

ACC

10000/142/842

RESTRICT
MAR. 1944

142/842

RESTRICTION ON SALE OF ALCOHOLICS TO ALLIED TROOPS
MAR. 1944 - FEB. 1945

FILE CLOSED 1 February 1945

29A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/pa.
1st Feb 45.

AC/4149/L*

SUBJECT : Orders under authority of Allied Forces.

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

1. Your RVIII/19/2000 of 29 January 1945 has been considered.
2. In the opinion of the Legal Sub-Commission orders upon the civilian population or individual members thereof should be given by or on behalf of the Military Government when they are of a purely administrative nature and are directed towards the civic conduct of the population; orders may be given under the authority of the Allied Forces when such orders are considered necessary for operational requirements.
3. The order in question in this case should not have been issued by PBS. If such an order was required, AMC should have been invited to consider the question and, if so advised, to issue the appropriate order themselves.
4. In view of the particularly unfortunate wording of the order it should be treated as a nullity. PBS should be invited to withdraw it.

By command of Rear Admiral STONE :

41

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

HEADQUARTERS REGION VIII

28A

ALLIED MILITARY GOVERNMENT

File Re,

4149

Rev. 12/2000

File

Date:

29 Jan. 45

SUBJECT: Orders under authority of Allied Forces.

TO: Legal Sub-Commission, Headquarters, A.S.

1. Attention is called to the attached communication.

2. Proclamation 1, Article V, Section 12, which was issued by the allies as an occupant, and under authority of International law, plainly contemplates legislation of two types, (a) an order given under the authority of the Allied Forces; and (b) an order given under authority of Allied Military Government. The order in question purports to have been issued under (a).

3. A judgment of an Allied Military Government court is valid only when bottomed on law. Because legal consequences can, and in the aftermath of the war, unquestionably will attach to extra-legal acts, notably in claims for violation of rights of private property. It is the duty of every officer to protect his government against such claims.

There can be no dispute whatsoever that regardless of the above, an occupational court being a court born of law, must administer law. Such law, under the provisions of Proclamation 1, Section V, Section 12 must be more than the act of an Allied Officer: it must be an order ^{given under authority} of the Allied Forces, or an order of Allied Military Government.

4. Is the purported order one that has been issued by authority of the Allied Forces? Only if it has attained such dignity does it become entitled to judicial recognition.

This premise is not an arbitrary ruling of Allied Military Courts or of Allied Military Government. It is the mandate of the supreme legislative will of the Allied Governments binding on Allied Forces and Allied Military Government alike and without regard to the will or whims of these two elements.

5. If these premises are true, a yard-stick exists for the legal measurement of orders such as the one in question. It is elementary that the validity can not be measured by the mere declaration of the event alone; there must be something more. Such authority must exist in a definite agency; otherwise why

./.

- 2 -

the requirement that it must be by authority of the Allied Forces? If the power is shared in common by every Military Unit, to be exercised as the spirit moves it, the provision in the proclamation would be meaningless.

6. It may be the order in question is one under authority of the Allied Forces, within the meaning of the Proclamation. If so, all is well, ~~and~~. If not, the Courts want to know before they erroneously enter invalid orders which not only subject their governments to liability, but themselves as individuals as well.

7. No yard-stick has been found in directives or consolidated Instructions with which the order in question may be measured.

May we be advised thereon?

John W. Weber
JOHN W. WEBER
Colonel Infantry

Regional Legal Officer

LEGISLATIVE COUNCIL	
CLO	
CLD	
Chief Counsel	
CD	
Legal Officer	
Legal Officer	
Legal Officer	



39

(28B
R10)PROVINCIAL LEGAL OFFICE
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

January the 24th 1945

P.L.O. 998/B/16

SUBJECT : Police order prohibiting sale of alcoholic beverages to
Allied Personnel.

TO : R.L.O. Toscana Region.

1. The Peninsular Base Section has seen fit to issue an order to the effect that Allied Personnel will not patronize bars and that such bars will not sell to them.

2. Notice is served on proprietors by means of attached; the acknowledged copy is presented at trial to prove notice.

3. Advice is requested re the penal provisions of this order; the notice was prepared by the Military Police.

4. To date this Court has not issued any order of confiscation of liquor and has not issued any order directing permanent closure of an establishment.

ROBERT M. WOODWARD
Major, A.U.S. P.L.O.
Livorno Province

CC: FPSO, Livorno.

32

By
Lawrence C. BeckerLAWRENCE C. BECKER
1st Lt. Col. Corps
Asst. P.L.O. Livorno

RUM/19/2011/2134

280

HEADQUARTERS
MILITARY AREA, LIVORNO, ITALY
APO 782

You, _____, are hereby
Name

notified that you are not permitted to sell any wines, liquors, whiskey,
or any other things to Allied Personnel. Your signature on this paper
acknowledges receipt of this order. Failure to comply with this order
will mean your arrest and confiscation of all your material, and your
store closed for all time.

Vostro, _____, viene notificato
Nome

che non vi e' permesso di vendere ne' vino, ne' liquori, ne' whisky e
nessun'altra cosa al Personale Alleato.

La vostra firma su questo foglio attesta che siete a conoscenza di quanto
sopra e ne accusate ricevuta. 37

La mancanza del compimento di questo ordine significa il vostro arresto
e la confisca di tutto il vostro materiale ed il vostro magazzino per
sempre chiuso.

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

29 August 1944.

ACC/1149/L.

SUBJECT : Decree restricting the sale of liquor to
Troops in restored territory.

TO : R.C. & M.G. Section. (Attn. Major William A.S. Dollard)

1. Thank you for your letter of the 28th August.
2. A copy of the new article which ought to meet the requirements
of the Military authorities is enclosed herewith.
3. This decree will be submitted for the approval of the Council
of Ministers tomorrow, Thursday.

G. G. HANNAFORD.
Lieutenant-Colonel.
Officer i/c Italian Branch.
for Acting Chief Legal Officer.

GGH/vow.

ART. 665.

Varie ipotesi più o meno gravi.

ART. 1

Le pene stabilite dall'art. 665 C.P., quando si tratti di esercizi pubblici preveduti nell'art. 86 T.U. leggi P.S. approvato R.D. 18-6-1931 n°. 773, nei quali si vendono al minuto o si consumano: vino, birra o liquori, sono raddoppiate.

In ogni caso la pena dell'arresto non può essere inferiore ad un mese e quella dell'ammenda a £ 1000.

(26A)

4149

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

Ref/307/155/CA

28 August 1944.

Dear Col. Hannaford

I reported to Lt. Colonel Shipp that I had discussed with you on Saturday 26 August 1944 the decree increasing penalties for unlawful sale of liquor.

I told Col. Shipp that you had agreed that the present new draft which was to have been submitted for approval at the next session of the Council of Ministers to be held on Thursday failed to include a minimum penalty both of fine and term of imprisonment.

Further, I told Lt. Colonel Shipp that you were making arrangements to tell the Minister that the decree in its present form was not the one previously approved by A.C.C.

Col. Shipp was pleased to learn that you were taking action to get this decree changed so as to include the necessary provisions and he minuted on my memorandum to him "please ensure that the decree is not issued without this provision".

W. A. S. Dollard

34

WILLIAM A. S. DOLLARD.
Major.
Civil Affairs Branch.

Lt. Colonel G. G. Hannaford.
Legal Sub-Commission, A.C.C.

25A

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rm.

ACC/4149/L

27 Aug 44.

SUBJECT : Decree on unlawful sale of liquor.

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

1. Following yesterday's telephone conversation (Lt. Col. Hannaford- Dott. Bonelli) it is confirmed that the text which will be presented by Your Excellency to the Council of Ministers for approval will be the original text as submitted by you and not the one modified by Ministry of Interior.

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

(240)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4149/L.

CS/gb.
25 Aug 44.

SUBJECT : Draft decree increasing penalties for
unlawful sale of liquor.

TO : R.C. & H.Q. SECTION.

1. Further to your 307/146/OA of 16 Aug 44.
2. This Sub-Commission is now informed that the Ministry of Interior has suggested and the Ministry of Justice -- agreed to a new formulation of the above draft decree which follows more closely the established drafting technique of the Italian emergency legislation.
3. The new draft will be submitted for approval in the next session of the Council of Ministers to be held next Thursday and will be published immediately thereafter. In Minister's estimate the draft will become law within the next 10 days.
4. Enclosed a translation of the operative clause of the draft.

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

(24B)

ARTICLE 1.

The penalties fixed by Art. 665 of the Penal Code shall be doubled in cases involving public establishments for retail sale or consumption of wine, beer, or liquor contemplated by Art. 86 of the Consolidated Text of Public Safety Laws approved by R. Decree N°773 of 18th of June 1931.

23 AGO 1944

(23A)

SCHEMA DI DECRETO LEGISLATIVO CONCERNENTE AUMENTO DI PENE
PER L'ESERCIZIO ABUSIVO DI BEVANDE ALCOOLICHE.

UMBERTO DI SAVOIA
Principe di Piemonte

Luogotenente Generale del Regno

In virtù dell'autorità a Noi delegata;

Visti gli art. 86 del Testo Unico delle leggi di pubblica sicurezza; approvato con R.D. 18 giugno 1931, n. 773 e 635 codice penale;

Visto l'art. 4 del decreto legge luogotenenziale del 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Ministro per la Grazia e Giustizia, d'intesa con il Ministro per l'Interno;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Articolo unico

Le pene stabilite dall'art. 635 del codice penale, quando si tratti di esercizi pubblici preveduti nell'art. 86 del Testo Unico delle leggi di pubblica sicurezza, approvato con R. decreto 18 giugno 1931, n. 773, nei quali si vendono aggiuntato o si consumano vino, birra o liquori, sono raddoppiate.

Il presente decreto entra in vigore il giorno successivo a quello della pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo, a chiunque spetti, di osservare il presente decreto

Visti gli art. 66 del Testo Unico delle leggi di pubblica sicurezza; approvato con R.D. 18 giugno 1931, n. 773 e 635 codice penale; Visto l'art. 4 del decreto legge luogotenenziale del 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Ministro per la Grazia e Giustizia, d'intesa con il Ministro per l'Interno:

ABBIAMO SANZIONATO E PROMULGHIAO QUANTO SEQUE:

Articolo unico

Le pene stabilite dall'art. 665 del codice penale, quando si tratti di esercizi pubblici preveduti nell'art. 66 del Testo Unico delle leggi di pubblica sicurezza, approvato con R. decreto 18 giugno 1931, n. 773, nei quali si vendono aliquoti e si consumano vino, birra o liquori, sono raddoppiate.

Il presente decreto entra in vigore il giorno successivo a quello della pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Roma, 11

*Approved 2 hrs
in meeting 4/4
25 July 44
one*

*the
W. J. M. Benda
for
original
plus final
copy
25 July 44*

Pena detentiva

(22A)

Il primo tento presentato aumentava la pena detentiva
 (arresto), o fissando un minimo e raddoppiando

il massimo.

Il secondo tento ottiene lo stesso effetto riponendo al
 massimo, ma non oltre un minimo.

Pena pecuniaria

Il primo tento presentato fissava la pena pecuniaria
 nel minimo (lire 1000), ma non ne aumentava ^{il} il
 massimo.

Il secondo tento ^{raddoppia} ~~aumentava~~ la pena ~~detentiva~~, ma

Il condato tento ottenere lo stesso effetto riprendendo al massimo, ma non già un minimo.

Pena pecuniaria

Il primo tento presentato fissava la pena pecuniaria nel minimo (lire 1000), ma non ne aumentava ²⁰ il massimo.

Il condato tento ~~addebi~~ ^{radoppiare} la pena ~~stessa~~ usq, ma massima non già un minimo.

° °

Ritengo preferibile il condato ~~stesso~~ tento, che au-
menta la pena come desiderato (anche quella pecu-)

niana), ma senza la possibilità, per casi meno gravi,
di un minimo come quello preveduto dalla legge
ordinaria (cique giorni di arresto, venti lire di am-
menda).

Inoltre il "raddoppiare", "triplicare", ecc. corrisponde
a una pena normalmente spinta nella legislazione
speciale di guerra.

Primo l'atto ammesso dal Comandante
della due pena - peccato no.

25 Aug 44

manda/.

Hothe il "radloffiare", "Kipliare", ecc. corrisponde
a una prassi normalmente tipica nella legislazione

speciale di prassi.

Primo l'atto ammesso da accumulazione
della due parti - Primo no.

25 Aug 44



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'ERBE

IL COMMISSARIO FEDERALE

21A

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4149/L.

/gb.
19 Aug 44.

SUBJECT: Draft decree on unlicensed sale of liquor.

TO: H.E. the Minister of Pardon & Justice.

1. This Sub-Commission wishes to stress again the urgent need for a speedy enactment of the above draft decree.

G. G. Hannaford

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

Copy to ACC/4104/L.

(20A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

File ✓
ACC/4149/L.

/gb.
19 Aug 44.

SUBJECT: Draft Decree increasing penalties
for unlawful sale of liquor.

TO: Director, Interior Sub-Commission.

1. The Minister of Justice informs this Sub-Commission that he transmitted the above draft decree to the Ministry of Interior for approval about 10 days ago.

2. H.Q. AAI and RC & M.G.S. are pressing for immediate enactment of the above draft.

3. This Sub-Commission would appreciate it if you could contact the Minister of Interior with view of obtaining a speedy action on the decree.

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

21

Copy to RC & M.G.S.
File ACC/4104/L.

(19A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4149/L.

/gb.
19 Aug 44.

SUBJECT: Draft Decree increasing penalties
for unlawful sale of liquor.

TO: R.C. & M.G. SECTION.

1. The above draft decree was returned by this Sub-Commission to the Ministry of Justice for publication the same day on which your approval was communicated to this Sub-Commission.

2. At the meeting held on 17 Aug 44 the Minister of Justice informed this Sub-Commission that the draft had to be sent for approval of the Ministry of Interior and promised to take all steps necessary for speedy enactment.

3. The Secretary of the Minister's Cabinet was contacted by telephone on 18 Aug 1944 in this matter and a letter of reminder written to the Ministry on the same day.

4. Enclosed a copy of a letter addressed to the Interior Sub-Commission.

5. Kindly excuse the delay in answering your 307/146/CA of 16 Aug 44.

26

G.G. HANNAFORD,
Lt. Col.,
Officer in Charge Italian Branch
for Acting Chief Legal Officer.

Enclosed: Copy to File ACC/4104/L.

40149 ✓
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. AND M.G. SECTION
APO 394

(18A)

File

Ref/307/146/CA

16 August 1944.

SUBJECT: Control of Wine Shops.

TO : Legal Sub-Commission, A.C.C.
(attention Lt. Colonel Hannoferd).

1. We have been asked by Headquarters A.A.I. whether the decree to which we gave approval in our letter 31 July ref/307/141/CA had been published.
2. Would you please inform us if the decree has been made official.
3. If it has not yet been made official would you please take steps to have it published so that we may inform Headquarters A.A.I. of this action.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian

CL RKs

WAS J. J. J. J. J.

for NORMAN E. FISKE.
Colonel.
Deputy Executive Commissioner.

25

UMBERTO DI SAVOIA
Principe di Piemonte
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;
Visti gli art. 86 del T.U. delle leggi di pubblica sicurezza,
za, approvato con R.D. 18 giugno 1931, n. 773 e 665 cod. pen.;
Visto il D.L.L.
Visto il R.D.L. 30 ottobre 1943, n. 2/B;
Visto il R.D.L. 29 maggio 1944, n. 141;
Vista la deliberazione del Consiglio dei Ministri;
Sulla proposta del Ministro di Grazia e Giustizia, d'intesa
con il Ministro dell'Interno;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Articolo Unico

Le pene stabilite dall'art. 665 cod. pen., in relazione all'art. 86 del T.U. delle leggi di pubblica sicurezza, approvato con R.D. 18 giugno 1931, n. 773, per l'esercizio, senza licenza del Questore, dei locali in cui si vendono al minuto o si consumano vino, birra o liquori, sono sostituite con l'arresto da un mese a un anno e con l'ammenda da lire 1.000 a lire 5.000.

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione sulla Gazzetta Ufficiale del Regno.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a.....

2.

~~61-61~~

Not for



RCMA Sec

when the decree

published in G.U.²³

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

Tel. No. 478525
ACC/4149/L

ART/ap
4 Aug 44

SUBJECT : Draft decree on unlicensed sales
of liquor etc.

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

1. Enclosed as requested copy of the above draft decree.
2. May the copy please be returned to this Subcommittee ?

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

S/cap

(SA)

ACC/4149/L

3 Aug 44

SUBJECT: Draft decree increasing penalties for illegal
sales of liquors etc.

TO : The Minister of Pardon and Justice

This sub-commission has the honour to inform Your Excellency that
the above draft decree has been approved.

A. R. Thackrah

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

Copy to : File ACC/4102/L

21

4149 ✓
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Phone:
470695

14A
Lepel
-2 Aug 1944

Ref/307/141/CA.

51 July 1944.

SUBJECT: Wine Shops etc. - Control of.

TO : Admin. Section (for Legal Sub-Commission)

12A
With reference to your 4149/L of 27 July 1944,
the draft Decree is approved. The proposed Decree has been
forwarded to AAI for their information.

LEGAL SUBCOMMISSION	
CLC	
SEC	
Chief Counsel	
CIO	
Personnel Section	
Adm. Sec.	
Legal Sec.	
Training Sec.	
Public Affs. Sec.	
Records Sec.	
Gen. Sec.	

Stewart Keating Maj
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

4149 ✓
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

134
Legal
-2 AUG 1944

Ref/307/142/CA.

31 July 1944.

SUBJECT: Wine Shops etc. - Control of.

TO : HQ. Allied Armies in Italy.

1. Reference your 5128/A(PB) of 23 May 1944 and this HQ letter 307/114/CA of 5 June 1944 addressed to you.

2. The draft Decree referred to in para.3 of the above letter has now been prepared by the Italian Government and is ready for publication. Whereas the present law penalizes infringement of the licensing laws by imprisonment up to 6 months or by a fine up to 5000 lire the proposed decree imposes the penalty of imprisonment for the term from one month to one year and a fine from 1000 to 5000 lire. Thus the new law would :

- (a) provide for cumulative rather than alternative imposition of imprisonment and fine,
- (b) increase the term of imprisonment from 6 months to one year,
- (c) fix a minimum fine and a minimum term of imprisonment to be inflicted.

3. A copy of the draft decree is attached for your perusal.

W. J. P. L. E.
Brigadier,
Executive Commissioner,
For A/Chief Commissioner.

✓ Copy to: Admin. Section (for Legal Sub-Commission)

Incl
as above

Tel. No. 78525

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ES/ap

ACC/4149/L

27 Jul 44

SUBJECT : Wine Shops, etc. - Control of.

TO : Executive Commissioner.

1. Reference is made to your 307/114/CA of 5 June 1944 directed to HQ AAL.

2. The draft decree referred to in para 3 of the above letter has now been prepared by the Italian Government and is ready for publication. Whereas the present law penalizes infringement of the licensing laws by imprisonment up to 6 months or by a fine up to 5000 Lire the proposed decree imposes the penalty of imprisonment for the term from one month to one year and a fine from 1000 to 5000 Lire. Thus the new law would:

- (a) provide for cumulative rather than alternative imposition of imprisonment and fine.
- (b) increase the term of imprisonment from 6 months to one year
- (c) fix a minimum fine and a minimum term of imprisonment to be inflicted.

3. Kindly advise this Subcommittee at your earliest convenience whether or not the draft meets your approval so that the decree can be published in the Gazzetta Ufficiale and implemented in Military Government territory.

4. A copy of the draft decree is enclosed herewith.

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

Article I

The penalties established by Art. 665 of the Penal Code in relation with Art. 86 of the Consolidated Text of the Public Safety Laws approved by R.D. 18 June 1931 no. 773, for conducting, without a license of the Questor, a place of business for retail *sale* or for consumption of wine, beer or liquor, are substituted by the penalties of imprisonment (arresto) from one month to one year and by a fine from 1000 Lire to 5000 Lire.

4149. 0 file.

0

10A

For Reg 3 order No 56 on this
subject see file 4120/L.

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

Ref/307/114/CA

5 June 1944

SUBJECT: Wine Shops, etc. - Control of.

TO : HQ AAI.

Reference your 5123/A(PB) of 23 May 44.

1. The sale of intoxicating liquor without a license is punishable under Italian Law by fine or imprisonment.
2. Licenses are issuable by the Questore, and in Military Government territory of Italy he can be instructed not to grant additional licenses. In Italian Government Territory a request to the same effect would without doubt receive favorable action.
3. Penalties for infringement of the licensing laws are not very severe, and an urgent request has been made to the Italian Government to increase them. A Decree to this effect would be enforceable only in Italian Government Territory unless extended to Military Government territory.
4. The duty of enforcing the law falls on Prefects and Questore. In occupied territory their activities can be directed, and in Italian Government territory there will probably be little difficulty in obtaining co-operation.
5. In areas in which trouble is particularly to be anticipated, it would appear to be desirable for the local ASP, Public Safety Officer, Questore, and Civil Police to meet to decide the plan of action which will best meet local conditions and to advise (or instruct) Italian Officials as to how they can best co-operate in reducing crimes arising through excessive drinking.
6. Licenses can be suspended or revoked by the Questore in case of disturbance or brawls, which is a valuable aid to enforcement.
7. In Military Government territory a Provincial Order would suffice to empower Questore to suspend or revoke licenses for supplying drink to:
 - (a) soldiers during hours prohibited by the military,
 - (b) persons who are already intoxicated, and
 - (c) houses within a stated distance of camps, etc.

8. The licensing laws, while not so comprehensive as those in England and the United States, are fairly satisfactory if adequately enforced.

For the Chief Commissioner:

M. S. Lush

M. S. LUSH,
Brigadier,
Executive Commissioner.

ACB/eah

Copy to:- Admin. Section for Legal Sub-Comm.,
Reference your ACC/4149/L of 3 June 1944.

LEGAL SUB-COMMISSIO	
CLO	☒
DCLO	☒
Chief Counsel	☐
CJO	☐
Italian Section	☒
CL RKS	☐

Seen 16/8/44

Info.

14

8A

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/4149/L

3 June 44

SUBJECT : Wine Shops etc - Control of.

TO : EC & MG Section.

- 1 Reference AAI/5123/A(PB) dated 23 May 44, enclosure "A". This letter appears to have been delivered in this Section without clearance through your office to which it was addressed.
- 2 A draft reply is forwarded for your approval, enclosure "B", also copy of the minute from Legal Sub-Commission, enclosure "C" for your information. The matter has been cleared with the Public Safety Sub-Commission who agree the draft reply.

[Signature]
Colonel,
for VP Admin Section.

Incls: (a) AAI/5123/A(PB) dated 23 May 44, original.
(b) Draft reply.
(c) ACC/4149/L dated 31 May 44 (copy).

13

8 B
ENCL "B" to ACC/4149/L
Dated 3 June.

HEADQUARTERS
 ALLIED CONTROL COMMISSION
 APO 394
 ADMINISTRATIVE SECTION

ACC/4149/L

4 June 44.

SUBJECT : Wine shops etc - Control of.

TO : HQ AAI.

Reference your 5128/4(PB) of 23 May 44.

- 1 The sale of intoxicating liquor without a license is punishable by fine or imprisonment.
- 2 Licenses are issuable by the Questore and in Occupied Italy he can be instructed not to grant additional licenses. In Italian Government Territory a request to the same effect would without doubt be acceded to.
- 3 The penalties for infringements of the licensing laws are not very severe. An urgent request has been made to the Italian Government to step up the penalties. A decree to this effect would be enforceable only in Italian Government Territory unless extended to occupied territory.

4 The duty of enforcing the law falls on Prefetto and Questore. In occupied territory their activities can be directed; in Italian Government territory there will probably be little difficulty in obtaining co-operation.

5 In areas in which trouble is particularly to be anticipated, it would appear to be desirable for the local APK - Public Safety Officer - Questore and Civil Police to meet to decide the plan of action which will best meet local conditions and to advise (or instruct) Italian Officials as to how they can best co-operate in reducing crimes arising through excessive drinking.

6 Licenses can be suspended or revoked by the Questore in case of disturbance or brawls, which is a power very useful to be exercised.

7 In occupied territory a Provincial Order would suffice to empower Questore to suspend or revoke licenses for supplying drink to

- (a) soldiers during hours prohibited by the military,
- (b) to persons who are already intoxicated, and
- (c) to houses within a stated distance of camps etc.

8 The licensing laws while not so comprehensive as those in England are fairly satisfactory if enforced.

12

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 - (c) to houses within a stated distance of camps etc.
- 8 The licensing laws while not so comprehensive as those in England are fairly satisfactory if enforced.

M. S. LUSH,
Brigadier,
Executive Commissioner, A.C.C.

ENCL "B" to ACC/11149/L
dated 3 June.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/11149/L

4 June 44.

SUBJECT : Wine shops etc - Control of.

TO : HQ A.C.C.

Reference your 5126/A(P29) of 23 May 44.

- 1 The sale of intoxicating liquor without a license is punishable by fine or imprisonment.
- 2 Licenses are issuable by the Questore and in Occupied Italy he can be instructed not to grant additional licenses. In Italian Government Territory a request to the same effect would without doubt be acceded to.
- 3 The penalties for infringements of the licensing laws are not very severe. An urgent request has been made to the Italian Government to step up the penalties. A decree to this effect would be enforceable only in Italian Government Territory unless extended to occupied territory.

4 The duty of enforcing the law falls on Prefects and Questore. In occupied territory their activities can be directed; in Italian Government territory there will probably be little difficulty in obtaining co-operation.

5 In areas in which trouble is particularly to be anticipated, it would appear to be desirable for the local A.P. - Public Safety Officer - Questore and Civil Police to meet to decide the plan of action which will best meet local conditions and to advise (or instruct) Italian Officials as to how they can best co-operate in reducing crimes arising through excessive drinking.

6 Licenses can be suspended or revoked by the Questore in case of disturbance or brawls, which is a power very useful to be exercised.

7 In occupied territory a Provincial Order would suffice to empower Questore to suspend or revoke licenses for supplying drink to
(a) soldiers during hours prohibited by the military,
(b) to persons who are already intoxicated, and
(c) to houses within a stated distance of camps etc.

8 The licensing laws while not so comprehensive as those in England are fairly satisfactory if enforced.

2. Licenses are issued by the Questore and in occupied Italy no one is instructed not to grant additional licenses. In Italian Government Territory a request to the same effect would without doubt be acceded to.
3. The penalties for infringements of the licensing laws are not very severe. An urgent request has been made to the Italian Government to step up the penalties. A decree to this effect would be enforceable only in Italian Government Territory unless extended to occupied territory.
4. The duty of enforcing the law falls on Prefects and Questore. In occupied territory their activities can be directed; in Italian Government territory there will probably be little difficulty in obtaining co-operation.
5. In areas in which trouble is particularly to be anticipated, it would appear to be desirable for the local APs - Public Safety Officer - Questore and Civil Police to meet to decide the plan of action which will best meet local conditions and to advise (or instruct) Italian Officials as to how they can best co-operate in reducing crimes arising through excessive drinking.
6. Licenses can be suspended or revoked by the Questore in case of disturbance or brawl, which is a power very useful to be exercised.
7. In occupied territory a Provincial Order would suffice to empower Questore to suspend or revoke licenses for supplying drink to
- (a) soldiers during hours prohibited by the military,
 - (b) to persons who are already intoxicated, and
 - (c) to houses within a stated distance of camps etc.
8. The licensing laws while not so comprehensive as those in England are fairly satisfactory if enforced.

M. S. LUSH,
Brigadier,
Executive Commissioner, A.C.C.

(7A)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ATC/gmf

ACC/4149/1

31 May 1944

SUBJECT: Wine Shops and Control of.

TO : Administrative Section.

1. Reference is made to letter No. AAI/5128/1(PO) at folio 6A dated 23 May 44 and particularly to para 3 thereof.

2. The sale of alcoholic liquor is regulated in Italy by the provisions of Chapter 2 Arts 86 et seq of the "legge di Pubblica Sicurezza" of 18 June 1931 No. 773. The responsibility of enforcing these laws in each province falls upon the Prefect and the Questore, and in municipal districts on the Police officer in charge of Public Security or the Mayor (Sindaco). The agents of execution are the police.

3. The sale of intoxicating liquor and other drink by private persons without a license is forbidden, being punishable with imprisonment from 2 months to 1 year and a fine of L 5,000.

Articles 86 and 87 of the above-quoted law provides in substance as follows:

Art. 86 - (Art. 84 Consolidated Text 1926) - Except by licence of the Questore no person shall carry on the business of any hotel, including cloak-rooms, inn, boarding house, restaurant, wineshop, cafe or any other place in which wine, beer, alcoholic liquor or even non-alcoholic beverages are sold by retail or are consumed, nor any public billiard room or other establishment for lawful games or any public baths, any public garage for motor vehicles or carriages or any public stables or the like.

Such licence is also necessary for the retail sale or consumption of wine, beer or any other alcoholic beverage by any society or club of any kind whatsoever even though the sale or consumption be restricted to members only.

Art. 87 - (Art. 85 Consolidated Text 1926) - The hawking of alcoholic beverages of any degree whatsoever is forbidden.

4. The most efficacious direct action would appear to be for the military authorities to insist on the Prefects, Questori and Mayors giving strict injunctions that the Police enforce the laws, and for the Allied Military Police forces to be informed as to the nature of Italian law so that they may be in a position to keep a check upon the activities of the Italian police, and place out of bounds all establishments guilty of infraction.


A. H. THACKERAY, Major
for Chief Legal Officer.

C O P Y

ENC. "A"

SUBJECT : Wine Shops etc - Control of.RESTRICTED.

HQ ALLIED ARMIES IN ITALY

AAI/5126/A(Ps)

23 May 44

Executive Commissioner,
ACC

- 1 From examination of military crime statistics it is clear that a large proportion of offences are due to excessive drinking of wine.
- 2 It is desired therefore to take all possible steps to control the sale of wine in areas where Tps are located. HQs Districts have already been in touch with your local authorities on the question and various plans are being put into operation.
- 3 One of the chief sources of difficulty is the ordinary house which suddenly commences to sell wine to soldiers. It would be appreciated if this HQ could be informed of the exact legal situation, both in King's Italy and in occupied Italy, in regard to such action. Presumably there are licensing laws and an ordinary person is not entitled suddenly to convert a private dwelling into a wine shop.
- 4 If this is correct, we should like to have your advice and assistance in the conduct of a general campaign to stop this practise.

C.H. PATON,
Brigadier, IAC.

CHP/2A.

File in 4449

SA

HEAD HEADQUARTERS
ALLIED CHARGE COMMISSION
Legal Subcommittee
APO 394

GDU/smf

ACC/4449/25

8 May 1944

SUBJECT: Position of Military Authorities in Unoccupied Territory.

TO : Executive Commissioner, ACC.

4A, B, C

1. I enclose copy of a letter sent to me from P.O. Potenza and enclosures. These were sent to me direct as a result of my request when visiting Major Nicholls at Potenza last Friday.

2. The communications by 52 Area Command ought, I think you will agree, never to have been made by them direct to the Italian authorities and contravenes Para. 2 of Administrative Instruction No. 6 issued by HQ AAI Admin. Echelon on 15 March (See AAI/3064/A(0)).

3. It is submitted that it is essential that all such communications be made through ACC for two reasons.

(a) Nothing is more harmful to relationship between ACC officers in the field and local Italian authorities than to have another body issuing requests and instructions to such local authorities.

(b) The wishes of the Military Authorities can be transmitted to the Italian local authorities far more efficiently through ACC. The Prefect or questore can be asked to pass the appropriate ordonnance and so on as to put the matter on a proper footing. This was done, you will recall, when 56 Area wanted to restrict the sale of wine and wrote to ACC asking them to take the necessary steps (See enclosure to your 307/46/CA dated 5 April).

4. For the above reasons will you please ask HQ AAI to instruct 52 Area to discontinue their present practice and channel all such requests through the appropriate ACC authority.

G. R. UPJOHN
Colonel
Chief Legal Officer.

Copy to: P.O. Potenza.

File Acc/4449/L ✓

ALLIED CONTROL COMMISSION
POTENZA PROVINCE

Potenza, 5 May 1944.

(4B)

To : HQ, A C C - SALERNO - (for Chief Legal Officer)
From : Major H.R. NICHOLS - Provincial Commissioner - POTENZA -
SUBJECT - Sale of Wine.

I enclose herewith copies of correspondence re. sale of Wine to Allied Forces from P^o 32 area who it appears deal direct with Civilian Authorities.

Please advise me whether I should be in order in insisting that in this Province such instructions should be issued by A C C.

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CLERKS	☐

Enc.

ve/

MAJOR
PROVINCIAL COMMISSIONER
POTENZA

See SA
Any action please?
NO

COPY

SUBJECT: Sale of Wine to Allied Forces.

A/30/3

To:- 46 Town Major
59 Town Major

4A

1. Copies of correspondence addressed to the Italian Authorities in Toronto are sent herewith for your information.

2. You will find, with the arrival of warm weather, that there is more evidence of over indulgence amongst Allied troops.

3. It will be necessary therefore to instruct the local Authorities on the whole subject of the sale of wine and to take such steps as you think fit to limit places where it can be sold.

4. EPI in Toronto are arranging to manufacture Ice Cream and provide Orange and Lemon Squash in the Canteens and you should therefore get in touch with the EPI Supervisor of your Canteens and arrange for such supplies.

5. There is no objection to local manufacture of Ice Cream provided it is approved by HyE and provided it is made from the materials supplies by EPI.

(Sgd)

Thomas C. Mosinson.

Lt. Col: AA & AM

51 Area

CMF.
28 Apr: '44

TGB/THC.

COPY TO 242 Town Major

WFOI. (2)

COPY

SUBJECT: Sale of wine to Allied Forces

To:- 1. 11 Comm 416 Military Hospital.

A. 30/3.

1. Reference conversation with Commanding Officers of this morning considerable concern is felt about the obvious increase in the sale of wine to Allied troops.

2. The practice of buying wine in bottles is forbidden and as you are aware, Billings have been exhibited in this prohibiting this practice.

3. It is under stood that a number of a military license for the sale of wine have been recently issued and as this is a point of jurisdiction is up to you, you are requested to investigate the same and if licences are issued and that this is provided with a list of wine permitted to sell wine.

(Sgd) Thomas C. Rosinson.
Lt. Col: A1 & A2
52 Area

OUR
28 Apr: '44
TCC/THC
COPY TO 44. Town Major
ENCL. (2)

SUBJECT: Sale of wine to 14 1st forces
TO: -- II Comd Ete Military Merituro.

A. 30/3.

1. Reference conversation with Comandante Vicetur of this morning concerning the concern is felt about the obvious increase in the sale of wine to 14 1st fcs.

2. The practice of buying wine in bottles is forbidden and as you are aware, bills have been exhibited in 1st fcs to prohibiting this practice.

3. It is understood that a number of a national license for the sale of wine have been recently issued and as this is present practice is an estimate, but a regulation to a sale to 14 1st fcs. Licenses are issued and that this is a list of those cafes and shops where at present permitted to sell wine.

4. It is also understood that there has been a marked increase in the amount of wine which is being surreptitiously sold to private houses and you are further requested to take strict steps to stamp out this practice.

5. A copy of a letter furnished by the DAIM of this Area to R. Comandante is enclosed for your information.

(Signed) ?

UNRECORDED
Comander
52 Area

C.I.V.
28 Apr: '44
TCC/THC.
Copy to:-- WOLC
R.O.
THC.

COPY

SUBJECT: Sale of wine to Allied troops.

4c

IRG/34/23.
28 Apr. '44

R. Quasture.

1. Further to my letter IRG/34/21 dated 23 Apr. 44.

The British Military Command has expressed grave concern that various businesses, that do not normally stock wines for sale, are now being permitted to sell wine, and instructs that this practice shall cease forthwith.

2. An order is being published prohibiting members of the Allied Forces purchasing wine in bottles or larger quantities.

3. Members of the Allied Forces in possession of wine in bottles will be apprehended by the GNP and the wine confiscated and destroyed.

4. You are therefore requested to arrange:-

(a) That so far as concerns sales to Allied Forces, only the following businesses shall be permitted to sell wine in bottles or bulk to accredited members of Unit Messes, who will present an authority to purchase, issued by their Unit:-

(i) Wine Merchants.

(ii) Dry Grocery Stores.

(b) That Cafes and Restaurants which are "in bounds" to Allied Troops, sell wine for consumption by Allied Troops on the premises only.

(c) That firm punishments be inflicted on civilians, who sell wine to Allied Troops in their houses, or in the neighbourhood of camps.

(d) That businesses, other than Wine Merchants, Dry Grocers, Cafes and Restaurants, shall be considered "Unauthorized" for the sale of wine.

(e) That no further licences shall be issued for the sale of wine.

5. Area HQ today requested the Commandante Militaire Maritime to furnish a list of all shops in Tientsin which are at present licensed to sell wine.

(2) That so far as concerns sales to Allied Forces, only the following businesses shall be permitted to sell wine in bottles or bulk to accredited members of Unit Messes, who will present an authority to purchase, issued by their Unit:-

(i) Wine Merchants.

(ii) Dry Grocery Stores.

(b) That Cafes and Restaurants which are "in bounds" to Allied Troops, sell wine for consumption by Allied Troops on the premises only.

(c) That firm purveyors be initiated on civilians, who sell wine to Allied Troops in their houses, or in the neighbourhood of camps.

(d) That businesses, other than Wine Merchants, Dry Grocers, Cafes and Restaurants, shall be considered "Unauthorized" for the sale of wine.

(e) That no further licences shall be issued for the sale of wine.

5. Area HQ today requested the Command to Military Maritime to furnish a list of all shops in Tarant, which are at present licensed to sell wine.

(Sgd) S.H. BOND, Capt:

D.A.F.M.

HQ. 155 Area.

Field.

FILE

0
HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

12 April 1944

ACC/4115/L

SUBJECT : Sale of liquors to Allied Troops.

TO : RLO, Region I (thru R.C.) .

1. Ref. 307/46/CA .

2. This Sub-Commission has been requested by RG and RC to advise your Region in relation to the above following *an enquiry* forwarded by H.Q. 56 Area .

3. As you are aware, this question is regulated by the provisions of Chapter 2 Arts. 86 and following of the Legge di Pubblica Sicurezza 28 and consequently the "questura" and Municipal authorities should be requested to comply with the wishes of H.Q. 56 Area and issue the necessary ordinances .

G. G. HADFIELD,
Major,
Officer i/c Ital. Section
for Chief Legal Officer .

Copy to : Region II for information .

5.

4115
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

8 APR REC'D

2859

2A

Ref/307/4B/CA.

8 April 1944.

SUBJECT: Licensing Hours for Allied Troops.

TO : R.C. Region I.

1. Copy of a letter from H.Q. 56 Area on the above subject addressed to this H.Q. is forwarded.
2. Would you please state whether action as required has been taken or is being contemplated by you. It is considered that all assistance possible should be rendered to H.Q. 56 Area in this matter.

Handwritten: Handed to what Powers of Prefects to issue licenses?

Incl.
56A/118/16/A
dtd 30 Mar 44.

Handwritten: Prefects

Handwritten: J.W. Swift Lt Col

NORMAN E. FIERKE
Colonel,
Deputy Executive
Commissioner.

Copy to: H.Q. No.1 District. ✓
Admin Section - For Legal Sub-Commission.
(My letter 307/46/CA of
5 April 44 is hereby
cancelled.) ✓

Handwritten: 1A

Handwritten: 3

4115
✓

Legal
1A

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

Want for letter to come
I have telephoned for it.

Ref/307/46/CA.

5 April 1944

SUBJECT: Liquor Sales to Allied Troops.

TO : V.P. Admin. Sect. (for Legal Sub-Commission)

1. Headquarters 56 Area, which covers the territory of Region I, invites our attention to RO 297/43 which provides alcoholic liquor may only be sold by licensed retailers to Allied troops, between the hours of 1700 and 1950 daily.
2. We are requested to have an order issued to civilian authorities to prosecute proprietors of establishments who violate this order.
3. Will you please consider if such an order or directive is applicable to Region I; and if so write the RLO of Region I relative thereto.
4. Please advise this Headquarters of Action taken.

Completed
800-2A

For [Signature]
Colonel
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

2

(18)

56A/118/16/K.

SUBJECT : Licensing Hours for Allied TroopsAllied Control Commission

1. Attention is drawn to RO 297/43, whereby alcoholic liquor may only be sold by licensed retailers to Allied troops between the hours of 1700 and 1930 daily.
2. The Area Commander has directed that any premises on which infringements of this order occur will be placed "Out of Bounds and Off Limits" to all Allied troops.
3. He also requests that an order be issued to the civilian authorities to prosecute the proprietors of all establishments, which sell alcoholic liquor to military personnel outside these hours.

Lt. Col.
AA 2QM.2.
H.Q. 56 Area.

In the field.
30 Mar 44.

Copy to : HQ No 1 District
Pro 56 Area.

