "landlords and mezzadria" do not apply to Tuscany or Emilia where the "mezzadria impropria" is unknown.

REAR HEADQUARTERS  
 UNITED CONTROL COMMISSION  
 Legal Sub-Commission

1A

ACC/406/L.

15 March 1944.

SUBJECT : Agricultural Tenants.

TO : EC Region 1, 2, 3, 4, 5, 6, 8.

1. As the question has been raised as to the rights of farming tenants with regard to the renewal of tenancies, many of which are falling due for renewal at this time of year, the following notes on the legal position may be found useful.

2. Though the ordinary farm tenancy contract or "affitto" is used in agricultural Italy, according to the regions concerned, land is generally rented under agreements known as "mezzadria", "masseria", "colonia" etc.

3. The most popular form, the "mezzadria" contract (french "metayage") is an agreement by which landlord and tenant undertake to divide in certain proportions the products of the land tilled by the latter. It is more a partnership than contract between landlord and tenant.

4. The rules governing the mezzadria are embodied in Article 2141 to 2163 of the New Civil Code of 1942. It must be remarked, however, that local customs are always taken into consideration in drawing up such agreements and they vary considerably. Nevertheless the provisions set out hereunder appear to be common throughout Italy, bearing in mind that all agricultural agreements were in pre-invasion days subject to the provisions of the Labour Charter and Corporation Regulations (Carta della Mezzadria) now extinct.

(i) The number or composition of groups of tenants cannot be altered without the consent of the landlord (Art. 2142).

(ii) A "mezzadria" agreement for an unlimited period of time is understood to be for one agricultural year, usually commencing the month of April, and is tacitly renewed from year to year, if notice is not given by either party of the intention to terminate the contract, at least six months in advance (Art. 2143).

contract"

(iii) A "mezzadria" for a limited period of time does not expire automatically at the end of the period. It continues to be valid for one year if no notice is given as in para. 2. and from year to year until such notice is given.

(iv) The mezzadria agreement dealing with rental in kind is not affected by the rise of market prices. The landlord will always receive the same proportion of agricultural products as specified between the parties. 2

(v) The above is not true of government subsidies or allowances. They are only payable to the farmer or tenant who tills the land to encourage greater production. The landlord's share is not affected.

= 2 =

(vi) There exist no provisions in the Code in regard to absentee landlords. Art. 2158 provides, however, that the death of one of the parties does not terminate "ipso facto" the contract of messadria.

(vii) To summarize the position, whether the tenancy be yearly or for a fixed term which is now expiring, the tenant if he has not received the usual notice to quit may if he so desires continue in occupation for one year certain at the least, and is therefore safe in sowing his land this April.

5. Absentee Landlords under Messadria Contracts.

The Director of Property Control has approved a procedure annexed hereto for the appointment of "curatori" to abandoned property or where there is no landlord in derogation of the provisions of the Italian Codes dealing with such emergencies, in order to speed up a form of proceedings which would be somewhat cumbersome under present conditions. This method served a useful purpose in Sicily and you may consider advisable to take advantage of it.

(sgd G. G. HARRAFORD)

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

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