

ACC

10000/142/901

PROCLAMATI
MAY-SEPT.

10000/142/901

PROCLAMATIONS IN VENEZIA GIULIA
MAY-SEPT. 1945

V.P.C.A.S.

Will you please sign the attached reply to SSA.

Legal S/C.

3 Sept. 45

W. J. [unclear] Coe
C.P.A.

106

Chief Commissioner.

4A

1. Page 2 from Col. Behrens on the VENEZIE GIULIA Proclamation No. 1 is submitted for your information. As you will see, the only amendment suggested by Col. Hammond to which Col. Behrens really takes objection is in the first line of the Proclamation, i.e. addressing it to "the people of those parts of VENEZIE GIULIA which are occupied by the Allied Forces."

2. I think that the Proclamation should be addressed to the people of VENEZIE GIULIA, as originally drafted.

26 May 45.

8'2

Encl. (11.1)
Chief Staff Officer,
To the Executive Commissioner.

F.L.

Let it go as revised by G-5. Tito is
an Ally. It is not limited to "Allied
Forces under my Command," as G-5 intends
it to be!

26/5

JWC
cc

63

100

CAS (4 Sept 45)

Means see + w/ above

Encl. 11.1
cc to Encl.

28/5

26 May '45.

82

Chief Staff Officer,
To the Executive Commissioner.

E.C.

Let it go as revised by G-5. Tito is
an ally. It is not limited to "Allied
Forces under my Command," as G-5 intends
it to be!

28/5

JWD
cc

82

103

CAS (to keep 810)

Please see + w/ above

Ex. 111
C-5 to Ex. 111

28/5

4.

VP CAS.

Letter Rec- for forwarding if approved.

10/10/45

[Signature]

5.

VP. CAS.

Repeat 4.

1 Aug 45

[Signature]

HEADQUARTERS ALLIED COMMISSION
APO 994
CIVIL AFFAIRS SECTION

AG/4188/L.

3 September 1945.

SUBJECT : Proclamation No. 6, Venezia Giulia.

TO : SCAC, VENEZIA GIULIA REGION.

In reply to your 13C/AMB/92/36 of 30 Aug 45 there are no proposed proclamations for Venezia Giulia now awaiting signature by SAC.

[Signature]
M. GARR, Brig.,
VP C. A. Sec. H. AC.

104

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

13C/AMG/92/36

30 August 1945

SUBJECT: Proclamation No. 6, Venezia Giulia.

TO : Headquarters Allied Commission. ✓

1. It is desired to correct for the record, a misstatement in your AC/4188/L of 20 August to G-5 AFHQ.

2. It is not true that I complained that the Commission had "thrust the proclamation upon (me) against (my) will".

3. In the early days here, Colonel Monfort of necessity conducted a great deal of business "in his hat". I was aware of this and therefore was careful to say merely that "no one now at this headquarters has any knowledge of the matter". This was quite true, and included the Chief Legal Officer and my deputy, both of whom were here from the beginning.

4. All communications to higher formations referred to the possibility that Colonel Monfort had given undisclosed oral instructions in the matter.

5. The sole reason for raising the issue at all was to make certain that there were no other proposed proclamations awaiting signature which were likely to cut across, or be inconsistent with, action taken locally. Advice that this is the case would be appreciated.

6. It is suggested that it would in future be well before implementing requests made two months earlier calling for personal action of the Supreme Allied Commander, to ascertain by a telephone call to this headquarters whether the need for such action still exists.



Alfred C. Bowman
ALFRED C. BOWMAN
Colonel, JAGD

Senior Civil Affairs Officer

Copy to:
B.G.S. 13 Corps
Chief Legal Officer, Hq A.C.
" " " Hq AMG 13 Corps

*Recd Legal
18 SEP 1945*

4188

Legal (SSA)

SSA

703

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

130/AMG/82/38

30 August 1945

SUBJECT: Proclamation No. 6, Venezia Giulia.

TO : Headquarters Allied Commission.

1. It is desired to correct for the record, a misstatement in your 10/4189/L of 28 August to G-8 AMG.

2. It is not true that I complained that the Commission had "thrust the proclamation upon (me) against (my) will".

3. In the early days here, Colonel Bonfort of necessity conducted a great deal of business "in his hat". I was aware of this and therefore was careful to say merely that "no one now at this Headquarters has any knowledge of the matter". This was quite true, and included the Chief Legal Officer and my deputy, both of whom were here from the beginning.

4. All communications to higher formations referred to the possibility that Colonel Bonfort had given undisclosed oral instructions in the matter.

5. The sole reason for raising the issue at all was to make certain that there were no other proposed proclamations awaiting signature which were likely to cut across, or be inconsistent with, action taken locally. Advice that this is the case would be appreciated.

6. It is suggested that it would in future be well, before implementing requests made two months earlier calling for personal action of the Supreme Allied Commander, to ascertain by a telephone call to this Headquarters whether the need for such action still exists.

102

ALFRED C. BOWMAN
Colonel, JAGD
Senior Civil Affairs Officer

Copy to:
M.G.S. 13 Corps
Chief Legal Officer, Hq A.G.
" " " " Hq AMG 13 Corps

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4188/L.

WEB/pa.
20 Aug 45.

SUBJECT : Dissolution of Fascist Organizations -
Venezia Giulia.

TO : AFHQ, G-5 .

1. As arranged with Col. Parsons during our conversation on 15 August, I have examined the circumstances in which this Sub-Commission prepared a draft proclamation for the abolition of fascist organizations in Venezia Giulia.

2. Brig UPJOHN, then VP CA Section was in Trieste during the middle of June. There he received from Colonel MONFORT, then SCAO 13 Corps AMG, a verbal request for such a proclamation, to be used as propaganda to counteract the Yugoslav suggestion of fascist bias by AMG. This request Brig UPJOHN passed on to me on his return to Rome.

3. In these circumstances the complaint of SCAO 13 Corps AMG that this Commission has thrust the proclamation upon him against his will appears to be completely without foundation.

For the Chief Commissioner :

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

Copy to : SCAO, 13 Corps AMG.

File 4188

53A

AND VERONICA GARCIA

3744

15 AUGUST 1945

URGENT

UNCLASSIFIED TO

FOR USE IN RESPONSE YOUR RIGHT AGAIN TWO TWO DASH OF FURTHER AGENT TO

FOR THE AND VERONICA GARCIA FOR NO MORE GIVE AGENT

FOR TWO TO OFFICIAL GARCIA'S POSITION THEN APPROVED AND SIGNING BY HAT TO GARCIA

REMOVED TO YOU ELITE AGENT

100

LOCAL 2/C

502

INCOMING MESSAGE
HEADQUARTERS ALLIED COMMISSION

52A

Legal

Originator's Reference: 8/227

Message Centre No: E/3911

Date/Time of Origin: AUG 141500B

Date Time Rec'd: AUG 150900

Precedence: IMPORTANT

FROM: AME 13 CORPS

TO: HQ ALCOM.

UNCLASSIFIED.

Reference letter Chief Legal Officer here of 25 July regarding official Gazette Proclamation. Has it been approved and signed by SAC (?) Urgently needed here. Please advise.

DEST

ACTION INFO
LEGAL SO
CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT



ACTION

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FM 35128

Date/Time of Origin: AUG 13 1346Z

Message Centre No: E/3045

Date Time Rec'd: AUG 11 1145

Precedence: IMPORTANT

FROM: AMB SIGNED SACRED STATE ENGINE

TO: 13 CORPS INFO ALCON ROME

SECRET

SECRET.

Rear 027.

No objection to procedure proposed by you. Matter was taken up with ALCON only at your request.

HEADQUARTERS
14 AUG 1945
A. C.

DIST

INFO-ACTION LEGAL SC
INFO CHIEF COMMISSIONER
EXEC COMMISSIONER 2
CA SEC
FILE 2
HOAT

INFO-ACTION
DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.
Chief of Staff
for Chief of Staff Officers

SECRET

Confidential

COMMISSION	
CIO	☒
DCIO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
14 AUG 1945	☐

98

COPY

4188 change

50A

FREEDOM CITE FHGEG FOR INFO XIII CORPS

3609

13 AUGUST 1945

IMPORTANT

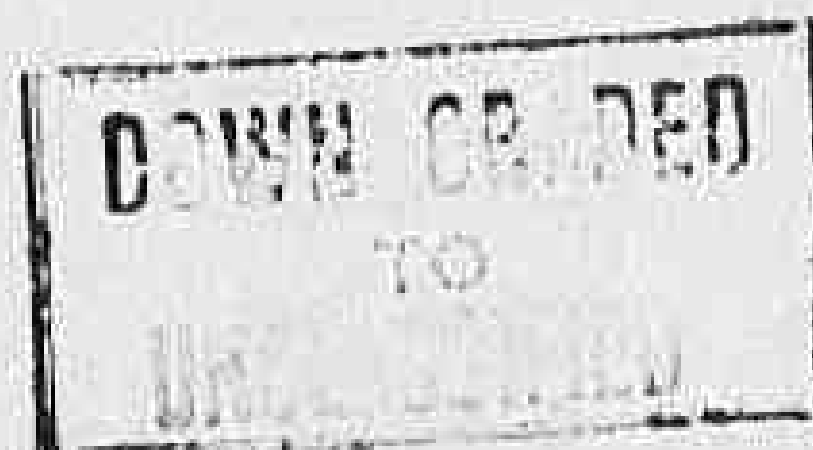
SECRET PD

PARA ONE PD PROCLAMATION NUMBER SIX DISSOLUTION OF FASCIST ORGANIZATIONS YOUR FOX XRAY THREE FOUR ONE EIGHT THREE OF TENTH AUGUST REFERS PD

PAREN TO FREEDOM CITE FOR HARRY GEORGE EASY GEORGE FOR INFO THIRTEEN CORPS FROM HQ ALCOM CITE AGCAS PAREN

PARA TWO PD NO LEGAL PROBLEM IS INVOLVED SINCE THE SUBSTANCE OF PROCLAMATION IS ALREADY CONTAINED IN ITALIAN LEGISLATION ENACTED BETWEEN TWENTY FIVE JULY AND EIGHT SEPTEMBER ONE NINE FOUR THREE AND THEREFORE EFFECTIVE IN THIRTEEN CORPS AMG AREA PD
PARA THREE PD THE POLICY QUESTION INVOLVED APPEARS TO DEPEND SOLELY ON LOCAL POLITICAL CONSIDERATIONS WHICH CAN BEST BE DETERMINED BY THIRTEEN CORPS WHO ARE IN IMMEDIATE CONTACT WITH THE SITUATION

Confidential



CIVIL AFFAIRS SECTION

437

97

Chief of Staff
for Civil Affairs Section

SECRET

Legal

49A

3607
4188
file

FX 34183
AUG 101824B

F/3434
AUG 110845
IMPORTANT

PROBATION SIGNED SACRED CITY PROSEC
ALONG ROME INFO 13 CORPS

SECRET.

1. Proclamation number 6 dissolution of Fascist Organisations.
2. In view of actual dissolution of Fascist Organisations some time ago, delay in posting proclamation which has already occurred and possibility that posting of proclamation now may look like yielding to YUGOSLAV pressure request your opinion as to whether proclamation number 6 should be posted.
3. For 13 CORPS. Proclamation number 5 subject special courts of Assize confirm receipt.

Confidential

HEADQUARTERS
11 AUG 1945

DIST
ACTION CA SEC 2
INFO CHIEF COMMISSIONER
EX COMMISSIONER 2
LEGAL SC
FILE 2
FLOAT

**DOWN GRADED
TO
UNCLASSIFIED**

→ CLO
DCLO
Chief Counsel
CIO
Italian Section
CL RKS

11 AUG 1945

SECRET

Call Int.
Chief of Staff
for Chief of Staff Office

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Original Reference: 0 27
 Date/Time of Origin: AUGUST 12/1600B

Message Centre No: F/3718
 Date Time Rec'd: AUGUST 13/1000B
 Precedence: ROUTINE

FROM: 13 CORPS
 TO : ACTION: AFHQ INFO: HQ ALCOM

SECRET

SECRET.

Reference your FX 34183 to ALCOM. Unless serious objection, have decided to print proclamation number 6 undated and publish 1 copy in each area without announcement or publicity. Receipt of proclamation 5 confirmed



Confidential

DIST

INFO-ACTION : LIGAL SC

INFO : CHIEF COMMISSIONER
 EX COMMISSIONER (2)
 CA SEC
 FILE (2)
 FLOAT

INFO - ACTION

LEG	UBICOMMISSION
CLO	hys ←
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
13 AUG 1945	

SECRET

DOWN GRADED
 TO
 UNCLASSIFIED

9

Ed. Inf.

Chief Justice
 1000B

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

47A

AC/4188/L

WEE/mb.
11 August 1945.

SUBJECT : Proclamation in Venezia Giulia - The "Gazette"

TO : SCAO, Venezia Giulia (Attn. Senior Legal Officer)

1. Enclosed herewith ^{are 2} ~~is a~~ copy of Proclamation No. 7 which has now been signed by the SAC. Also enclosed are two copies of the Proclamation in Italian.

2. May 12 copies of this proclamation please be forwarded to this Sub-Commission when printed.

By Command of Rear Admiral STONE :

Incls

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

408
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

10 AUG 1945
46A
10 AUG 1945

8 August 1945

SUBJECT: Venezia Giulia Proclamation No. 7.

TO : Headquarters, Allied Commission, APO 394

There is enclosed herewith signed original Proclamation No. 7 for Venezia Giulia submitted to this Headquarters as an enclosure to your AC/4188/L dated 1 August 1945.

10AUG1945


A. L. HAMBLER
Brigadier General, GSC
Assistant Chief of Staff, G-5

Incl:
as above

93

1932

ALLIED MILITARY GOVERNMENT

OF VENEZUELA GUYANA

PROCLAMATION NO. 7

THE GAZETTE

I, RICHARD L.L.G. ALLEN, C.B., C.S.I., D.S.O., M.C., A.D.C.,
 Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
 tions, and Military Governor, hereby proclaim as follows:

ARTICLE I

In those parts of Venezuela (Guia) occupied by the Allied Forces
 under my command (hereinafter called "the territory") there shall be
 issued from time to time under the authority of the Allied Military
 Government a publication to be known as the Allied Military Government
 Gazette (hereinafter called "the Gazette"). The Gazette shall, subject
 to the provision contained in Article IV hereof, contain copies of all
 proclamations of the Military Governor and of all Orders, Notices,
 Warnings, Directives and other instructions issued in the territory by
 or under the authority of the Allied Military Government.

ARTICLE II

All laws, decrees, instruments, notices, and other matters which by
 the laws of the territory in force on the 8th September 1941 are re-
 quired to be published in an official notification, and any other
 matters which are approved by the Allied Military Government for pub-
 lication in the Gazette, shall be published in the Gazette.

ARTICLE III

Section 1. Publication in the Gazette of any of the matters mentioned
 in Articles I and II hereof shall constitute due publication for all
 purposes and all persons in the territory shall be deemed to have notice
 thereof.

Section 2. The production of a copy of the Gazette shall be prima facie
 evidence in all courts in the territory and for all purposes of the law
 making and enforcement of all matters published therein.

Section 3. In case of any discrepancy between the English text of any
 matter published in the Gazette, and the translation thereof in another
 language then:

(a) If the matter concerned was published pursuant to Article I

I, HERMAN L.L.G. JENKINS, C.B.D., D.S.I., D.S.O., M.C., A.D.C.,
 Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
 tions, and Military Governor, hereby proclaim as follows:

ARTICLE I

In those areas of Tunisia (hereinafter called "the territory") there shall be
 under my command (hereinafter called "the territory") there shall be
 issued from time to time under the authority of the Allied Military
 Government a publication to be known as the Allied Military Government
 Gazette (hereinafter called "the Gazette"). The Gazette shall, subject
 to the provisions contained in Article IV hereof, contain copies of all
 proclamations of the Military Governor and of all orders, regulations,
 decrees, directives and other instructions issued in the territory by
 or under the authority of the Allied Military Government.

ARTICLE II

All acts, deeds, instruments, notices, and other matters which by
 the laws of the territory in force on the 1st September 1943 are re-
 quired to be published in an official notification and any other
 matters which are approved by the Allied Military Government for pub-
 lication in the Gazette shall be published in the Gazette.

ARTICLE III

Section 2. Publication in the Gazette of any of the matters mentioned
 in Article I and II hereof shall constitute due publication for all
 purposes and all persons in the territory shall be deemed to have notice
 thereof.

Section 3. The production of a copy of the Gazette shall be prima facie
 evidence in all courts in the territory and for all purposes of the law,
 making and tender of all matters published therein.

Section 4. In case of any discrepancy between the English text of any
 matter published in the Gazette, and the translation thereof in another
 language then:

(a) If the matter concerned was published pursuant to Article I
 hereof (the English text shall prevail).

(b) If the matter concerned was published pursuant to Article II
 hereof, that text shall prevail which bears the original signature of
 the author thereof.

ARTICLE IV

The matters published pursuant to Articles I and II hereof shall
 unless otherwise stated, have effect from the date of their first publica-

tion in the Gazette provided that nothing contained in this Proclamation shall be construed as affecting the validity, operation or effect of any matter which may hereafter be published under the authority of the Allied Military Government, otherwise than in the Gazette or of any Proclamation of the Military Governor or of any Order, Notice, Warning, Directive or other instruction of the Allied Military Government published before the effective date of this Proclamation.

ARTICLE V

The terms, fees and conditions for the publication in the Gazette of any matters pursuant to Article II hereof and the price (if any) for which copies of the Gazette may be sold shall be as prescribed from time to time by the Senior Civil Affairs Officer of Allied Military Government in the territory.

ARTICLE VI

This Proclamation shall become operative and have full force and effect in each area of the territory on the date of its first publication therein.

Field Marshal,
Supreme Allied Commander,
Mediterranean Theater of Operations,
and Military Governor.

GOVERNO MILITARE ALLEATO

DELLA VENEZIA GIULIA

Gazzetta No. 7

LA GAZZETTA

Io, Bartholomew A. Allen, C.S.B., C.S.I., E.S.O., M.C., A.D.C.,
Maresciallo, Comandante Supremo Alleato delle Forze Operanti nello
Scechiero Mediterraneo e Governatore Militare, con il presente
proclamo quanto segue:

ARTICOLO I

Nelle parti della Venezia Giulia occupate dalle Forze Alleate
ai miei ordini (qui di seguito denominato il "territorio") sarà
pubblicato di tempo in tempo sotto l'autorità del Governo Militare
Alleato un periodico quale Gazzetta del Governo Militare Alleato
(qui di seguito denominato "La Gazzetta"). La Gazzetta conterrà,
fatte salve le disposizioni di cui al successivo Articolo IV, copia di
tutti i Proclami del Governatore Militare nonché di tutte le Ordinanze,
Avvisi, Notifiche, Direttive ed altre Istruzioni emanate nel territorio
da o in nome del Governo Militare Alleato.

ARTICOLO II

Saranno pubblicati nella Gazzetta tutti gli atti pubblici e
privati, strumenti, avvisi e quanto altro debba essere pubblicato in
comunicato ufficiale secondo le leggi in vigore nel territorio al-
1°8 settembre 1942, nonché quanto abbia avuto l'approvazione del
Governo Militare Alleato per pubblicazione nella Gazzetta.

ARTICOLO III

Sezione 1. Le pubblicazioni nella Gazzetta di qualunque materia men-
zionata nei precedenti Articoli I e II si considerano come debite pub-
blicazioni ed ogni fine, e si ritiene che tutte le persone nel territorio
ne siano a conoscenza.

Sezione 2. Innanzi a tutti gli organi giurisdizionali nel territorio
e ad ogni effetto, la produzione di una copia della Gazzetta farà,
fino a contrarie dimostrazioni, prova della esattezza ed autenticità
di quanto ivi pubblicato.

Sezione 3. In caso di divergenze tra il testo inglese di qualunque ma-
teria pubblicata nella Gazzetta e la relativa traduzione in altra
lingua,

(c) prevale il testo inglese se trattasi di materia pubblicata
ai termini del precedente Articolo II.

Io, Enrico A.L.G. ALLENBY, G.C.B., G.S.I., D.S.O., M.C., A.D.C.,
Maresciallo, Comandante Supremo Alleato delle Forze Operanti nello
Sceccchiere Meditteraneo e Governatore Militare, con il presente
proclamo quanto segue:

ARTICOLO I

Nelle parti delle Venezia Giulia occupate dalle Forze Alleate
ai miei ordini (qui di seguito denominato il "Territorio") sarà
pubblicato di tempo in tempo sotto l'autorità del Governo Militare
Alleato un periodico quale Gazzetta del Governo Militare Alleato
(qui di seguito denominato "La Gazzetta"). La Gazzetta conterrà,
fatte salve le disposizioni di cui al successivo Articolo IV, copie di
tutti i Proclami del Governatore Militare nonché di tutte le Ordinanze,
Avvisi, Notifiche, Direttive ed altre Istruzioni emanate nel Territorio
da o in nome del Governo Militare Alleato.

ARTICOLO II

Saranno pubblicati nella Gazzetta tutti gli atti pubblici e
privati, strumenti, avvisi e quanto altro debba essere pubblicato in
comunicato ufficiale secondo le leggi in vigore nel territorio al-
1°8 settembre 1943, nonché quanto abbia avuto l'approvazione del
Governo Militare Alleato per pubblicarsi nella Gazzetta.

ARTICOLO III

Sezione 1. La pubblicazione nella Gazzetta di qualunque materia men-
zionata nei precedenti Articoli I e II si considererà come debita pub-
blicazione ed ogni fine, e si riterrà che tutte le persone nel Territorio
ne siano a conoscenza.

Sezione 2. Innanzi a tutti gli organi giurisdizionali nel territorio
e ad ogni effetto, la produzione di una copia della Gazzetta farà,
fino a contraria dimostrazione, prova della esattezza ed autenticità
di quanto ivi pubblicato.

Sezione 3. In caso di divergenza tra il testo inglese di qualunque ma-
teria pubblicata nella Gazzetta e la relativa traduzione in altre
lingue,

(a) prevale il testo inglese se trattasi di materia pubblicata
ai termini del precedente Articolo I;

(b) prevale il testo che porta in originale la firma dell'autore
se trattasi di materia pubblicata ai termini del precedente Articolo II.

ARTICOLO IV

Salvo diverse disposizioni, le materie pubblicate ai termini dei
precedenti Articoli I e II hanno efficacia e partono dalle date delle
prime pubblicazioni nella Gazzetta, inteso che nessuna disposizione contenuta
nel presente Proclama potrà essere interpretata nel senso di alterare

comunque le validità', l'esecuzione o gli effetti di quanto potrà essere in seguito pubblicato sotto l'autorità del Governo Militare. Al resto altrove che nella Gazzetta, come pure di ogni Proclama del Governatore Militare od ordinanze, Avviso, Notifica, Editto od altre Istruzioni del Governo Militare Alleanza pubblicate anteriormente alla data dell'entrata in vigore del presente Proclama.

ARTICOLO V

I termini, gli emolumenti e le condizioni per la pubblicazione nella Gazzetta di tutto quanto previsto nel precedente Articolo II ed il prezzo (se del caso) per le copie della Gazzetta messe in vendita saranno successivamente stabiliti dall'Ufficiale Capo degli Affari Civili del Governo Militare Alleanza nel territorio.

ARTICOLO VI

Il presente Proclama entra in vigore ed ha pieno effetto in ogni parte del territorio alla data della sua prima pubblicazione nelle stesse.

Maresciallo,
Comandante Supremo Alleanza
delle Forze Operanti nello Scacchiere
Mediterraneo e Governatore Militare.

HEADQUARTERS ALLIED COMMISSION
APO 394
ITAL SUB-COMMISSION

AC/4188/1.

/rlp.
2 August 1945.

SUBJECT : Venezia Giulia.

TO : Brig. A.P. Graftsey Smith, Joint Director, Finance S/C, Hq AC.

1. Reference your 15260/P of 1 August 1945, the text of Art. VII 1(b) of the document now decorating the walls of Trieste is identical with the text proposed in para. 2 of W/Cdr. Leigh-Jones' letter, down to and including the word Government in line 8.

2. If it is considered that SAC should be asked to approve a new Proclamation, I feel strongly that he should be asked to approve the present text. The additional 16 words add nothing to the sense since the Proclamation speaks only of one SAC, namely that of Venezia Giulia, and the orders and regulations of that Government are of necessity issued in and are limited in effect to that portion of Venezia Giulia under APO.

3. I do not know anything of the checkered history, but if it is necessary to publish a new Proclamation and the new Proclamation is as I suggest, it might read: "For the removal of doubts I hereby proclaim....." It is a little puzzling to the lay mind to receive an order reading:

Paragraph 1, Proclamation No. 2 is repealed.

Paragraph 2, Proclamation No. 2 is reenacted.

Even the Italians might opt for Yugoslavia in preference to bedlam.

4. The arguments put forward by RPO are almost entirely economic, and you are in a better position than I to appreciate their force. I disagree fundamentally with reason (c), since the argument raised is quite outside the scope of the Proclamation quoted.

5. I do in fact see no reason why a general and public authority should not be given in the exact words of the saving clause to Article VII 1(b) which would have the same effect as inserting this saving clause in a new proclamation.

6. As a purist, I feel some reluctance to permit the continued appearance of a deliberate forgery in an official proclamation alleged to be signed by SAC.

7. I did discuss the question with RJD recently in Trieste and in general my (unchanged) opinion is:-

a. The substance of the law to be administered is purely an economic question. I accept that as a working basis something is required along the lines of the proposed new proclamation.

b. Legally this can be accomplished by a general authority as mentioned in para. 5, and does not need a new proclamation.

c. I do not think it matters whether SAC is asked to amend his proclamation (but if he does he should be asked to "remove doubts") or whether his real proclamation is posted and public notice is given (i) that a new document has been published and (ii) that general authority for trade with Italy is afforded and (iii) that this procedure is also "to remove doubts."

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

81

AFCS/bjs

HEADQUARTERS ALLIED COMMISSION

AFPO 394

Finance Sub-Commission

1st August 1945

Tel. Ext 553

Ref: 13260/F

SUBJECT: Transactions between A.K.G. Venezia Giulia and Italy.

TO: Chief Legal Adviser,
H.Q. Allied Commission. ✓

1. At the time of the discussions on the disputed clause of Proclamation no. 2 as published in Venezia Giulia, the Chief Commissioner informed me that he was prepared, on receiving a specific recommendation from Finance Sub-commission, to press A.F.H.Q. to amend Proclamation no. 2. With this in mind I wrote to R.F.O. Venezia Giulia indicating that for the time being G-5 A.F.H.Q. were not prepared to revise the terms of the proclamation and informing him that under the Escape Clause in Article 7, Section I, the R.F.O. could proceed with a licensing procedure.

2. I attach copy of a letter which I have now received from W/Cdr. Legh-Jones giving what he considers to be good and sufficient reasons for amending the proclamation. I would point out that under the Escape Clause, he could issue a general licence which would have the desired effect, but would be somewhat anomalous in view of the specific prohibition on financial and commercial transactions in Article 7 Section I (b). Another good reason for reframing the proclamation is that the version now posted in Venezia Giulia is, as you know, signed by SACHED.

3. I shall be grateful for your comments, and your views whether we should proceed, through the Chief Commissioner, to press for a revised proclamation, or allow the existing comedy of errors to persist.

80

HEADQUARTERS ALLIED COMMISSION

AG Grassley

SUBJECT: Transactions between A.M.G. Venezia Giulia and Italy.

TO: Chief Legal Adviser,
H.Q. Allied Commission. ✓

1. At the time of the discussions on the disputed clause of Proclamation no. 2 as published in Venezia Giulia, the Chief Commissioner informed me that he was prepared, on receiving a specific recommendation from Finance Sub-commission, to press A.F.H.Q. to amend Proclamation no. 2. With this in mind I wrote to R.F.O. Venezia Giulia indicating that for the time being G-5 A.F.H.Q. were not prepared to revise the terms of the proclamation and informing him that under the Escape Clause in Article 7, Section I, the R.F.O. could proceed with a licensing procedure.

2. I attach copy of a letter which I have now received from W/Cdr. Legh-Jones giving what he considers to be good and sufficient reasons for amending the proclamation. I would point out that under the Escape Clause, he could issue a general licence which would have the desired effect, but would be somewhat anomalous in view of the specific prohibition on financial and commercial transactions in Article 7 Section I (b). Another good reason for refraining the proclamation is that the version now posted in Venezia Giulia is, as you know, signed by SACHED.

3. I shall be grateful for your comments, and your views whether we should proceed, through the Chief Commissioner, to press for a revised proclamation, or allow the existing comedy of errors to persist.

LEGAL SUB-COMMISSION	
DCLO	
Chief Counsel	
Attachment	
1 AUG 1945	

AG. Grassley

Brigadier
Joint Director
Finance Sub-commission

COPY

HEADQUARTERS
ALLIED MILITARY GOVERNMENT13 Corps
FINANCE DIVISION

Ref : 13C/AMG/FIN/3521

Trieste 26 July 1945

SUBJECT: Transactions between
AMG 13 Corps and Italy.TO : Joint Directos, Finance Sub-Commission
HQ, Allied Commission - ROME.

1. Reference is made to para 7 of your letter 13260/F dated 7 July 1945 on the above subject.

2. It is requested that appropriate representations may be made to AFHQ for Proclamation N. 2 to be amended as follows:

Article VII, Section 1, b) to read:-

"All financial, commercial or other transactions involving trade or communication of any kind with any person outside the Military Government Territory are prohibited, save only that the same may be conducted with persons in Italian Government Territory and with persons in territory in Italy under control of the Allied Military Government, provided always that such dealings are in accordance with Italian law, and provided that they do not conflict with the specific orders or regulations issued by the Allied Military Government, in those parts of the Territory of Venezia Giulia which are occupied by the Allied Forces.

3. The following reasons are submitted in support of the application:-

(a) AFHQ letter dated 11 June 1945 to GOC Eighth Army, subject Directive for Allied Military Government in that part of Venezia Giulia occupied by Allied Forces - states, para IX, sub-para

(i) "In implementing the above paragraphs you will bear in mind that it is intended the economic life of Venezia Giulia as a whole shall be impeded to the minimum".

8)
The present restrictions to impede the economic life of the territory in a grave measures as they cut off the territory from its normal source of supply which was Italy and in particular the adjacent provinces of Udine and Venezia.

No Licensing Scheme can effectively compensate the disadvantages of the present restrictions.

The basic intention of AFHQ is not being realized by the imposition of the present restrictions on the economic life of the territory.

TO : Joint Directos, Finance Sub-Commission
HQ, Allied Commission - ROME.

1. Reference is made to para 7 of your letter 13260/F dated 7 July 1945 on the above subject.

2. It is requested that appropriate representations may be made to AFHQ for Proclamation N. 2 to be amended as follows:

Article VII, Section 1, b) to read:-

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3. The following reasons are submitted in support of the application:-

(a) AFHQ letter dated 11 June 1945 to GOC Eighth Army, subject Directive for Allied Military Government in that part of Venezia Giulia occupied by Allied Forces - states, para IX, sub-para

(i) "In implementing the above paragraphs you will bear in mind that it is intended the economic life of Venezia Giulia as a whole shall be impeded to the minimum".

8)

The present restrictions to impede the economic life of the territory in a grave measure as they cut off the territory from its normal source of supply which was Italy and in particular the adjacent provinces of Udine and Venezia.

No Licensing Scheme can effectively compensate the disadvantages of the present restrictions.

The basic intention of AFHQ is not being realized by the imposition of the present restrictions on the economic life of the territory.

(b) Under the terms of Proclamation N. 2 no prohibition on the Import or Export of Lire Currency is imposed and individuals are therefore exporting, quite legally, Lire Notes in large quantities.

(c) AFHQ letter AG 387/207 GEG - O dated 26 June 1945, subject - Directive for Allied Military Government in that part of Venezia Giulia occupied by Allied Forces - To Headquarters Eighth Army states; i. para 7 - Legal -

(a) "The laws of the territory as established and in effect on 8 September 1943 will remain in force".

- 2 -

The Laws in effect in this Territory on 8 Sept, 1943 permitted free exchanges of every kind between this Territory and Italy and certainly provided for no such economic barrier between the Territory and other parts of Italy as now exists.

ii. para 13 - Postal Facilities.

(a) "Passage of Civilian Mail across the line of demarcation will not be discontinued".

It is felt that with the re-establishment of communications control will become almost impossible.

(d) Insurance Companies have been permitted to resume normal operations (within limits laid down by Finance Sub-Commission) with their Offices in Italy.

This presupposes free commercial exchanges and might be considered as favouring one section of the community at the expense of others.

(e) Any system of Licensing would be cumbersome, demand additional Allied Officer personnel to control it, be easy to circumvent and would cause irritation and dissatisfaction with no apparent compensating benefit to anybody.

(f) It is impossible to see that the present restrictions on the economic life of the territory are justified either by military necessity or by the need for preserving law and order in the Territory.

Indeed they are so arbitrary in their present form that in my opinion they might, if continued, not only fail to preserve the Territory from disorder but might in fact provoke it for they cannot do otherwise than breed discontent and exasperation amongst the population.

(g) Italy is the economic hinterland of the Territory and the well being of the territory demands and depends upon unrestricted business connections with Italy.-

(h) That the continuance of any restrictions provides food for political agitators.

4. In all the circumstances it is felt that a Licensing System in unnecessary and undesirable and that free financial, commercial and other transactions involving trade or communication of any kind with persons in Italy and AMG Territories in Italy should be permitted and Proclamation N. 2 amended accordingly.

5. Col. Behrens of the Legal Sub-Commission discussed Proclamation No. 2 fully with the Chief Legal Officer here recently and it is requested that he be consulted in the matter.

6. If it is agreed to amend Proclamation No. 2 as signed by SACMED it will be necessary to issue a completely new Proclamation which it is suggested should repeal the existing Proclamation No. 2 as published here in

It is felt that with the re-establishment of communications control will become almost impossible.

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This presupposes free commercial exchanges and might be considered as favouring one section of the community at the expense of others.

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(g) Italy is the economic hinterland of the Territory and the well being of the territory demands and depends upon unrestricted business connections with Italy.

(h) That the continuance of any restrictions provides food for political agitators.

4. In all the circumstances it is felt that a Licensing System in unnecessary and undesirable and that free financial, commercial and other transactions involving trade or communication of any kind with persons in Italy and AMG Territories in Italy should be permitted and Proclamation N. 2 amended accordingly.

5. Col. Behrens of the Legal Sub-Commission discussed Proclamation No. 2 fully with the Chief Legal Officer here recently and it is requested that he be consulted in the matter.

6. If it is agreed to amend Proclamation No. 2 as signed by SACRED it will be necessary to issue a completely new Proclamation which it is suggested should repeal the existing Proclamation No. 2 as published here in its entirety. This Proclamation has had an extremely checkered history and a great deal of confusion in the public mind will be prevented if the opening words of the new Proclamation are as under:

"Proclamation No. 2 is hereby repealed and this Proclamation No. is substituted therefor".

/s/ E.R. LEIGH - JONES
E. R. LEIGH - JONES
W/cdr. R.A.F.
CHIEF FINANCE OFFICER

HEADQUARTERS AIRTEL COMMISSION
LHO 394
CIVIL AFFAIRS SECTION

AC/ALHQ/L.

43A
/rlp.
1 August 1945.

SUBJECT : AMG Gazette for Venezia-Giulia.

TO : AMHQ, C-5.

1. SCAG Venezia Giulia has represented to this Commission that the large number of orders of various kind which have already been and will be necessary in that territory makes it essential to issue an AMG Gazette.

2. This Commission concurs in that view.

3. As the Gazette will contain, among other matters, the Proclamations of SAC it is felt to be proper that the official authority of the Gazette should be sanctioned by Proclamation of SAC.

4. The enclosed draft Proclamation is therefore forwarded and the signature of SAC is requested as soon as possible.

For the Chief Commissioner:

A. D. Bentham-Lark 1/61
/s/ G. E. UNGER, JR.,
VP, CA Sec, HQ AC.

Incl: Draft Procl.

ALLIED MILITARY GOVERNMENT OF VENEZUELA GUERRA

DECLARATION NO. 7

THE CASSETTE

1. HENRI D.L.G. HENRIKSEN, C.O.B., G.I.I., U.O.O., M.O., A.P.O.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
tions, and Military Governor, hereby proclaims as follows:

ARTICLE I

In those acts of Venezuela which comprised by the Allied Forces
under my command (hereinafter called "the territory") there shall be
found from time to time under the authority of the Allied Military
Government a publication to be known as the Allied Military Government
Cassette (hereinafter called "the Cassette"). The Cassette shall, subject
to the provisions contained in Article IV hereof, contain copies of all
proclamations of the Military Governor and of all Orders, Notices,
Announcements, Directives and other instructions issued in the territory by
or under the authority of the Allied Military Government.

ARTICLE II

All acts, deeds, instruments, notices, and other matters which by
the laws of the territory in force on the 8th September 1945 are re-
quired to be published in an official communication and any other
matters which are approved by the Allied Military Government for pub-
lication in the Cassette shall be published in the Cassette.

ARTICLE III

Section 1. Publication in the Cassette of any of the matters mentioned
in Articles I and II hereof shall constitute due publication for all
purposes and all persons in the territory shall be deemed to have notice
thereof.

Section 2. The production of a copy of the Cassette shall be prima facie
evidence in all courts in the territory and for all purposes of the due
making and enforcement of all matters published therein.

Section 3. In case of any discrepancy between the English text of any
matter published in the Cassette, and the translation thereof in another
language then:

(a) If the matter concerned was published pursuant to Article I

I, HENRY H.J.G. ALLEN, C.O.D., C.S.I., R.A.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
tions, and Military Governor, hereby provide as follows:

ARTICLE I

In those parts of Venezia Giulia occupied by the Allied Forces under my command (hereinafter called "the territory") there shall be issued from time to time under the authority of the Allied Military Government a publication to be known as the Allied Military Government Gazette (hereinafter called "the Gazette"). The Gazette shall, subject to the proviso contained in Article IV hereof, contain copies of all proclamations of the Military Governor and of all Orders, Notices, Instructions, Decrees and other instruments issued in the territory by or under the authority of the Allied Military Government.

ARTICLE II

All orders, decrees, instruments, notices, and other notices which by the laws of the territory in force on the 8th September 1943 are required to be published in an official correspondence and any other notices which are approved by the Allied Military Government for publication in the Gazette shall be published in the Gazette.

ARTICLE III

Section 1. Publication in the Gazette of any of the notices mentioned in Articles I and II hereof shall constitute due publication for purposes and all persons in the territory shall be deemed to have notice thereof.

Section 2. The production of a copy of the Gazette shall be prima facie evidence in all courts in the territory and for all purposes of the due making and doing of all matters published therein.

Section 3. In case of any discrepancy between the English text of any matter published in the Gazette, and the translation thereof in another language then:

(a) If the matter concerned was published pursuant to Article I hereof the English text shall prevail.

(b) If the matter concerned was published pursuant to Article II hereof, that text shall prevail which bears the original signature of the maker thereof.

ARTICLE IV

The notices published pursuant to Articles I and II hereof shall unless otherwise stated bear effect from the date of their first publication.

tion in the Gazette provided that nothing contained in this Proclamation shall be construed as affecting the validity, operation or effect of any matter which may hereafter be published under the authority of the Allied Military Government otherwise than in the Gazette or of any Proclamation of the Military Government or of any Order, Notice, award, Directive or other instruction of the Allied Military Government published before the effective date of this Proclamation.

ARTICLE V

The terms, form and conditions for the publication in the Gazette of any matters pursuant to Article II hereof and the price (if any) for which copies of the Gazette may be sold shall be as prescribed from time to time by the Senior Civil Affairs Officer of Allied Military Government in the territory.

ARTICLE VI

This Proclamation shall become operative and have full force and effect in each area of the territory on the date of its first publication therein.

Field Marshal,
Supreme Allied Commander,
Mediterranean Theater of Operations,
and Military Government.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4188/L.

/lc.
1 August 1945.

SUBJECT : Proclamation in Venezia Giulia for Dissolution of
Fascist Organizations.

TO : SCAO, VENEZIA GIULIA (Attn: Senior Legal Officer).

1. Enclosed herewith is a copy of Proclamation No. 6
which has now been signed by the SAC. Also enclosed are two
copies of the Proclamation in Italian.

2. May 12 copies of this Proclamation please be for-
warded to this Sub-Commission when printed.

By command of Rear Admiral STONE:

W.E. BEHRENS,
Colonel,
Chief Legal Advisor. 80

Incls: 2.

4188
✓
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5 387.7

31 July 1945

SUBJECT: Proclamation in Venezia Giulia
for Dissolution of Fascist Organizations.

TO : Headquarters, Allied Commission,
(Attn: Colonel Behrens)
APO 394.

4027/1
Enclosed herewith is original of the subject
proclamation as signed by the Supreme Allied Commander
upon his return to this Headquarters.

T.R. Neum
A. L. HAMLEN,
Brigadier General, GSC,
Assistant Chief of Staff, G-5.

Encl: original of document
as above.

SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

1 AUG 1945

English and
Italian copies
attached now
ready for review
Lundia 73

de pash

95 JUL 1945

HEADQUARTERS
Allied Military Government
13 Corps

40A

25 July 1945

To : A.C., HQ., C.M.F. (for attn. Chief Legal Adviser).
Subject: Official Gazette Proclamation.
Ref : 13C/AMG/LD/27.

1. I forward herewith for the necessary attention draft Proclamation for the establishment of an Official Gazette for this Occupied Territory.

2. There are also attached copies of correspondence which has already taken place in connection with this matter as also certain sheets showing the form in which it is proposed to publish the Gazette.

3. I discussed this subject with Colonel DENRENS on the occasion of his visit to this H.Q. and he kindly said he would look into it immediately upon his return.

4. As there is now arising an insistent demand both from Officers ~~and~~ the public for an Official Gazette and as a great deal of delay has already occurred for which of course you are in no way responsible, I shall be pleased if the matter may have the earliest possible attention.

5. If you think a General Order will suffice please so inform me.

For the Senior Civil Affairs Officer.

CLO

DCLO

Chief Counsel

CLO

Relief

CLO

L. F. Dawson 78

L.F. DAWSON

Lt. Col.

Chief Legal Officer.

28 JUL 1945

ACA Adv.,
Att: HQ Main Eighth Army,
CMF.

408

SUBJECT: Official Gazette Proclamation.

SCAO, AMG 13 Corps.

21 Jul 45.

Ref your letter 13C/AMG/LD/27, dated 16 Jul 45,
addressed to SCAO, AMG 8th Army.

As AMG 8th Army ceased to exist w.e.f. 12 Jul 45,
and all files were returned to Archives, it is regretted that
no action can therefore be taken on the a/q letter.

All correspondence is returned herewith.

(signature)

Capt.,
for Brig.

(40C)

ALLIED MILITARY GOVERNMENT
HEADQUARTERS
13 Corps

Ref: AMG/LD/27
AMG/LD/38

25 June 1945

SUBJECT: Official Gazette Proclamations.
Repeal Anti-Jewish Laws Proclamation.

TO : Air Commodore C.E. Benson,
SCAO, AMG 8th Army.

1. The attached draft proclamations have been prepared by the Chief Legal Officer on my Staff and they are now transmitted to you with request that they may be submitted to the proper quarter for translation into law.
2. You will observe from the draft Repeal of Anti-Jewish Laws Proclamation that all the laws involved were made prior to 8 Sept. 1943, and the effect of Article 3 of Proclamation No. 1 accordingly is that these laws are at present in force in the occupied territory.
3. As it is obvious that such a position can not be maintained by us it becomes necessary formally to repeal the said laws by proclamation.
4. The draft proclamation follows closely the provisions of General Order No. 18 (Italy). As, however, the repeal of the anti-Jewish laws is a matter of great importance and high level policy I am advised by the Chief Legal Officer that it should be effected by a proclamation of the Military Governor and not by a General Order under my hand.
5. With regard to the establishment of an Official Gazette for the occupied territory the advantages of such a publication are manifest. The stage will soon be reached where it will not be feasible to continue to publish proclamations, General Orders, and official announcements generally, by placing sundry walls in the territory with them. In addition, when the Italian courts are reopened and a certain measure of normality is restored, a recognized official organ for the publication of all kinds of official announcements requiring for their validity in law due publication will be legally necessary. The proposed Gazette will fulfil both these needs.
6. As the Gazette will take the place in the occupied territory of the official organ of the Kingdom of Italy and will be a publication of supreme legal authority in the territory, I am advised by the CLO that it should be created by a proclamation of the Military Governor.

1422

SUBJECT: Official Gazette Proclamations.

Repeal Anti-Jewish Laws Proclamation.

TO : Air Commodore C.E. Benson,
SCAO, AMG 8th Army.

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6. As the Gazette will take the place in the occupied territory of the official organ of the Kingdom of Italy and will be a publication of supreme legal authority in the territory, I am advised by the CLO that it should be created by a proclamation of the Military Governor.

WELSON W. MONFORT
Colonel, GSC
SCAO

ALLIED MILITARY GOVERNMENT

13 CORPS.

PROCLAMATION NO

WHEREAS it is expedient to establish in those parts of the Venezia Giulia which are occupied by the Allied Forces a Gazette for the publication of Proclamations, Orders, Notices and such other matters as may be deemed ^{approved} suitable for publication in such Gazette;

NOW THEREFORE I, Harold R.L.G. ALEXANDER, G.C.B., G.S.I., DSO., M.C., A.D.C., Field-Marshal, Supreme Allied Commander, Mediterranean Theatre of Operations, hereby proclaim as follows:

ARTICLE I.

A publication to be known as the Allied Military Government Gazette (hereinafter referred to as "the Gazette") shall be issued from time to time under the authority of the Military Governor and shall, subject to the proviso ^{Article} to Section III, contain all Proclamations, Notices, Orders, Warnings and Directions and the like issued by or under the Authority of the Allied Military Government of the Occupied Territory. (hereinafter referred to as "the Territory").

ARTICLE II.

All acts, deeds, instruments, notices and other matters which by the laws of the Territory in force on the 8th September 1943, or by any law of the Allied Military Government, are required to be published in an official organ, or are deemed suitable for such publication shall be published in the Gazette and publication in such Gazette shall constitute due publication as required by such laws.

ARTICLE III.

All measures referred to in Section I and II shall come into operation on the date of their publication in the Gazette unless otherwise stated; provided that nothing in this Proclamation contained shall be construed as affecting the validity or operative effect of any other measure, which the Allied Military Government may decide, shall be published in some other manner or of any measure published before the commencement of this Proclamation.

ARTICLE IV.

In the event of any discrepancy between the English text of any measure and the text thereof in any other language, that

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ARTICLE II.

All acts, deeds, instruments, notices and other matters which by the laws of the Territory in force on the 8th September 1943, or by any law of the Allied Military Government, are required to be published in an official organ, or are deemed suitable for such publication shall be published in the Gazette and publication in such Gazette shall constitute due publication as required by such laws.

ARTICLE III.

All measures referred to in Section I and II shall come into operation on the date of their publication in the Gazette unless otherwise stated; provided that nothing in this Proclamation contained shall be construed as affecting the validity or operative effect of any other measure, which the Allied Military Government may decide, shall be published in some other manner or of any measure published before the commencement of this Proclamation.

ARTICLE IV.

In the event of any discrepancy between the English text of any measure and the text thereof in any other language, that text shall prevail which bears the original signature of the maker of such measure.

and
ARTICLE V.

The Senior Civil Affairs Officer will from time to time fix, add to or vary the fees, terms and conditions upon which publication as aforesaid may take place, or may fix the price (if any) to be paid for the purchase of the Gazette.

ARTICLE VI.

This Proclamation will become operative in each area of the Territory on the date of its Publication therein.

Harold R.L.G. ALEXANDER
Field-Marshal
Supreme Allied Commander
Mediterranean Theatre of Operations.

Royal Arms

U.S.A. Arms

(2)
USE

THE

G A Z E T T E

Published by the Allied Military Government
of under the authority of the
MILITARY GOVERNOR

No. of 1945

Part I.

C O N T E N T S

ALLIED MILITARY GOVERNMENT SECTION.

			Page
Notice No .1	/	/	
Notice No. 2	/	/	

CIVIL SECTION

To be printed separately from Part I.

(3) 40F

Part II.

C O N T E N T S.

ALLIED MILITARY GOVERNMENT SECTION

Proclamation No1

CIVIL SECTION .

Page

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

File No.: 130/AMG/LD/27.

6 July 1945

SUBJECT : Official Gazette Proclamation.

TO : Senior Civil Affairs Officer
AMG 8th Army HQ

1.-- I invite attention to my evenly numbered letter dated 25 June 1945 to which no reply has as yet been received.

2.-- The establishment of an Official Gazette for the Occupied Territory is a matter which with the increasing volume of legislation being enacted by the Military Government and with resumption of legal and judicial business, is now pressingly urgent.

3.-- An early reply to my letter quoted above will accordingly be appreciated.

For the Senior Civil Affairs Officer.

L. F. Dawson

L. F. DAWSON
Lt. Col.
Chief Legal Officer

19 JUL 1945

Copy to:

✓ AFHQ for C-5 - CWP
AG, HQ, CWP

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italion	H
CL RKS	
19 JUL 1945	

71

38A

AFHQ TPOG SCAG AND VENEZIA CHILIA REGION

1001

15 July 1945

PRIORITY

RESTRICTED PD

FROM ONE PD REFERENCE YOUR PX TWO TWO SEVEN HIDE NUMBER OF FOURTEEN JULY 1945

ORIGINAL AND COPY SPECIAL COPIES OF ABOVE PROCLAMATION ONLY RECEIVED PD

FAVOR TO AVE THE FIRST REPORTED SCAG AND VENEZIA CHILIA REGION FROM H. ALONE

THE ABOVE PAREN

ENGLISH AND ITALIAN VERSIONS DISPATCHED VENEZIA CHILIA YEMERREVE

79

Legal sub-commission

4/82
INCOMING MESSAGE**HEADQUARTERS ALLIED COMMISSION**37a
*Legal*Originator's Reference: EX 22798Message Centre No: E/9734Date/Time of Origin: JULY 142140ZDate Time Rec'd: JULY 150930Precedence: PRIORITYFROM: AMIR SIGNED SIGNED GITE MEGECTO : 13 CORPS INFO ALCON ROME

RESTRICTED.

Reur unnumbered signal of 14 July. 36A

Special courts of Assize proclamation sent in final draft to
ALCON 10 July. Signed copy sent, cover letter dated 11 July. For
ALCON: cor F 20759 refers. Confirm receipt proclamation.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

**RESTRICTED**

69	
64	
Chief Counsel	
CJO	
15 JUL 1945	

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal 36A

Originator's Reference: 42/59
 Date/Time of Origin: JULY 14 0920

Message Centre No: E/9783
 Date Time Rec'd: JULY 15 1645
 Precedence: OP-PRIORITY

FROM: ALE 13 COPS
 TO : ATRQ FOR 05 INFO ALCON

RESTRICTED

RESTRICTED.

When my proclamation setting up special Court of Assize be expected. SPOTFORD informed MONTFORD and FOWMAN proclamation had been agreed by you and that it would be signed during the current week. Please treat matter as extremely urgent.

INFO - ACTION

DIST
 INFO ACTION - LEGAL SC
 INFO - CHIEF COMMISSIONER
 CA SEC
 FILE 2
 FILE 1

RESTRICTED

HEADQUARTERS
 15 JUL 1945
 68

Reut 09504

16 JUL 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4188/L.

14 July 1945. /rlp.

SUBJECT : Proclamation No. 5.

TO : SCAO, VENEZIA GIULIA (Attn: Senior Legal Officer).

1. Enclosed herewith is a copy of Proclamation No. 5 amended as signed by the SAC. Also enclosed are two copies of the Proclamation in Italian.

2. It will be noted that the Italian version differs slightly from the English, particularly as to Article XI. The reason for this is that the Italian version more accurately conveys the sense of the Italian legislation upon which the English version was based.

3. May 12 copies of this proclamation please be forwarded to this sub-commission when printed.

By command of Rear Admiral STONE:

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

2 Incls:

Incl 1 - Proc No. 5 amended as sgd by SAC
Incl 2 - 2 copies of Proc No. 5 in Italian.

67

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

34A
/rlp.
10 July 1945.

AC/4188/L.

SUBJECT : Dissolution of Fascist Organizations.

TO : AMHQ.

1. This Commission has been requested by AMG Venezia Giulia to prepare a proclamation dissolving fascist organizations in that territory. The main purpose of the proposed proclamation is for propaganda purposes.

2. The attached form of proclamation is accordingly submitted for the signature of the Supreme Allied Commander.

3. The proposed proclamation follows almost exactly the form of the similar proclamation which was originally posted in Sicily and Italy but which became redundant when the Italian Government passed similar legislation for territory under their administration and such legislation was implemented throughout AMG territory. The necessity for the proclamation in Venezia Giulia arises from the impossibility of implementing Italian legislation.

4. The only substantial difference between this and the earlier proclamation is that this proclamation omits the old Article 5 which enumerated the offences which could be committed under it. These offences are now all set out in Proclamation No. 1. and do not therefore require repetition.

For the Chief Commissioner:

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

Incl: Form of Proc. No. 6.

66

ALLIED MILITARY GOVERNMENT
OF VENETIA GIULIA

PROCLAMATION NO. 6

DISSOLUTION OF FASCIST ORGANIZATIONS AND REVEAL OF LAWS

I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of
Operations, and Military Governor, hereby proclaim as follows:

ARTICLE I

DISSOLUTION OF THE FASCIST PARTY

The organization known as the Fascist Party (P.N.F.) is hereby
dissolved and declared to be illegal throughout all parts of the
territory of Venetia Giulia occupied by forces under my command (herein-
after called the Territory). The property and assets of the said or-
ganization shall be taken by or delivered to officers of the Allied
Military Government in accordance with directions which will be issued
under my authority for that purpose.

ARTICLE II

ORGANIZATIONS AFFILIATED TO THE FASCIST PARTY

Orders will from time to time be issued under my authority either
dissolving within the Territory the organization of any body or acti-
vity which appertains to, depends from or is in any way affiliated to
or controlled by the Fascist Party or declaring that the aims or any
branch thereof shall be carried on as being for the benefit of the
people of the Territory but under such control or supervision and in
accordance with such modification of rules, procedure and objects as
may be directed. Any such order may make provision for the taking or
safeguarding of the property or assets of any such organization and
may provide penalties for failure to observe or perform any provision
of the Order.

ARTICLE III

DISPOSAL OF PROPERTY OF FASCIST ORGANIZATIONS

Orders will be issued under my authority for the disposal of any
property acquired by the Allied Military Government under this Procla-
mation and any such order may direct that the same property or any
part thereof shall be applied by the Allied Military Government for the
benefit of the people of the Territory in such manner or through such
organization as may be directed.

DISSOLUTION OF FASCIST ORGANIZATIONS AND REPEAL OF LAWS

I, HAROLD R.I.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of
Operations, and Military Governor, hereby proclaim as follows:

ARTICLE I

DISSOLUTION OF THE FASCIST PARTY

The organization known as the Fascist Party (P.N.F.) is hereby
dissolved and declared to be illegal throughout all parts of the
territory of Venezia Giulia occupied by forces under my command (herein-
after called the Territory). The property and assets of the said or-
ganization shall be taken by or delivered to officers of the Allied
Military Government in accordance with directions which will be issued
under my authority for that purpose.

ARTICLE II

ORGANIZATIONS AFFILIATED TO THE FASCIST PARTY

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dissolving within the Territory the organization of any body or acti-
vity which appertains to, depends from or is in any way affiliated to
or controlled by the Fascist Party or declaring that the same or any
branch thereof shall be carried on as being for the benefit of the
people of the Territory but under such control or supervision and in
accordance with such modification of rules, procedure and objects as
may be directed. Any such Order may make provision for the taking or
safeguarding of the property or assets of any such organization and
may provide penalties for failure to observe or perform any provision
of the Order.

65

ARTICLE III

DISPOSAL OF PROPERTY OF FASCIST ORGANIZATIONS

Orders will be issued under my authority for the disposal of any
property acquired by the Allied Military Government under this Procla-
mation and any such order may direct that the same property or any
part thereof shall be applied by the Allied Military Government for the
benefit of the people of the Territory in such manner or through such
organization as may be directed.

ARTICLE IV

REPEAL OF LAWS

Orders will be issued under my authority to annul, amend or render
inoperative any law in force in the Territory which relates to a Fascist

Organization or any dependent or associated organization thereof, or which affects prejudicially any member of the United Nations or the nationals thereof and any law which discriminates against any person or persons on the basis of race, color, or creed, and any such order may provide penalties for the failure to observe or perform the same.

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

This Proclamation shall come into operation throughout the Territory on the date of its first publication therein.

Field Marshal,
Supreme Allied Commander,
Mediterranean Theater of Operations,
and Military Governor.

4188

LEGAL S/C
5317.

33A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

11 July 1945

SUBJECT: Special Courts of Assize

TO : Headquarters, Allied Commission,
(Attn: Colonel Behrens)
APO 394.

Herewith original proclamation on above subject
signed by the Supreme Allied Commander.



A. I. MELBYEN,
Brigadier General, USA,
Assistant Chief of Staff, G-5.

Incl: Original proclamation,
No. 5, Establishment of
Special Courts of Assize.

→

lul

63

11 JUL 1945

✓ 488 INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: EX 20759

Message Centre No: E/9201

Date/Time of Origin: JULY 111405B

Date Time Rec'd: JULY 111630B

Precedence: OP-PRIORITY

FROM: AFHQ SIGNED SACRED SITE PHCEG

TO : ACTION ALCOM ROLE

SECRET.

Proclamation on special courts of Assize sent by courier 10 July to Colonel BERRENS has been signed "HR ALEXANDER" and may be published. Original follows.

Confidential

DIST

ACTION - LEGAL SEC
 INFO - CHIEF COMMISSIONER
 CA SEC
 FILE 2
 FLOAT

HEADQUARTERS ALLIED COMMISSION

CLO

DCLO

Chief Counsel

CJO

Religion Section

C. R. K.

10 JUL 1945

SECRET

DOWN GRATED
 TO
 UNCLASSIFIED

Col. Inf.
 Chief Justice
 for Chief and Commission

62

4188 ✓

31A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

9 July 1945

SUBJECT: Special Courts of Assize in Venezia Giulia.

TO : Headquarters, Allied Commission, APO 512.
(Attn: Colonel Behrens).

1. Enclosed is copy of proclamation on above subject as submitted for signature by SAC. It has been approved in this form by the Chief of Staff but has not yet been signed by SAC. It is expected that it will be signed by him on his return within a few days. In the meantime you may proceed with the printing of the proclamation but not with its release and promulgation. You will be notified by telegram when the proclamation has been signed by SAC. *This will proceed in*

the afternoon of 11 July.

T.R. New
By G-5
CHARLES M. SPOTFORD,
Brigadier General, G.S.C.,
Assistant Chief of Staff, G-5.

Encl: as above.

ALLIED COMMISSION	
CIO	
DCIO	
Chief Counsel	
CJO	
Station	
CL RKS	
10 JUL 1945	

This is a carbon copy of the letter to the Allied Commission at Port 512. File with the ref. Proc 6

61

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION.

13260/P.

7 July 1945.

SUBJECT : Transactions between A.M.G. 13 Corps and Italy.

TO : Senior Finance Officer,
A.M.G., 13 Corps.

1. Reference is made to your letter 130/AM/FIN/3521 of 3 July and my letter of 6 July brought to you by Brigadier Anderson.
2. G-5, A.F.H.Q. have now informed us that that it is not considered possible to obtain permission to revise the terms of Proclamation 2, Article 7, Section 1(b).
3. You will have received a copy of FM 15130 of 6 July, addressed by G-5, A.F.H.Q. to Headquarters Allied Commission, and repeated to A.M.G. 13 Corps for information.
4. In my opinion this signal is obscure and confusing; and I have subsequently spoken with Comdr. Southard, who had not been consulted in its preparation. He explained that the intention of the message was to advocate a licensing procedure under Section 1 of Article 7.
5. In these circumstances you are hereby authorised to license those transactions which you consider to be proper and desirable. In paragraph 3 of your letter of 3 July you ask for general terms as to the type of transaction that might be authorised. In reply I wish to state that it is impossible for this Headquarters to specify such transactions even in general terms. I would recommend, however, that you should lift the ban on the transfer of assigni. The two cases cited in your letter of 3 July viz (a) AGIF and (b) essential drugs should certainly be given a favourable consideration. The relation of Insurance Companies between the 13 Corps area and Italy should be re-established according to the draft plan submitted by Major Severn, who is writing to you more fully on this subject. In general terms the selection of categories to be granted licenses must be left to you, and be broad in application, based on principles of common sense. It is

- 2 -

regretted that G-5 A.F.H.Q. have not found it possible to amend Proclamation No. 2 as such action would have eased the burden on Finance Officers. Present instruction, however, should go far towards easing the position and I should be grateful to learn, at a later date, what general and special form of licensing you propose to adopt.

6. You will understand that the present instruction does not affect transactions in territories other than Italian territory under either the Italian Government or A.M.C. The question of the settlement of the trade balance with Yugoslavia is mentioned in your letter of 3 July. You will understand that until specific instructions are received by G-5, A.F.H.Q., particularly as regards the establishment of a dinar-lire exchange rate, no settlement of a financial nature is to be considered.

7. Since dictating the above, I have explained the position to the Chief Commissioner who has stated that he is prepared, on receiving a specific recommendation from Finance Sub-Commission, to press A.F.H.Q. to amend Proclamation No. 2. Will you, therefore, submit to this Sub-Commission as soon as possible a list of good and sufficient reasons why an amendment of Proclamation No. 2, Article 7, Section 1(b) is to be preferred to the licensing authority granted in this letter. We can think of several good reasons, but would much prefer the recommendation to come from the men on the spot.

(signed) C.P. GRAFFIEY-SMITH
Brigadier

Brigadier,
Joint Director
FINANCE SUB-COMMISSION.

W/Comdr. Lugh Jones,
Senior Finance Officer,
A.M.C. 13 Corps.

AFCG/ht.

LEGAL SUB-COMMISSION

→	CIO	lw.
→	...	...
→	...	...
→	...	...

59

8 JUL 1945

29A

AMG XIII CORPS RPTD AFHQ G-5, SCAG AND S ARMY

1006

2 JULY 1945

PRIORITY

RESTRICTED PD

PARA ONE PD REFERENCE YOUR VICTOR GEORGE BLANK SEVEN THREE OF ONE JULY II
PARA TO AND THIRTEEN THREE RPTD ABLE FOR HOW GEORGE FIVE AND
SEVEN CIVIL AFFAIRS OFFICER AND EIGHT ARMY PARA NO ALONG ONE AGED
PARA

PROCLAMATION ONE AS PUBLISHED BY YOU IS CORRECT PD PROCLAMATIONS TWO
 ONE THREE AND FOUR AS SIGNED BY SAC PARA SUBJECT TO MODIFICATIONS
 APPROVED BY CHIEF OF STAFF ON BEHALF OF SAC AND ACCORDINGLY FORMING
 PART OF SUCH PROCLAMATIONS PARA READ AS PUBLISHED BY YOU SUBJECT TO
 THE AMENDMENTS NOTED IN PARAGRAPHS TWO TO SIX INCLUSIVE OF OUR NINE
 SIX THREE OF ONE JULY PD

53

Legal Sub-Commission

102

SECRET

Legal
28A

VG/73
JULY 01

E/7640
JULY 01 1710
URGENT

AMG 13 CORPS FROM MONTFORT
ACTION AFHQ FOR G5 INFO ALCON FOR UPJOHN

SECRET.

Please send immediately by special air courier exact text of
proclamations 1, 2, 3, 4 as signed by SACMED. Imperative we received
latest 2 July.

Confidential

DOWN GRATED
TO
UNCLASSIFIED

HEADQUARTERS
7 JUL 1945

ford 2/7/45

SECRET

DIST

INFO-ACTION - CA SEC
INFO - CHIEF COMMISSIONER
LEGAL SC
FILE 2
FLOAT

LEGAL SUBCOMMISSION	
→ CLO	
DCLO	
Chief Clerk	
CIO	57
Station	
CLERK	
2 JUL 1945	

Paraphrase of Cable No 963 dated 1 July 1945 - Precedence - PRIORITY
 FROM: Legal Sub-Commission, HQ AC. Classification - RESTRICTED.

TO : SCAG XIII Corps, rptd AFHQ, G-5 and 8 Army for information.

1. Reference your G/61 dated 29 June. Effect amendments by reprinting proclamations, not by general order.

2. Proclamation 2, Article 2, Section 1 to read "

"Cancellation of measures affecting Allied property. All laws, decrees, orders or other measures taken or purported to have been taken by any authority to sequester, block, confiscate or otherwise discriminate against property situated in the Occupied Territory, including obligations of debtors within the Occupied Territory owned by any government of the United Nations, or by the nationals of such states or governments or in which any such government or state or nationals have any interest are hereby abrogated".

3. Article 2, Section 2 (c) delete "Italian or Yugoslav".

4. Article 7, Section 1 (b) to read

"All financial, commercial or other transactions involving trade or communication of any kind with any person outside the Military Government Territory are prohibited".

Remainder of paragraph deleted.

5. Article 7, Section 2, last sentence to read

"No currency or coin may be traded, exchanged, bargained or sold except that which has legal tender status in the Occupied Territory".

6. Proclamation 4, Article 1, Section 3 to read

"Commercial insurance companies and institutions. Every company, mutual or other institution, corporation, body or person engaged in life or general insurance business may continue to receive and collect such premiums and other payments as are due and payable to them in respect of life or general risks and in a currency which is legal tender in the Occupied Territory".

7. No other amendments.

8. Your difficulty in this matter NOT understood as it was pointed out to you on Monday 18 June at conference at which Spofford Upjohn Montford and Dawson were present that the proclamations was signed by SAC of which AMG 8 Army had already received copies on 11 June differed from the drafts you had previously received from Legal Sub-Commission. The above amendments are necessary to bring your proclamations into line with the proclamations as signed by SAC.

(27A)

SCAG XIII CORPS RPTD AFHQ G-5, AMG 8 ARMY FOR INFORMATION

963

1 JULY 1945

PRIORITY

RESTRICTED PD

PARA ONE PD REFERENCE YOUR GEORGE SLANT SIX ONE DATED TWENTY NINE
JUNE PD EFFECT AMENDMENTS BY REPRINTING PROCLAMATIONS CMA NOT BY
GENERAL ORDER PD

PAREN TO SENIOR CIVIL AFFAIRS OFFICER THIRTEEN CORPS RPTD ABLE FOX
HON QUERN GEORGE FIVE AND AMG EIGHT ARMY FOR INFORMATION FROM H2
ALCOM CITE ACLEG PAREN

PARA TWO PD PROCLAMATION TWO CMA ARTICLE TWO CMA SECTION ONE TO READ
QUOTE CANCELLATION OF MEASURES AFFECTING ALLIED PROPERTY PD ALL LAWS
CMA DECREES CMA ORDERS OR OTHER MEASURES TAKEN OR PURPORTED TO HAVE
BEEN TAKEN BY ANY AUTHORITY TO SEQUESTERATE CMA BLOCK CMA CONFISCATE
OR OTHERWISE DISCRIMINATE AGAINST PROPERTY SITUATED IN THE OCCUPIED
TERRITORY CMA INCLUDING OBLIGATIONS OF DEBTORS WITHIN THE OCCUPIED
TERRITORY OWNED BY ANY GOVERNMENT OF THE UNITED NATIONS CMA OR BY THE
NATIONALS OF SUCH STATES OR GOVERNMENTS OR IN WHICH ANY SUCH
GOVERNMENT OR STATE OR NATIONALS HAVE ANY INTEREST ARE HEREBY
ABROGATED UNQUOTE PD

PARA THREE PD ARTICLE TWO CMA SECTION TWO PAREN CHARLIE PAREN DELETE
QUOTE ITALIAN OR JUGOSLAV UNQUOTE PD

5

Legal Sub-Commission

302

PARA FOUR PD ARTICLE SEVEN CMA SECTION ONE PAREN BAKER PAREN TO
READ QUOTE ALL FINANCIAL CMA COMMERCIAL OR OTHER TRANSACTIONS
INVOLVING TRADE OR COMMUNICATION OF ANY KIND WITH ANY PERSON
OUTSIDE THE MILITARY GOVERNMENT TERRITORY ARE PROHIBITED UNQUOTE PD
REMAINDER OF PARAGRAPH DELETED PD

PARA FIVE PD ARTICLE SEVEN CMA SECTION TWO CMA LAST SENTENCE TO READ
QUOTE NO CURRENCY OR COIN MAY BE TRADED CMA EXCHANGED CMA BARGAINED
OR SOLD EXCEPT THAT WHICH HAS LEGAL TENDER STATUS IN THE OCCUPIED
TERRITORY UNQUOTE PD

PARA SIX PD PROCLAMATION FOUR CMA ARTICLE ONE CMA SECTION THREE TO
READ QUOTE COMMERCIAL INSURANCE COMPANIES AND INSTITUTIONS PD EVERY
COMPANY CMA MUTUAL OR OTHER INSTITUTION CMA CORPORATION CMA BODY OR
PERSON ENGAGED IN LIFE OR GENERAL INSURANCE BUSINESS MAY CONTINUE TO
RECEIVE AND COLLECT SUCH PREMIUMS AND OTHER PAYMENTS AS ARE DUE AND
PAYABLE TO THEM IN RESPECT OF LIFE OR GENERAL RISKS AND IN A CURRENCY
WHICH IS LEGAL TENDER IN THE OCCUPIED TERRITORY UNQUOTE PD

PARA SEVEN PD NO OTHER AMENDMENTS PD

PARA EIGHT PD YOUR DIFFICULTY IN THIS MATTER NOT REPEAT NOT UNDERSTOOD
AS IT WAS POINTED OUT TO YOU ON MONDAY EIGHTEEN JUNE AT CONFERENCE AT

Legal Sub-Commission

WHICH SPONFORD UPJOHN MONTFORD AND DAWSON WERE PRESENT THAT THE PROCLAMATIONS AS SIGNED BY SAC OF WHICH AMO EIGHT ARMY HAD ALREADY RECEIVED COPIES ON ELEVEN JUNE DIFFERED FROM THE DRAFTS YOU HAD PREVIOUSLY RECEIVED FROM LEGAL SUBCOMMISSION PD THE ABOVE AMENDMENTS ARE NECESSARY TO BRING YOUR PROCLAMATIONS INTO LINE WITH THE PROCLAMATIONS AS SIGNED BY SAC

53

Legal Sub-Commission

302

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: G/61
Date/Time of Origin: JUNE 29 1245B

Message Centre No: E/7339
Date Time Rec'd: JUNE 29 1253
Precedence: IMPORTANT

FROM: AMG 13 CORPS FROM MONFORT
TO: ALCOM ROME INFO AFHQ FOR G-5 SCAO & ARMY

RESTRICTED

RESTRICTED

Your 746 dated 28 June. Please signal immediately precise wording of amendments required. Propose effecting alterations by General Order(?) under my hand. Signed MONFORT.

Dist

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2
Float



ACTION

RESTRICTED

Chief Counsel	
CIO	
DCLO	
Chief Counsel	
CIO	
Station Section	52
CL RKS	
30 JUN 1945	

1449

File
4188

25A

SENIOR CIVIL AFFAIRS OFFICER XIII CORPS RPTD SENIOR CIVIL AFFAIRS
OFFICER 3 ARMY

746

28 JUNE 1945

PRIORITY

PARA ONE PD SUBJECT. IS PROCLAMATIONS PD

PARA TWO SENIOR CIVIL AFFAIRS OFFICER THIRTEEN CORPS RPTD SENIOR
CIVIL AFFAIRS OFFICER EIGHT ARMY FROM HQ ALONG WITH AGENS PAREN

PARA TWO PD PROCLAMATION TWO ARTICLE TWO PAREN ONE PAREN AND
ARTICLE SEVEN PAREN ONE BAKER AND TWO PAREN AND PROCLAMATION FOUR
ARTICLE ONE PAREN THREE AND FOUR PAREN ARE NOT IN ACCORDANCE
WITH DOCUMENTS SIGNED BY SAC AND REQUIRE AMENDMENTS

51

HEADQUARTER
ALLIED MILITARY GOVERNMENT.

13. Corps
Legal Division.

22 June 1945

AMG./V.G./L.D./23

Subject: Transmission of Proclamations 2,3, and 4 and General

Order No. 1.

To: Chief Legal Adviser, Headquarters, Allied Commission,

Legal Subcommittee, APO 394.

1. In reply to your letter AC/4188/L, 7 June 1945, para. 3., forwarded herewith are 12 copies of Proclamations 2, 3 and 4 and General Order No. 1., English, Italian and Slovene versions, as published in Venezia Giulia.

For the Senior Civil Officer

L. F. Dawson
L. F. DAWSON

Lt. Col.
Chief Legal Officer

Copy to: HQ. AMG, 8th Army (Your OA/V. Giulia dated 10 June 45 refere).

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LEGAL SUBCOMMISSION

CLO

ack

24A

4/88

Subject: Transmission of Proclamations 2, 3, and 4 and General Order No. 1.
Order No. 1.
To: Chief Legal Adviser, Headquarters, Allied Commission,
Legal Subcommittee, APO 394.

1. In reply to your letter AG/4188/L, 7 June 1945,
para. 3., forwarded herewith are 12 copies of Proclamations 2, 3
and 4 and General Order No. 1., English, Italian and Slovene ver-
sions, as published in Venezia Giulia.

Appia
For the Senior Civil Officer

L. F. Dawson
L. F. DAWSON
Lt. Col.
Chief Legal Officer

Copy to: HQ. AMG. 8th Army (Your OA/V. Giulia dated 10
June 45 refers).

50

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKs	
27 JUN 1945	

23A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4188/L.

/rlp.
26 June 1945.

SUBJECT : Courts of Assize in Venezia Giulia.

TO : AFHQ.

1. This Commission has given careful consideration to the possibility of instituting, under AAI authority, Special Courts of Assize in Venezia Giulia.

2. According to international law an occupying power must take all steps to ensure public order, while respecting, unless absolutely prevented, the laws in force in the country; see Article 43 of Hague Regulations. For this purpose it would appear perfectly legal for the occupying power temporarily to alter the criminal law for the purpose of maintaining public order. See also Oppenheim's International Law, 6th Edition, Vol. II, p. 349.

3. It should further be stressed that the Special Courts of Assize as constituted by the Italian Government do not introduce new crimes. The crimes which they are authorized to try are certain crimes specifically defined in the Civil and Military Penal Codes. It should be mentioned that these crimes are made applicable to civilians as well as military personnel, but this can be justified on the basis of the mobilization arising from the state of war. The courts do apply to these crimes heavier punishments, by virtue of the Law on Sanctions against Fascism, than those prescribed by the original code.

4. It is the view of the legal advisors to this Commission that S.A.C. is justified by the terms of the letter dated 18 June 1945 from SCAG 8th Army of which you have a copy in establishing Special Courts of Assize in VENEZIA GIULIA. It is considered however that this should be done by Proclamation and not by Regional Order.

5. So far as the actual drafting of the attached proclamation is concerned, it follows substantially the text of the Italian decree. In this connection also it is felt to be preferable to have one document establishing the Courts and the procedure rather to establish the Courts and to allow the procedure to be settled by Regional Order.

6. The differences between the draft prepared by SCAG 8th Army and 43 that prepared by this Commission are:

- a. Article I (2)
This Section defines exactly the jurisdiction of the Courts.
The effect is the same as in the Italian Law.
- b. Article III
It is simpler to refer directly to Trieste.
Article V. A committee appointed by AMG is substituted for the CNV
- c. Article VI (2)
It is desirable to have the appointment made by the President,
subject to AMG approval.
- d. Article VIII
This is the official Italian oath.
- e. Article X (2)
Payment of lawyers was omitted from the Italian decree but
was found necessary in practice and has been enforced by
AMG order with the agreement of the Italian Government.
- f. Article XV
The addition in this Article has been found necessary in
practice.
- g. Article XVI
The appeals will be entirely technical under Italian Law.
They must therefore go to an Italian Court.
- h. Article XVII
It does not appear necessary to provide for pending cases.

7. It should be pointed out that under Italian Law there is always a petition to the King for a death sentence. This would normally go to the Military Government and it is suggested that power to decide such petitions be delegated to the local SCAG. There is no need to mention this in the Proclamation.

For the Chief Commissioner:

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

Incl: Proc. No. 5.

Copy to: File AG/4188/2/L.
SCAG AMB 8th Army.
SCAG AMB XIII Corps.

48

ALLIED MILITARY GOVERNMENT
OF VENEZIA GIULIA

PROCLAMATION NO. 5

ESTABLISHMENT OF SPECIAL COURTS OF ASSIZE

I, HAROLD E.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of
Operations and Military Governor, hereby proclaim as follows:

ARTICLE I

(1) There are hereby constituted in those parts of the territory of Venezia Giulia which are occupied by the forces under my command (hereinafter called the Territory) Special Courts to be known as Special Courts of Assize for the trial of the persons and offenses hereinafter specified.

(2) The Special Courts of Assize shall have jurisdiction to try any person whether civilian or military who after the 8th of September 1943 and by means of any form of intelligence, correspondence or collaboration with the Germans or by having rendered to the Germans any help or assistance has committed any of the offenses set out in:

Penal Code of 1930, Articles 241, 245 or 288;
Military Penal Code of Peace, Book 2, Part 1;
Military Penal Code of War, Book 3, Part 2.

Any person whether civilian or military who has committed any of these crimes shall be punished therefor in accordance with the provisions of the Military Penal Code of War.

(3) Any person who after the creation of the so-called Italian Social Republic has held any of the following posts or exercised any of the following functions shall be deemed without further proof to have collaborated with the German invaders and to have given them help and assistance:

(a) Minister or Under Secretary of State in the so-called Government of the Italian Social Republic; or a national executive office in the Republican Fascist Party;

(b) President or member of the Special Tribunal for the Defence of the State or of any special tribunal set up by the said Government, or public prosecutor before any such tribunal;

(c) Head of a Province, Federal Secretary or Commissioner or any like office;

(d) Editor of any political newspaper;

ARTICLE I

(1) There are hereby constituted in those parts of the territory of Venezia Giulia which are occupied by the forces under my command (hereinafter called the territory) Special Courts to be known as Special Courts of Assize for the trial of the persons and offences hereinafter specified.

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Penal Code of 1930, Articles 241, 285 or 288;
Military Penal Code of Peace, Book 2, Part 1;
Military Penal Code of War, Book 3, Part 2.

Any person whether civilian or military who has committed any of these crimes shall be punished therefor in accordance with the provisions of the Military Penal Code of War.

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(a) Minister or Under Secretary of State in the so-called Government of the Italian Social Republic; or a national executive office in the Republican Fascist Party;

(b) President or member of the Special Tribunal for the Defence of the State or of any special tribunal set up by the said Government, or public prosecutor before any such tribunal;

(c) Head of a Province, Federal Secretary or Commissioner or any like office;

(d) Editor of any political newspaper;

(e) Senior officer in any black shirt unit exercising any function of a politico-military nature.

(4) Any person who, in any of the said posts or in the exercise of any of the said functions has undertaken wider responsibilities and, any person who has held any post mentioned in Sections 3 (a) and (b) of this Article shall be punishable under Article 51 and 54 of the Military Penal Code for War; in other cases under Article 58.

(5) Where any act is an offense under any other law, the penalty prescribed by the Military Penal Code for war shall remain applicable.

ARTICLE II

(1) The Special Courts of Assize shall have jurisdiction also to try an offense under this Article committed by any person who is accused of any crime described in the preceding Article.

(2) Those who have organized the Fascist "squads" which carried out the acts of violence or devastation, and caused the insurrection of 28 October 1922, shall be punished according to Article 120 of the Penal Code of 1889.

(3) Those who promoted or led the "Coup d'Etat" on 3 January 1925, and those who then contributed by relevant acts to maintain the Fascist Regime, shall be punished according to Article 118 of the said law.

(4) Anyone who has committed other crimes for Fascist reasons or has profited from the actual political circumstances created by Fascism, shall be punished according to the laws in force at the date of the crime.

ARTICLE III

(1) A Special Court of Assize shall be established in Trieste.

(2) Sections of the said Court which may sit elsewhere in the territory and may be set up by order of the Allied Military Government.

ARTICLE IV

When the Special Court of Assize or any section thereof is set up the time limits laid down in Articles 5, 6 and 10 shall run from the date of the setting up of such Court or Section.

ARTICLE V

(1) Within seven days from the date of the publication of this Proclamation a committee appointed by the Allied Military Government shall make a list of not less than 150 persons of the age of 30 years or over and of accepted moral and political probity who are resident in the territory and submit the names to the President of the Tribunale of Trieste.

(2) Within the seven days next following, the President of the Tribunale shall, after having satisfied himself of the moral probity and irreproachable political antecedents of the said persons, select from the said list 75 persons as lay assessors.

(3) The qualifications for lay assessors herein prescribed shall be the only qualifications necessary, the provisions of any other law to the contrary notwithstanding.

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(2) Those who have organized the Fascist "squads" which carried out the acts of violence or devastation, and caused the insurrection of 28 October 1922, shall be punished according to Article 120 of the Penal Code of 1889.

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(3) The qualifications for lay assessors herein prescribed shall be the only qualifications necessary, the provisions of any other law to the contrary notwithstanding.

ARTICLE VI

(1) A Special Court of Assize shall consist of a President and four lay assessors.

1438

(2) The President shall be appointed, subject to the approval of the Allied Military Government, by the First President of the Court of Appeal of Trieste and shall be selected by him from magistrates of a grade not lower than Counsellor of the Court of Appeal unless the Allied Military Government shall otherwise order. The appointment shall be made within 10 days from the date of the publication of this proclamation. The lay assessors shall be drawn from the list mentioned in the preceding section.

(3) A Deputy President may be appointed by a similar procedure.

ARTICLE VII

A Section of the Special Court of Assize constituted in accordance with Article III shall be composed as set out in Article VI.

ARTICLE VIII

In every case the President of the Court shall administer to each of the four lay assessors the following oath:

"With the firm intention of fulfilling as men of honor your full duty, and being conscious of the supreme moral and civil importance of the office which the law entrusts to you, do you swear and promise to listen with diligence and to examine with calmness in this proceeding the evidence and arguments of the prosecution and of the defence and weighing them with rectitude and impartiality to form your own opinion thereon and to keep far from your mind every feeling of prejudice or of favor so that as society demands, your judgment will constitute a sincere declaration of truth and justice."

ARTICLE IX

The consolidated text of the legislative provisions dealing with Courts of Assize shall so far as the same is applicable and not in conflict with the provisions of this proclamation or of any instructions issued from time to time by the Allied Military Government be observed and followed.

ARTICLE X

(1) Within 10 days from the date of the publication of this proclamation, the Procurator General of the Court of Appeal of Trieste shall by order set up for each Special Court of Assize or Section thereof a Public Prosecutor's office. The number and grade of the judicial officials appointed to such office shall be stated in the order establishing the office. 15

(2) The office shall consist of magistrates, together with such experienced and able lawyers of spotless moral conduct and irrefragable political antecedents as may be selected from lists prepared by the National Liberation Committee. Lawyers appointed to such office shall be entitled to the pay and allowances of a Substituto Procuratore del Regno

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ARTICLE XI

No parent or relative of the third or nearer degree of any accused person shall sit as a lay assessor on any Special Court of Assize nor act as public prosecutor in any trial before such court.

ARTICLE XII

Claims for civil damages shall not be entertained by any special Court of Assize.

ARTICLE XIII

The time limits established by the Code of Penal Procedure for the pre-trial investigation and for hearing are reduced by one-half.

ARTICLE XIV

(1) Any crime within the jurisdiction of a Special Court of Assize, shall be investigated by summary procedure in the offices of the Public Prosecutor referred to in Article X.

(2) Whenever he is of the opinion that there is a prima facie case against the accused, the Public Prosecutor may, provided that the conditions set out in the second paragraph of Article 502 of the Code of Penal Procedure are observed, order that the trial shall proceed by "giudizio direttissimo."

ARTICLE XV

Sentences of the Special Courts of Assize shall be filed within five days of their pronouncement and the accused or his advocates shall be notified within 24 hours of such filing.

ARTICLE XVI

(1) An appeal from the Special Court of Assize will lie to the Court of Appeal of Trieste on any ground on which under the Code of Penal Procedure an appeal lies from the Court of Assize to the Court of Cassation and the Court of Appeal of Trieste shall have such powers and such powers only for that purpose as the Court of Cassation would have had on the hearing of such an appeal.

(2) The grounds of appeal shall be lodged with the Court of Assize by the accused within three days and by the Public Prosecutor within five days after notification of the sentence.

ARTICLE XVII

Subject to further order of the Allied Military Government, the jurisdiction of the Special Courts of Assize shall cease six months after the effective date of this proclamation and thereafter the offences referred to in this proclamation shall be tried according to the normal rules of jurisdiction.

ARTICLE XVIII

For the purpose of this Proclamation the expression Allied Military Government shall include any Civil Affairs Officer of the Allied Military Government who is duly authorized by me to act on my behalf.

ARTICLE XIX

(1) Any crime within the jurisdiction of a Special Court of Assize, shall be investigated by summary procedure in the offices of the Public Prosecutor referred to in Article X.

(2) Whenever he is of the opinion that there is a prima facie case against the accused, the Public Prosecutor may, provided that the conditions set out in the second paragraph of Article 502 of the Code of Penal Procedure are observed, order that the trial shall proceed by "giudizio direttissimo."

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ARTICLE XVIII

For the purpose of this Proclamation the expression Allied Military Government shall include any Civil Affairs Officer of the Allied Military Government who is duly authorized by me to act on my behalf.

ARTICLE XIX

This Proclamation shall come into operation throughout the territory on the date of its first publication therein.

Field Marshal,
Supreme Allied Commander,
Mediterranean Theater of Operations,
and Military Governor.

Not assigned
see original in
for 4027/12

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4188
✓

RESTRICTED

Legal ✓
22.4
6 A Sec

130/FI/3667
JUN 24 1645B

25 GIU. 1945

E/6615
JUN 25 0745B
IMMEDIATE

AMG 19 CORPS

ALCOM ROME FOR ACPIN

No copy rec'd in CH Sec.
Legal

RESTRICTED.

Reference your signal 440 dated 23 June.

Article 7 Section 1 Subsection (B) VENEZIA GIULIA Proclamation No 2 reads as follows

"All financial, commercial or other transactions, involving trade or communication of any kind with any person outside the military government territory are prohibited save only that the same may be conducted with person in Italian Government territory, provided always that such dealings are in accordance with Italian law, and provided that they do not conflict with the specific orders or regulations issued by the Allied Military Government."

Legal adviser states Proclamation No 2 VENEZIA GIULIA as quoted above was approved by AFHQ.

Is last sentence of your 440 intended to convey that a specific order or regulation as mentioned in above para should be issued. Signed LECH-JONES for MONFORT.

8625

DIST

ACTION: Finance S/C
INFO: Chief Commissioner
Econ Sec
CA Sec
File 2
Float

HEADQUARTERS
25 JUN 1945
A.C.

LEGAL SUB COMMISSION
CLO
ELIO
Chief Counsel
CIV
Person Section
25 JUN 1945

RESTRICTED

File 1488

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APRIL 21ST 1945

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25 June 1945

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4188 ✓

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

(20A)

Legal S/C

Originator's Reference: VG/33

Message Centre No: E/6642

Date/Time of Origin: JUN 241130E

Date Time Rec'd: JUN 251110E

Precedence: IMPORTANT

FROM: HQ AMG 13 CORPS

TO: ALCOM ROME

RESTRICTED

RESTRICTED.

Your 465 dated 23 ACLEG refers.

Proclamations 2 3 and 4 posted in TRIESTE and GORIZIA areas 22 June 45.

They have been despatched POLA. Receipt of information re publication awaited.

DIST

ACTION: Legal S/C

INFO: Chief Commissioner

CA Sec

File 2

Float

ACTION

Report 65
AFHQ

RESTRICTED



Chief Counsel	41
CIO	
Italian - Sec	
CL RKS	
25 JUN 1945	

19A

G-5 AFHQ, 1042 WILLIAMS, 2041 ANG 8 ARMY

493

24 JUNE 1945

PRIORITY

RESTRICTED PD

PARA ONE PD IN ADDITION TO AMENDMENTS ALREADY MADE IN PROCLAMATIONS
TWO AND FOUR FOR VENEZIA GIULIA

PARA TWO CHANGE FIVE ABLE FOR ROY QUEEN CMA SENIOR CIVIL AFFAIRS
OFFICER THIRTEEN CORPS CMA SENIOR CIVIL AFFAIRS OFFICER/EIGHT ARMY
PARA FROM HA ALONG WITH ASING PAREN

ABLE FOR ROY QUEEN HAS ADVISED THAT FOLLOWING ADDITIONAL AMENDMENTS
HAVE BEEN APPROVED PD PROCLAMATION THREE CMA ARTICLE FIVE QUOTE
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QUOTE TO READ QUOTE BARRACKS OR CAMPS OF TROOPS OR POLICE QUOTE PD

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Legal Sub-Commission

102

File
4188.

18A

TO : SCAO XIII CORPS.

465

23 JUNE 1945

ROUTINE

RESTRICTED PD

PARA ONE PD PLEASE ADVISE SOON AS PROCLAMATIONS TWO CMA THREE
AND FOUR POSTED VENEZIA GIULIA PD
PARIN TO SCAO THIRTEEN CORPS FROM HQ ALCON CITE ACLEC PAREN

LEGAL SUB-COMMISSION

302

39

4128
✓

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

(17A)

Originator Reference: F 97314
Date/Time of Origin: JUNE 22 1505B

Message Centre No: E/6274
Date Time Rec'd: JUNE 22 2115B
Precedence: ROUTINE

FROM: AFHQ SIGNED SACRED CITE ENCEG
TO: AICOM ROME

RESTRICTED

RESTRICTED

Reur 13C/LEG of 18 June.

Please advise soon as proclamations 2, 3 and 4
posted VENEZIA GIULIA.

Dist

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2
Float

HEADQUARTERS
23 JUN 1945
A. C.

ACTION

RESTRICTED

ALL COMMISSION	
DCIO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
62 Jun 1945	
Capt Bern.	38

4188.

✓ file

Legal 310
3735
16A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

ETH/prb

22 June 1945

SUBJECT: Proclamations 2, 3, and 4 for Venezia Giulia.

TO : Headquarters, Allied Commission,
(Attn: Colonel BEERENS)
APO 394.

Enclosed is copy of staff study, above subject, showing
changes approved 22 June 45.

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

23 JUN 1945

F. T. Hammond Jr.
F. T. HAMMOND, JR.
Colonel, C.S.C.
Legal Adviser

Encl: staff study dtd 21
June, above subject.

LEGAL SUB COMMISSION	
CLO	<i>no</i>
DCLO	
Chief Counsel	
CLO	
Italian Section	
CL RKS	
24 JUN 1945	
<i>Capt. Bean</i>	

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

21 June 1945

SUBJECT: Proclamations Nos 2, 3 and 4 for Venezia Giulia.

TO : Chief of Staff

THRU : Chief Administrative Officer.

I. Discussion

1. SAC has heretofore approved and signed Proclamations Nos 2, 3 and 4 for Venezia Giulia, copies of which are annexed, (TABS A, B and C).

2. In recent conferences at Gorizia it appeared that Allied Commission desired minor changes as follows:

a. Proclamation No. 2, Article I; Para 1;

"Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner)" to read "Chief Civil Affairs Officer;"

b. Proclamation No. 2, Article I; Para 2;

"Chief Commissioner" to read "Chief Civil Affairs Officer;"

c. Proclamation No. 2; Article V;

same change as in Article I, Para 2, (b. above) in two places;

d. Proclamation No. 3; Article V;

"barracks or camps of troops or the barracks of the Carabinieri Reali" to read "barracks or camps of troops or police;"

e. Proclamation No. 4; Article I; Section 1;

same change as in Proclamation No. 2 Article I, Para 1 (a. above);

f. Proclamation No. 4; Article I; Section 4;
"prior to 8th September 1943" to read
"on 8th September 1943;"

g. Proclamation No. 4; Article II; Section I;
same change as in Proclamation No. 2,
Article I; Para 2 (b. above).

The changes in question are indicated in blue
pencil on TABS A, B and C.

II. Action Recommended

That the changes indicated be approved for incorpor-
ation in the Proclamations as heretofore signed by SAC.

III. Concurrences

None required. Chief Commissioner, Allied Commission
has been consulted and concurs.

Incls:
as above.

CHARLES M. SPOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

File 4-188

15A

13 CORPS RPTD 8 ARMY, ARHQ 4-5

242

21 JUL 1945

PRIORITY

Confidential

SECRET PD

PARA ONE PD REFERENCE IS MADE TO THE PROCLAMATION IN VERDIA CIVILIA PD
PARA TWO THIRTEEN CORPS RPTD EIGHTEEN ARMY CMA AGUE FIA
FOR QUEN GEORGE FIVE SHOW HQ ALONG CITY AGUE FAREN

PARA TWO PD DELETE THROUGHOUT ALL REFERENCE TO ARMED COMMISSION
 AND CHIEF COMMISSIONER TO SUBSTITUTE CHIEF CIVIL AFFAIRS OFFICER
 PD SPECIFIC REFERENCES ARE PROCLAMATION TWO ARTICLES ONE AND FIVE
 CMA PROCLAMATION FOUR ARTICLES ONE AND TWO PARAN ONE PARAN

DOWN GRADED
 TO
 UNCLASSIFIED

Col. Inf.
 Chief Judicial Officer,
 for Chief Civil Affairs Officer,

Legal Sub-Commission
 302

3

4188

14A

HEADQUARTERS
Allied Military Government
13 CORPS.
LEGAL DIVISION.

SUBJECT : Proclamations - Venezia Giulia.

16 June 45.

REF : 13C/LEG/

TO : Chief Legal Adviser, HQ. A.C.
Legal Sub-Commission, ROME. ✓

In reply to your letter AC/4188/L dated 7 June 45,
para 3, forwarded herewith are 12 copies of Proclamation 1
(English, Slovene and Italian version) and Notice No.1.

For the Senior Civil Affairs Officer.

jmc.

REC'D	DE COMMISSION
CLO	<i>rec'd</i>
DCLO	
Chief Counsel	
CJO	
Italian Section	
Copy to: EL HQ 8th Army (your OA/V.GIULIA dated 10 June 45 refers).	
20 JUN 1945	

L.F. Dawson

L.F. DAWSON.

Lt-Col.

CHIEF LEGAL OFFICER.

HGW/lp

S E C R E T

13A

4188
file
HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

8 June 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, HQ., AC.

SUBJECT: Proclamation No. 1 (Venezia Giulia).

FILE No: RXII/LE/Reg/D/01.

1. Reference your AC/4188/L of 31 May 1945, enclosing two copies of Proclamation No. 1 for Venezia Giulia.

2. These were taken by hand by the Regional Commissioner to Senior Civil Affairs Officer, AMG., 8th Army, as soon as received. The latter, however, stated that he had already received a draft in identical terms direct from A.F.H.Q., and that the Proclamation is now in print.

H. L. L. Confidential

Colonel,
Regional Legal Officer,
VENEZIE Region.

LEGAL SUB-COMMISSION	
CLO	Lead
DCLO	
Chief Counsel	
CJO	
Italian Sec	

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf. 31

Chief Judicial Officer,
for Chief Civil Affairs Officer

12 JUN 1945

4188
Tel. Act. 93.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
EIGHTH ARMY.

12A

SUBJECT: Proclamations - VENEZIA GIULIA.

CA/T. GIULIA.

SLO., AND 15 Corps.

10 Jun 45.

1. Reference is made to A.C. Legal S/Commission letter AC/4188/L., dated 7 Jun 45, copy of which was forwarded to you for information.
2. Will you please take the necessary action in due course which is called for in para. 3 of the a/m letter.

LEGAL SUB-COMMISSION

CLO
DCLO
Chief Counsel
CIO

1000 Cpy to Legal Sub-Commission, H.Q. A.C., Italy.
CL RKS

10 JUN 1945

[Signature]

Major,
For Air Commanders,
Officer Commanding,
H.Q., A.M.G. EIGHTH ARMY.

31

No. 785016

file

11A

HEADQUARTERS ALLIED COMMISSION

APO 394

CIVIL AFFAIRS SECTION

6/50/CA

11 June 45

SUBJECT : Proclamations for Venezia Giulia.

TO : Legal Sub-Commission

- 1 Brigadier Graffetey Smith telephoned late yesterday morning to say
that ARHQ had made some amendments to the Proclamations which went before
SACMED for signature during the afternoon. I do not know the details.
- 2 The signed proclamations were brought up by Brigadier Spofford
and I understand that the VP took them north for printing.
- 3 No doubt you will arrange to get the originals back.

G. D. Benham facts.

A.D. BONHAM-CAPTER Lt Col,
CSO CA Section

LEGAL SUB-COMMISSION

CLO

UCLO

Chief Counsel

CLO

Italian

CL RG

3

11 JUN 1946

JUN 1 1945

1587

JUN 11 1945

CC 1110

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4188

file

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

10 June 1945

SUBJECT: Venezia Giulia Proclamations Nos. 2, 3, and 4

TO : Headquarters, Allied Commission
A.P.O. 394
(Attn: Legal Subcommittee)

Now in 4027/1

There are transmitted herewith the originals signed by
Field Marshal Sir Harold R. Alexander of Proclamations Nos. 2,
3, and 4, for the Compartimento of Venezia Giulia. Please
acknowledge receipt on the attached form.

Charles M. Spofford

CHARLES M. SPOFFORD
Brigadier General, U.S.C.
Assistant Chief of Staff, G-5

Incls:
Proclamations Nos. 2, 3, and 4
Receipt form

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CM	
Legal Section	
Ch. Secs	
JUN 11 1945	

29

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

9A

AC/418B/L.

/rlp.
7 June 1945.

SUBJECT : Proclamations - Venezia Giulia.
TO : HQ AGC, 8th Army Main.

1. We have today forwarded to you by airmail:

- a. 2 copies of Proc No. 2 in English and Italian;
- b. " " " " " 3 " " " "
- c. " " " " " 4 " " " "

2. The English copies of these three proclamations have been forwarded to AFHQ for signature by SAC and a copy of the letter covering their dispatch was also enclosed.

3. May twelve copies of each proclamation when printed please be forwarded to this sub-commission.

By command of Rear Admiral STONE.

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

Copy to: Regional Commissioner (Attn: Regional Legal Officer), Venezia Region;
" " " " " Venezia-Giulia
" " " " " Region.

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS BRANCH

AC/4188/L.

/rlp.
7 June 1945.

SUBJECT : Proclamations - Venezia Giulia.
TO : AFHQ, G-5.

1. The enclosed documents are forwarded for the signature of the Supreme Allied Commander.

2. Proclamations Nos. 2 and 4 have been considered by this Commission as a result of discussions with the Financial Advisor in your Hq. It will be observed that in proclamation No. 2 yellow seal dollars and B.M.A. currency are declared not to be legal tender. This is in accordance with the policy agreed and with a new proclamation for the rest of IGO Territory which is in course of preparation and will be submitted for signature very shortly.

3. The policy of Proclamation No. 4 may have to be amended in the light of the situation which develops after occupation, but is considered to be the most satisfactory solution for the initial stage.

4. Proclamation No. 3 has been drawn in accordance with your directive on the display of flags and the existing Proclamation No. 3 with the exception that the Blackout restrictions are not continued.

5. As these proclamations are urgently required at AFHQ, 8th Army, a copy of these drafts is being forwarded them. It is requested that the necessary signature be obtained as soon as possible and that AFHQ, 8th Army be notified by signal as soon as this has been done. May all documents be returned to this Hq after signature please.

6. Enclosures:

- a. Proclamation No. 2 - 2 copies
- b. Proclamation No. 3 - 2 copies
- c. Proclamation No. 4 - 2 copies

For the Chief Commissioner:

DOWN GRADED
TO
UNCLASSIFIED

3 Incls; see para 3.

G. R. Dutton
G. R. DUTTON, Brig.,
Vice President,
Civil Affairs Section. 27

Confidential

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.
SECRET

ALLIED MILITARY GOVERNMENT
OF VENETIA GIULIA

PROCLAMATION NO. 2

PROPERTY CONTROL

CURRENCY AND EXCHANGE - RATIONING PRICE FIXING WAGES AND AGRICULTURE

I, HAROLD R.L.O. ALEXANDER, G.C.P., C.S.I., D.S.O., M.C., A.D.C., Field Marshal, Supreme Allied Commander Mediterranean Theater of Operations, and Military Governor, hereby proclaim as follows:

ARTICLE I

APPOINTMENT OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control is the officer appointed by the Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner) to carry out the powers and duties hereunder or hereafter conferred upon him.

He shall have the power to take into his control any and all property of all forms and of every kind and description as directed by the Chief Commissioner.

ARTICLE II

ALLIED PROPERTY

SECTION 1. Cancellation of Italian and Yugoslav measures affecting Allied property.--All laws, decrees, orders or other measures taken by the Italian Government or the Yugoslav Government to sequester, block, confiscate or otherwise discriminate against property situated in the occupied territory, including obligations of debtors within the occupied territory, owned by any government of the United Nations, or by the nationals of such states or governments or in which any such government or state or nationals have any interest are hereby abrogated.

SECTION 2. Declaration of Property.--All public officials and all other persons in the Occupied Territory who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall:

- a) Forthwith declare such property by delivering to the Director of Property Control a schedule or list describing the same;
- b) Upon demand of the Director of Property Control turn over such property of the control, possession, or custody thereof to the Director or such person as may be designated by him;
- c) Upon demand of the Director of Property Control turn over all books, accounts and records of the administration of such property during the period of Italian or Yugoslav sequestration or other control to the Director or to such person as may be designated by him.

PROPERTY CONTROL

CURRENCY AND EXCHANGE - RATIONING PRIOR FILING WAGES AND AGRICULTURE

Y. HAROLD R.L.O. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., A.D.C., Field Marshal, Supreme Allied Commander Mediterranean Theater of Operations, and Military Governor, hereby proclaim as follows:

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APPOINTMENT OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control is the officer appointed by the Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner) to carry out the powers and duties hereunder or hereafter conferred upon him.

He shall have the power to take into his control any and all property of all forms and of every kind and description as directed by the Chief Commissioner.

ARTICLE II

ALLIED PROPERTY

SECTION 1. Cancellation of Italian and Yugoslav measures affecting Allied property.--All laws, decrees, orders or other measures taken by the Italian Government or the Yugoslav Government to sequester, block, confiscate or otherwise discriminate against property situated in the Occupied Territory, including obligations of debtors within the Occupied Territory, owned by any Government of the United Nations, or by the nationals of such states or Governments or in which any such Government or state or nationals have any interest are hereby abrogated.

SECTION 2. Declaration of Property.--All public officials and all other persons in the Occupied Territory who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall:

- a) Forthwith declare such property by delivering to the Director of Property Control a schedule or list describing the same;
- b) Upon demand of the Director of Property Control turn over such property of the control, possession, or custody thereof to the Director or such person as may be designated by him;
- c) Upon demand of the Director of Property Control turn over all books, accounts and records of the administration of such property during the period of Italian or Yugoslav sequestration or other control to the Director or to such person as may be designated by him.

SECTION 3. Maintenance and Care of Property pending Restitution.--Until such a time as they are ordered to turn over any property which is the subject of this proclamation, all persons who are charged with the administration, custody or control thereof shall be fully responsible for the maintenance thereof and for taking all necessary measures for safeguarding and preserving the same.

All such persons shall, as demanded by the Director of Property Control, render regular reports as to the operations, custody and administration of the properties.

SECTION 4. Consent as to Certain Action.--No person so charged with the administration, custody or control of such property shall take or suffer to be taken any action which shall materially effect the value or the use thereof without the consent of the Director of Property Control.

ARTICLE III

PROTECTION OF ALLIED MILITARY GOVERNMENT

The Allied Military Government and its officers shall be under no responsibility to the owner of any property taken into control under this proclamation, or to any person interested therein, to make good any loss of or damage to such property, however caused, or to compensate any such owner or other person for any loss suffered directly or indirectly by reason of the taking of control of such property.

ARTICLE IV

PENALTIES

No one shall knowingly and without authority:

- a) Interfere with or obstruct the Director of Property Control or any of his assistants in the exercise of any of their functions hereunder;
- b) Interfere with, remove, damage, conceal or make away with any property which the Director of Property Control has taken or is authorized to take into his control.
- c) Interfere with, remove, damage, conceal or make away with any property with intent to defeat, evade or avoid any responsibility, fine or punishment;
- d) Withhold any information or any document which the Director of Property Control is entitled to receive, or make any false statement, or use or refer to any false document in order to mislead the Director of Property Control as to any of the matters which he requires to know for the purposes of this Proclamation.

ARTICLE V

POWER TO VOID TRANSACTIONS

The Chief Commissioner or any officer empowered by him may by order direct that any transaction made at any time with regard to any property, movable or immovable, shall be set aside and held null and void if, in the opinion of the Chief Commissioner or such officer empowered by him,

ARTICLE III

PROTECTION OF ALLIED MILITARY GOVERNMENT

The Allied Military Government and its officers shall be under no responsibility to the owner of any property taken into control under this proclamation, or to any person interested therein, to make good any loss of or damage to such property, however caused, or to compensate any such owner or other person for any loss suffered directly or indirectly by reason of the taking of control of such property.

ARTICLE IV

VIOLATIONS

No one shall knowingly and without authority:

a) Interfere with or obstruct the Director of Property Control or any of his assistants in the exercise of any of their functions hereunder;

b) Interfere with, remove, damage, conceal or make away with any property which the Director of Property Control has taken or is authorized to take into his control.

c) Interfere with, remove, damage, conceal or make away with any property with intent to defeat, evade or avoid any responsibility, fine or punishment;

d) Withhold any information or any document which the Director of Property Control is entitled to receive, or make any false statement, or use or refer to any false document in order to mislead the Director of Property Control as to any of the matters which he requires to know for the purposes of this Proclamation.

ARTICLE V

POWER TO VOID TRANSACTIONS

The Chief Commissioner or any officer empowered by him may by order direct that any transaction made at any time with regard to any property, movable or immovable, shall be set aside and held null and void if, in the opinion of the Chief Commissioner or such officer empowered by him, the transaction was made to defeat, evade or avoid any provision of this proclamation or any responsibility, fine or punishment imposed or to be imposed on any person or enemy government.

ARTICLE VI

CURRENCY

SECTION 1. Allied Military Lira Notes.--Lira currency in the forms of Allied military notes of the denominations, one, two, five, ten, fifty, one hundred, five hundred, and one thousand lira is hereby constituted and made legal tender for the payment of any amount in the Military Government Territory and no person shall refuse to accept such legal tender for the payment of any amount.

SECTION 2. United States Currency and British Military Authority Notes.-- All United States currency bearing a yellow seal on the right face of the bill and known as United States yellow seal currency, and all notes bearing the inscription "British Military Authority" in sterling denominations are hereby declared NOT to be legal tender in the Military Government Territory and no person shall offer or accept any such currency for the payment of any amount.

SECTION 3. It is forbidden for any person to hold or possess any of the currency mentioned in Section 2 of this article. Any person who is at the effective date of this Proclamation in possession of any such currency shall within 30 days of such date exchange the same through such agencies as the Allied Military Government may direct for like notes at the following rates of exchange free of any commission or fee:

One dollar in United States yellow seal currency equals 100 lire;
One pound sterling in British Military Authority notes equals 400 lire.

ARTICLE VII

REGULATIONS, EXCHANGE AND FOREIGN TRADE

SECTION 1. Transactions prohibited.--from the effective date of this Proclamation, except as authorized by the Allied Military Government from time to time:

- a) All transactions in foreign exchange, and the import and export of any coins, currency, securities, and gold and silver bullion are prohibited.
- b) All financial, commercial or other transactions involving trade or communication of any kind with any person outside the Military Government Territory are prohibited, save only that the same may be conducted with persons in Italian Government Territory, provided always that such dealings are in accordance with Italian law, and provided that they do not conflict with the specific orders or regulations issued by the Allied Military Government.

SECTION 2. Exports and Imports of Foreign Exchange Prohibited.--No currency and no coin of any country may be exported from or imported into the Military Government Territory except as authorized by the Allied Military Government. No currency or coin of any country other than the currency described in Section 1 of Article VI hereof may be traded, exchanged, bargained or sold, except that which is legal tender in the Military Government Territory.

ARTICLE VIII

RATIONING

The present system of rationing will remain in force until further order of the Allied Military Government.

ARTICLE IX

LIMITATIONS ON WAGES AND MAXIMUM PRICES

All rates of wages for labor prevailing and all maximum prices for food-stuffs and goods officially in force in any locality on the day of the first publication of this Proclamation therein shall remain unaltered until further

effective date of this Proclamation in possession of any such currency shall within 30 days of such date exchange the same through such agencies as the Allied Military Government may direct for lire notes at the following rates of exchange free of any commission or fee:

One dollar in United States yellow seal currency equals 100 lire;
One pound sterling in British Military Authority notes equals 400 lire.

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- a) All transactions in foreign exchange, and the import and export of any coins, currency, securities, and gold and silver bullion are prohibited.
- b) All financial, commercial or other transactions involving trade or communication of any kind with any person outside the Military Government Territory are prohibited, save only that the same may be conducted with persons in Italian Government Territory, provided always that such dealings are in accordance with Italian law, and provided that they do not conflict with the specific orders or regulations issued by the Allied Military Government.

SECTION 2. Exports and Imports of Foreign Exchange Prohibited.--No currency and no coin of any country may be exported from or imported into the Military Government Territory except as authorized by the Allied Military Government. No currency or coin of any country ~~shall be traded, exchanged, bartered, or sold, except that which is by law tenderable in the Occupied Territory.~~

ARTICLE VIII

RATIONING

The present system of rationing will remain in force until further order of the Allied Military Government.

ARTICLE IX

LIMITATIONS ON WAGES AND MAXIMUM PRICES

All rates of wages for labor prevailing and all maximum prices for foodstuffs and goods officially in force in any locality on the day of the first publication of this Proclamation therein shall remain unaltered until further order of the Allied Military Government, and no person shall demand, receive or pay any sum for labor or purchase in excess of such rates or maximum prices.

ARTICLE X

MARKING OF PRICES

All persons engaged in the business of selling foodstuffs by retail to the public shall plainly mark the same with the price thereof.

ARTICLE II

AGRICULTURE REGULATIONS

All laws, decrees and regulations relating to Agriculture which were in force and effect on 6 September 1943 will be strictly enforced and observed subject to any further order of the Allied Military Government.

ARTICLE III

PENALTIES

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

ARTICLE XIII

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.

/s/ H. R. Alexander.

Field Marshal,
Supreme Allied Commander, Mediterranean
Theater of Operations, and Military
Governor.

ALLIED MILITARY GOVERNMENT
OF VENEZIA GIULIA

PROCLAMATION NO. 3

General Police and Security Regulations

I, HAROLD R.L.G. ALEXANDER, G.C.B., O.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
tions and Military Governor, hereby proclaim as follows:

ARTICLE I

REGULATION OF PRIVATE MEANS OF COMMUNICATION

SECTION 1. - Declaration of Radio Receiving Sets.--Every person hav-
ing in his possession any radio or wireless receiving set or equipment,
or any parts, accessories, or material used in connection with wireless
reception, or any private telephone wire or telegraph wire or any carrier
pigeons will declare the same within the time and at the place specified
by official notice in each locality.

SECTION 2. - Possession Unlawful.--From and after the date fixed by
such notice it shall be unlawful for any person in that locality to have
in his possession or custody any of the articles above mentioned which
have not been declared as required by Section 1 hereof.

ARTICLE II

PROHIBITION OF PHOTOGRAPHY AND DECLARATION OF PHOTOGRAPHIC
EQUIPMENT

SECTION 1. - Photographing. Printing and Developing Forbidden.--From
the effective date of this order all persons in the occupied territory are
forbidden, except with a written permit of the Allied Military Government;

(a) To take photographs of any sort, whether indoors or out-of-doors,
and whether by still or cine or other type of camera;

(b) To develop or print any photographic film or plate of any nature,
whether received from members of the Allied Forces or from any other person.

SECTION 2. - Declaration of Cameras, Photographic Supplies, Telescopes
and Binoculars.--Every person owning or having in his possession or custody
any camera or any photographic supplies, or any telescope or binoculars will
declare the same within the time and at the place specified by official
notice published in each locality. For the purpose of such declaration,
photographic supplies shall include:

Cameras - cine or still

Developing apparatus

I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
tions and Military Governor, hereby proclaim as follows:

ARTICLE I

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the effective date of this order all persons in the occupied territory are
forbidden, except with a written permit of the Allied Military Government;

(a) To take photographs of any sort, whether indoors or out-of-doors,
and whether by still or cine or other type of camera;

(b) To develop or print any photographic film or plate of any nature,
whether received from members of the Allied Forces or from any other person.

SECTION 2. - Declaration of Cameras, Photographic Supplies, Telescopes
and Binoculars.--Every person owning or having in his possession or custody
any camera or any photographic supplies, or any telescope or binoculars will
declare the same within the time and at the place specified by official
notice published in each locality. For the purpose of such declaration,
photographic supplies shall include:

Cameras - cine or still
Projecting apparatus
Developing and dark room equipment
Unexposed or exposed film, cine or still
Photographic paper and chemicals.

ARTICLE III

REGULATION OF NEWSPAPERS AND PRINTED MATTER

SECTION 1. - Publication of Newspapers and Printed Matter Prohibited without a permit.--No newspaper, magazine, book, pamphlet or circular may be published or printed without a written permit issued under the authority of the Allied Military Government. Such permits will be either specific or continuing and will be issued under the authority of the Allied Military Government upon such terms and conditions as may be prescribed.

SECTION 2. - Importation and Exportation of Printed Matter.--Importation into and exportation out of the occupied territory of newspapers, magazines, books or other printed matter is prohibited except under permit issued under the authority of the Allied Military Government.

ARTICLE IV

MEETINGS AND ASSEMBLIES

SECTION 1. - Meetings and Assemblies prohibited except as hereinafter provided.--No person shall promote or attend any public meeting, theatrical moving picture or other representation or performance, any public assembly or other public gathering, whether indoors or out-of-doors, or any parade or demonstration for which a written permit has not been granted. Such permits will be either specific or continuing and will be issued by or on the authority of the Allied Military Government upon such terms and conditions as may be prescribed. The foregoing prohibition shall not apply to the following:

Meetings for religious purposes, including baptisms, weddings and funerals; the operation of courts of law, universities, schools and educational establishments; and the ordinary and usual functions of Government.

SECTION 2. - Power of Civil Affairs Officer or other officer to disperse assemblies.--Notwithstanding the issuance of any permit, any Civil Affairs Officer, if he has any reason to believe that public disorder will ensue or that the safety of the Allied Forces is threatened, may order any meeting, performance, assembly, or parade to be suspended or terminated and require all persons present to disperse. Any such order will be complied with immediately by all persons present.

ARTICLE V

DISPLAY OF FLAGS

Upon public and official buildings in the occupied territory it is permitted to display jointly the flags of the United States of America and the United Kingdom of Great Britain and Northern Ireland.

Save as aforesaid, the public display of any flag or color of any nation is prohibited upon any public or official buildings in the occupied territory.

For the purpose of this article, the term public or official buildings

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1489

DECLASSIFIED E.O. 12356 Section 3.3/NND No. 785016

SECTION 2. - Importation and Exportation of Printed Matter. -- Importation into and exportation out of the occupied territory of newspapers, magazines, books or other printed matter is prohibited except under permit issued under the authority of the Allied Military Government.

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Meetings for religious purposes, including baptisms, weddings and funerals; the operation of courts of law, universities, schools and educational establishments and the ordinary and usual functions of government.

SECTION 2. - Power of Civil Affairs Officer or other officer to disperse assemblies. -- Notwithstanding the issuance of any permit, any Civil Affairs Officer, if he has any reason to believe that public disorder will ensue or that the safety of the Allied forces is threatened, may order any meeting, performance, assembly, or parade to be suspended or terminated and require all persons present to disperse. Any such order will be complied with immediately by all persons present.

ARTICLE V

DISPLAY OF FLAGS

Upon public and official buildings in the occupied territory is permitted to display jointly the flags of the United States of America and the United Kingdom of Great Britain and Northern Ireland.

Save as aforesaid, the public display of any flag or color ~~of any nation~~ is prohibited upon any public or official building in the occupied territory.

For the purpose of this article, the term public or official building shall include all buildings which either in whole or in part are used for the purpose of the government or administration of the occupied territory. The term shall include all police stations by whomsoever occupied, ~~and~~ shall also include the barracks or ~~quarters~~ of troops or the barracks of the carabinieri ~~regiment~~, *save that upon such barracks or cages the national flag of the occupying troops may be displayed.*

ARTICLE VI

PUNISHMENT

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

ARTICLE VII

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.

/s/ H. R. Alexander.

Field Marshal,
Supreme Allied Commander, Mediterranean
Theater of Operations, and Military
Governor.

ALLIED MILITARY GOVERNMENT

OF VERAGLIA GIULIA

PROCLAMATION NO. 4

CLOSING OF FINANCIAL INSTITUTIONS AND ESTABLISHMENT OF REGULATOR

I, HAROLD R.L.G. ALEXANDER, C.C.B., C.S.I., D.S.O., M.C., A.D.C., Field Marshal, Supreme Allied Commander Mediterranean Theater of Operations, and Military Governor, hereby proclaim as follows:

ARTICLE I

CLOSING OF FINANCIAL INSTITUTIONS

SECTION 1. CLOSING OF INSTITUTIONS.--Except as provided in Sections 2 and 3 hereof, every company, institution, corporation, body or person within the Military Government territory engaged in the business of receiving and paying out deposits, making loans, selling or purchasing securities, exchanging money, dealing in foreign exchange, maintaining safe deposit facilities, transacting insurance, or engaging in any other forms of financial business shall forthwith suspend any and all such business and the premises shall be closed, except as in this article otherwise provided. The reopening of all such business shall be upon such terms and conditions and the transacting of further financial business shall be subject to such restrictions as the Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner) or any officer empowered by him may from time to time prescribe by order. Such orders may be of general or specific application and may be notified by public announcement or by written communication addressed to any company, institution, corporation, body or person concerned.

SECTION 2. BANKING INSTITUTIONS.--Banking institutions are authorized to engage in the following transactions.

- a) accept payments of amount due to such banking institutions.
- b) Permit withdrawals in cash for payment of impost, taxes and social insurance contributions.
- c) Permit withdrawals in cash, when authorized by local representatives of the Allied Military Government, from the accounts of the following:
 - (1) Official Governmental accounts of the State, Provinces and Communes.
 - (2) Social Insurance and Social Welfare Institutions.
 - (3) Consorzi.
 - (4) Such perastatal agencies as may be authorized by the Allied Military Government.

d) Receive accounts and otherwise conduct new business with respect to persons and institutions described in sub-section (c) hereof.

SECTION 3. COMMERCIAL INSURANCE COMPANIES AND INSTITUTIONS.--Every

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Field Marshal, Supreme Allied Commander Mediterranean Theater of Operations, and Military Governor, hereby proclaims as follows:

ARTICLE I

CLOSING OF FINANCIAL INSTITUTIONS

SECTION 1. CLOSING OF INSTITUTIONS.--Except as provided in Sections 2 and 3 hereof, every company, institution, corporation, body or person within the Military Government territory engaged in the business of receiving and paying out deposits, making loans, selling or purchasing securities, exchanging money, dealing in foreign exchange, maintaining safe deposit facilities, transacting insurance, or engaging in any other forms of financial business shall forthwith suspend any and all such business and the premises shall be closed, except as in this article otherwise provided. The reopening of all such business shall be upon such terms and conditions and the transacting of further financial business shall be subject to such restrictions as the Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner) or any officer empowered by him may from time to time prescribe by order. Such orders may be of general or specific application and may be notified by public announcement or by written communication addressed to any company, institution, corporation, body or person concerned.

SECTION 2. BANKING INSTITUTIONS.--Banking institutions are authorized to engage in the following transactions:

- a) accept payments of amount due to such banking institutions.
- b) Permit withdrawals in cash for payment of impost, taxes and social insurance contributions.
- c) Permit withdrawals in cash, when authorized by local representatives of the Allied Military Government, from the accounts of the following:
 - (1) Official governmental accounts of the State, Provinces and Counties.
 - (2) Social Insurance and Social Welfare Institutions.
 - (3) Consorzi.
 - (4) Such parastatal agencies as may be authorized by the Allied Military Government.

- d) Receive accounts and otherwise conduct new business with respect to persons and institutions described in sub-section (c) hereof.

SECTION 3. COMMERCIAL INSURANCE COMPANIES AND INSTITUTIONS.--Every company, mutual or other institution, corporation, body or person engaged in life or General Insurance business may continue to receive and collect such premiums and other payments as are due and payable to them in respect of life or General risks ~~in itself~~ and in a currency which is legal tender in the occupied territory.

SECTION 4. SOCIAL INSURANCE AND WELFARE INSTITUTIONS.--Every company, institution, corporation, body and person engaged in the administration of

any Social Insurance or Social Welfare Schemes shall continue to receive and collect all contributions payable under any such Scheme, and to make all benefit, indemnity and other payments due or payable under any such Scheme, provided the same was legally in force prior to 8th September 1943, or is hereafter brought into force by order of the Allied Military Government.

ARTICLE II

MORATORIUM

SECTION 1. OBLIGATIONS AFFECTED.--A moratorium is hereby proclaimed in respect of all debts, claims, deposits and all other obligations for the payment of money. The Chief Commissioner or any officer empowered by him may by general or specific order suspend or terminate the above moratorium in respect of any obligation or class of obligation or in any part of the territory.

SECTION 2. OBLIGATIONS NOT AFFECTED.--The moratorium herein imposed shall not apply to:

- a) Any obligation affected by said moratorium, when the total amount due and to become due, under such obligation does not exceed 5000 lire, excepting obligations of financial business as defined in Article I of this Proclamation.
- b) Any payment required or permitted to be made by Section 4, Section 3 or Section 4 of Article I of this Proclamation.

SECTION 3. EXTENT OF MORATORIUM.--During the period of the moratorium, obligations affected by this proclamation are suspended and extended for the said period. No rights or powers shall be exercised at any time with respect to such obligations solely by reason of their non performance as a result of this Proclamation. Subject to the extension hereby granted, all such obligations shall be of full force and effect upon termination of such moratorium.

The moratorium shall not apply to obligations entered into in any place within the Military Government Territory after the date on which this Proclamation shall come into force in such place.

ARTICLE III

PENALTIES

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

ARTICLE IV

EFFECTIVE DATE

This Proclamation will become operative in each province or part thereof within the said territory of VENEZIA GIULIA on the date of its publication

in respect of all debts, claims, deposits and all other obligations for the payment of money. The Chief Commissioner or any officer empowered by him may by general or specific order suspend or terminate the above moratorium in respect of any obligation or class of obligation or in any part of the territory.

SECTION 2. OBLIGATIONS NOT AFFECTED.--The moratorium herein imposed shall not apply to:

a) Any obligation affected by said moratorium, when the total amount due and to become due, under such obligation does not exceed 5000 lire, excepting obligations of financial business as defined in Article I of this Proclamation.

b) Any payment required or permitted to be made by Section 2, Section 3 or Section 4 of Article I of this Proclamation.

SECTION 3. EFFECT OF MORATORIUM.--During the period of the moratorium, obligations affected by this proclamation are suspended and extended for the said period. No rights or powers shall be exercised at any time with respect to such obligations solely by reason of their non performance as a result of this Proclamation. Subject to the extension hereby granted, all such obligations shall be of full force and effect upon termination of such moratorium.

The moratorium shall not apply to obligations entered into in any place within the Military Government Territory after the date on which this Proclamation shall come into force in such place.

ARTICLE III

PENALTIES

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

ARTICLE IV

EFFECTIVE DATE

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

/s/ HR Alexander

Field Marshal,

Supreme Allied Commander,

Mediterranean Theater of Operations,
and Military Governor.

4188

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference:

Date/Time of Origin: JUNE 05 1830Z

- 6 GU, 1945

Message Centre No:

Date Time Rec'd:

Precedence:

B/3536

JUNE 05 1153Z

PRIORITY

FROM: AMB LAIN 8 AIRY CITE N 1071

TO : ACTION AFHQ INFO HQ ALBON, 13 COPIES FOR AMG LO, 2 US COMUS FOR
AMG LO

SECRET

SECRET

Revised proclamations 2, 3 and 4 for VENEZIA-GIULIA required urgently. If all 3 not yet ready please send any that are now agreed by you in order that translation and printing may be started, facilities for which are very limited here.

Confidential

INFO - ACTION

Dist

Info-Action - CA Sec 2

Info - Chief Commissioner

File 2

Float

URGENT

SECRET

DOWN GRADEN

UNCLASSIFIED

Chief Judicial Officer
for Chief Civil Affairs Officer

HEADQUARTERS

JUN 1945

A. C.

17

4283

CLO

DCLO

Chief Counsel

CLO

French Section

CL RKS

6 JUN 1945

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL SUBCOMMISSION

AG/4138/L.

/rtp.
31 May 1945.

SUBJECT : Proclamation No. 1.

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

1. Herewith enclosed two copies of Proclamation No. 1 as signed by Field Marshal Alexander.
2. Major Oates took with him the Italian and Yugoslav translations of this proclamation but it is pointed out that these will have to be amended to agree with the English.
3. Please forward 12 copies of the proclamation to this sub-commission when printed.

By command of Rear Admiral STONE

Confidential



Col. Int.
Chief of Staff
for Chief of Staff

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

Encl: Proc No. 1 (2 copies).

SECRET

✓ 41880
Entire file
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

ATSEC 5A
1526
FTH/as

29 May 1945

SUBJECT: Proclamation No. 1 for Venezia Giulia.

TO : Headquarters, Allied Commission, APO 394,
(Attn: Civil Affairs Section).

Enclosed is signed original and two copies of Proclamation No. 1 for use in areas of Venezia Giulia occupied by forces under command of the Supreme Allied Commander, Mediterranean Theatre of Operations.

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

F. T. Hammond, Jr.
F. T. HAMMOND, JR.
Colonel, G.S.C.
Legal Adviser

Incls:
as above

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION

-40 394

LEGAL SUB-COMMISSION

AC/4188/L.

/rlr.
25 May 1945.

SUBJECT : Venezia Giulia Proclamation No. 1.

TO : Executive Commissioner.

1. The position in regard to the signature by the S.A.C. of this proclamation is as follows:

2. Colonel Hammond spoke to me on the telephone at 1700 hours yesterday and said that he and General Spofford were proposing to make the alterations mentioned below before submitting the proclamation for signature by S.A.C.

a. The proclamation to be addressed to "the people of those parts of Venezia Giulia which are occupied by the Allied Forces."

b. At the end of the preamble to add the words "or against the laws and usages of war or the law of the territory."

c. Art. 1, first line, read "jurisdiction in those parts of the territory."

d. Art. 3, for "the established laws of the territory" read "the laws of the territory in effect on 8th September 1943." Elsewhere throughout the proclamation where the phrase "the established laws" occurs, delete "established."

e. Art. 10 (1) (b), delete "all persons treated as such."

3. I pointed out that in my opinion there were the following objections to these amendments.

a. I was under the impression that the whole of Venezia Giulia was to be occupied. Even if this is wrong, the proclamation will only be effective in that part of the territory in which it is posted and furthermore that in view of the political implications, it appeared to be undesirable to give public notice of the fact that we were not going to occupy the whole of the territory. Colonel Hammond stated that it was necessary to conform with the Austria proclamations in this respect. This argument does not appeal to me.

CONFIDENTIAL
UNCLASSIFIED

CONFIDENTIAL
Ed. Inf.
Chief Justice
for Chief Justice

Confidential¹

b. Colonel Hammond wished to add these words in order to ensure that the jurisdiction of the Military Courts as stated in the preamble was the same as stated in Art. 10 of the proclamation. There is no objection to this amendment; it is unnecessary, since the purpose of the preamble is to give notice of the fact that the courts are being established and their exact jurisdiction is defined in the body of the proclamation.

c. This goes with (a).

d. This amendment sets out the legal position which is that the law of the 8th September 1943 remains in force, that the laws of the German and Yugoslav occupations terminate automatically, but that special provisions are necessary to cover the legislation issued by the Fascist Republican Government. This legislation has been issued in the rest of Italy by means of the implementation of an Italian decree and so I have already explained to the RLC, it would, in Venezia Giulia, be necessary to issue a Regional Order. However, the matter is far too long and complicated to put in a proclamation and for that reason we have always said in our proclamations hitherto that the existing laws of the territory would remain in force. I explained this to Colonel Hammond, but he said that he intended to recommend this alteration. I do not think that it is particularly important, but it does not in any way obviate the necessity for the ~~issuing of the~~ ^{issue of the} Regional Order which explains the position in detail.

e. Colonel Hammond wished to delete the words "persons treated as such" because he is still anxious that Allied Military Courts should try surrendered troops. I have no objection to the amendment because I shall issue an instruction to the RLC that the exclusion of "prisoners of war" from the jurisdiction of Allied Military Courts naturally excludes any person who is entitled to the treatment of prisoners of war. However, I did point out to Colonel Hammond and I ~~also~~ ^{stress} that the CAO has ruled, as I understand it, that ~~the~~ courts will not try surrendered troops and I am particularly anxious for this ruling to be maintained.

4. In view of the fact that Colonel Hammond insisted on making these alterations, I modified them as far as possible and ultimately reached a compromise on the lines set out above and the position now is that the proclamation so modified will be, unless it has already been, submitted to S.A.C. for signature. I do not myself think that any of the amendments are an improvement and some I think are definitely a disadvantage.

W. B. MERRIS

W. B. MERRIS,

Colonel,

Deputy Chief Legal Adviser 13

Incl.

1500

longer s/c for copy

(4B)

ALLIED MILITARY GOVERNMENT OF VENEZIA GIULIA

PROCLAMATION NO. 1

these parts of

To the people of VENEZIA GIULIA which are occupied by the Allied Forces

In order to hasten the rehabilitation of areas which the Allied

forces have freed from German occupation and to ensure the proper

administration thereof, to provide for the safety and welfare of

yourselves and of the Allied Forces, and to preserve law and order,

these parts of Venezia Giulia which are occupied by the Allied Forces
a Military Government must be established in this territory. This

Military Government will have full control over the administration of

this territory and will have power is necessary to try in its own courts

and punish any persons who commit offenses against any of the special

laws and provisions promulgated by the Military Government or against the laws
and usages of war or the law of the territory.

Now, therefore, I, HENRIK R.L.S. ALEXANDER, COB, GSI, WSO, MC,

ADJ, Field Marshal, Supreme Allied Commander Mediterranean Theatre of

Operations, hereby proclaim as follows:

Part I - ESTABLISHMENT OF MILITARY GOVERNMENT

these parts of

Article I. - All powers of government and jurisdiction in the

territory of VENEZIA GIULIA occupied by Allied troops and over its

inhabitants, and final administrative responsibility are vested in me

as Military Commander and Military Governor, and Allied Military

Government of such territory is hereby declared and established to

exercise those powers under my direction. All administrative and

judicial officials and all other government and municipal authorities

and employees on all officials and employees of state, municipal or

other services (except such as may be removed by me) are required to

continue in the performance of their duties, subject to my direction or

2

administration thereof, to provide for the safety and welfare of yourselves and of the Allied Forces, and to preserve law and order, *these parts of the law are exempted by the Allied Forces* a Military Government must be established in this territory. This

and usages of war or the law of the territory.

Now, therefore, I, HENRY R.L.G. ALEXANDER, CGO, GSI, DSO, MC, ADC, Field Marshal, Supreme Allied Commander Mediterranean Theatre of Operations, hereby proclaim as follows:

PART I - ESTABLISHMENT OF MILITARY GOVERNMENT

these parts of

Article I. - All powers of government and jurisdiction in the territory of ERMINE GIVIA occupied by Allied troops and over its inhabitants, and final administrative responsibility are vested in me as Military Commander and Military Governor, and Allied Military Government of such territory is hereby declared and established to exercise those powers under my direction. All administrative and judicial officials and all other government and municipal functionaries and employees in all offices and employees of state, municipal or other services (except such as may be covered by me) are required to continue to this performance of their duties, subject to my direction or the direction of such of my officers or the Allied Forces as I may designate for that purpose.

Article II. - All persons in the said territory will obey promptly all orders given by me or under my authority and must refrain from all acts hostile to the troops under my command, from all acts of violence and from any act calculated to disturb law and order or public safety in any way.

So long as you remain peaceable and comply with my orders, you will be subjected to no greater interference than may be inevitable in the course of the administrative task of the military government.

Article III.- Your existing personal and property rights will be fully respected and the ^{in effect on the 8th September 1943} established laws of the territory will remain in force and effect except insofar as it may be necessary for me in the discharge of my duties as Supreme Allied Commander and as Military Governor to change or supersede them by proclamation or other order by me or under my direction.

Part II:--OFFENCES

Article IV.- Offences Against The Allied Forces Which May Be Punished By Death

Any person who:

- 1) Serves the enemy as a spy or harbours or aids an enemy spy;
- 2) Communicates with the enemy or with any person within territory under their control in any manner or on any subject whatever or enters any territory under enemy control;
- 3) Sends to any person anywhere any communication giving any information whatever concerning the Allied Forces; or receives any such communication and fails promptly to report the same to the Allied Military Government;
- 4) Bears arms against the Allied Forces;
- 5) Has in his possession any fire arms, ammunition, explosives, or similar war supplies except in accordance with a permit of the Allied Military Government;
- 6) Has in his possession any wireless or other apparatus for transmitting signals or other messages;
- 7) Misleads any member of the Allied Forces in the performance of his duties;
- 8) Assists a prisoner of war to escape or assists or conceals any

in effect on the 8th September 1943
fully respected and the established laws of the territory will remain in force and effect except insofar as it may be necessary for me in the discharge of my duties as Supreme Allied Commander and as Military Governor to change or supersede them by proclamation or other order by me or under my direction.

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- 5) Has in his possession any fire arms, ammunition, explosives, or similar war supplies except in accordance with a permit of the Allied Military Government;
- 6) Has in his possession any wireless or other apparatus for transmitting signals or other messages;
- 7) Misleads any member of the Allied Forces in the performance of his duties;
- 8) Assists a prisoner of war to escape or assists or conceals any prisoner of war after escape;
- 9) Assists any of the enemy armed forces to evade capture;

- 10) Enters or is found within any area designated as a forbidden area either by the posting of a sign, or by the presence of sentries, without a pass specifically authorizing him to be there;
- 11) Destroys, damages, endangers, interferes with, steals or wrongfully either receives or has in his possession any property of the Allied Forces or of any member thereof to the aggregate value of more than 10,000 lire;
- 12) Interferes with communication by mail, courier, telegraph, telephone, cable, radio, or otherwise, or removes or damages any telegraph, telephone or electric power wire;
- 13) Interferes with transportation by land, water or air;
- 14) Interferes with the operation of any public service or utility, including water supply, electric light and power, gas and sanitation or similar services;
- 15) Kills any member of the Allied Forces;
- 16) Assaults any member of the Allied Forces with intent to kill or inflict serious bodily harm;
- 17) Commits any act of looting;
- 18) Robs the dead or wounded;
- 19) Rapes any nurse or other woman serving with the Allied Forces or assaults any such nurse or other woman;
- 20) Forges or alters any permit, pass, identity card or other similar document or issues or has in his possession any such document, the same having been forged or altered;
- 21) Incites any inhabitants of the occupied territory to insurrection against military authority, or organizes or leads any public demonstration or assembly for such purpose;
- 22) Counterfeits any coin or note made legal tender by the Allied

Forces or of any member thereof to the aggregate value of more than 10,000 lire;

12) Interferes with communication by mail, courier, telegraph, telephone, cable, radio, or otherwise, or removes or damages any telegraph, telephone or electric power wire;

13) Interferes with transportation by land, water or air;

14) Interferes with the operation of any public service or utility,

including water supply, electric light and power, gas and sanitation or similar services;

15) Kills any member of the Allied Forces;

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inflict serious bodily harm;

17) Commits any act of looting;

18) Robs the dead or wounded;

19) Rapes any nurse or other woman serving with the Allied Forces or assaults any such nurse or other woman;

20) Forges or alters any permit, pass, identity card or other similar document or issues or has in his possession any such document, the same having been forged or altered;

21) Incites any inhabitants of the occupied territory to insurrection against military authority, or organizes or leads any public demonstration or assembly for such purpose;

22) Counterfeits any coin or note made legal tender by the Allied Military Government, or has in his possession any such coin or note knowing the same to be false; or

23) Otherwise violates any of the laws of war, or does any act in aid of the enemy or hostile to or endangering the safety or security of the

Allied Forces;

shall upon conviction by an Allied Military Court, be liable to punishment by death, or by imprisonment or fine or both, as the court may determine.

Article V.- Offences Against The Allied Forces Punishable
By Fine Or Imprisonment.

Any person who:

- 24) Is out of doors without a permit after curfew;
- 25) Leaves the shore in any vessel or in any other manner except as authorized;
- 26) Gives false evidence before a Military Tribunal;
- 27) Destroys, damages, endangers, interferes with, steals, or wrongfully either receives or has in his possession any property of the Allied Forces or of any member thereof to an aggregate value of not more than 10,000 lire;
- 28) Fails to declare within one month of the date of the posting of this proclamation the possession of any stores, equipment or military property abandoned by the enemy or of enemy origin;
- 29) Submits a false, fraudulent or exaggerated claim against the Allied Forces or any member thereof;
- 30) Publishes or has in his possession any printed or written matter detrimental or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government;
- 31) Utters any speech or words hostile or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government;
- 32) Assaults any member of the Allied Forces;
- 33) Takes part in any public demonstration or assembly not authorized by the Allied Military Government;
- 34) Falsely pretends to be acting under the authority of the Allied Forces or the Allied Military Government;

- 27) Destroys, damages, endangers, interferes with, steals, or wrongfully either receives or has in his possession any property of the Allied Forces or of any member thereof to an aggregate value of not more than 10,000 lire;
- 28) Fails to declare within one month of the date of the posting of this proclamation the possession of any stores, equipment or military property abandoned by the enemy or of enemy origin;
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- 30) Publishes or has in his possession any printed or written matter detrimental or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government;
- 31) Utters any speech or words hostile or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government;
- 32) Assaults any member of the Allied Forces;
- 33) Takes part in any public demonstration or assembly not authorized by the Allied Military Government;
- 34) Falsely pretends to be acting under the authority of the Allied Forces or the Allied Military Government;
- 35) Offers or accepts a bribe in connection with any official matter;
- 36) Obstructs any member of the Allied Forces in the performance of his duty;
- 37) Acquires by gift or purchase any military equipment or war material belonging to the Allied Forces;
- 38) Disseminates any rumour calculated to excite or alarm the people;
- 39) Makes any false statement in connection with any official matter;

40) Removes or damages any notice, proclamation, or order posted under the authority of the Allied Military Government;

41) Fails to have in his possession at all times a proper means of identification as required by existing law;

42) Disobeys any order given under the authority of the Allied Forces or the Allied Military Government where no specific punishment is prescribed;

43) Promotes or attends any meeting of the fascist party; uses or permits premises to be used for any such meeting; prints or publishes or has in his possession any printed or written matter issued by or on behalf of the fascist party; teaches or advocates any doctrine of fascism; wears or has in his possession any badge, insignia or attire of the fascist party; makes or receives any subscription to the funds of the fascist party; takes or receives any oath or undertaking to the fascist party or does any act intended or likely to promote or sustain the fascist party, the term fascist party including any organisation designed to replace it;

44) Infringes any proclamation or order or the ~~established~~ laws regulating or controlling the sale, purchase, distribution, allotment, rationing or transporting of any commodity or article;

45) Does any act to the prejudice of good order of the occupied territory or of the safety or security of the Allied Forces or any member thereof;

46) Until further order of the Allied Military Government travels more than 10 km. beyond his own home without a permit; shall, upon conviction by an Allied Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct;

Article VI.- Other Offences.

Section 1: Conspiracy, advising or assisting violation.-Any person who conspires to do any act constituting an offence, or who advises, assists in, or procures the commission of any such act shall be punishable as a principal.

1509

or the Allied Military Government where no specific punishment is prescribed;

43) Promotes or attends any meeting of the fascist party; uses or permits premises to be used for any such meeting; prints or publishes or has in his possession any printed or written matter issued by or on behalf of the fascist party; teaches or advocates any doctrine of fascism; wears or has in his possession any badge, insignia or attire of the fascist party; makes or receives any subscription to the funds of the fascist party; takes or receives any oath or undertaking to the fascist party or does any act intended or likely to promote or sustain the fascist party, the term fascist party including any organisation designed to replace it;

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45) Does any act to the prejudice of good order of the occupied territory or of the safety or security of the Allied Forces or any member thereof;

46) Until further order of the Allied Military Government travels more than 10 Km. beyond his own home without a permit; shall, upon conviction by an Allied Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct;

Article VI.- Other Offences.

Section 1: Conspiracy, advising or assisting violation.-Any person who conspires to do any act constituting an offence, or who advises, assists in, or procures the commission of any such act shall be punishable as a principal.

Section 2: Attempts.-An attempt to do any act which constitutes an offence shall likewise constitute an offence which shall be punishable to the same extent as though the act had been committed.

- 6 -

Article VII. - Violation Of The Established Laws Of The Territory.

Any person who violates or has violated any provision of the established laws of the territory may be brought to trial before an Allied Military Court and, on conviction, may be punished as provided by such law.

Article VIII. - Arrest and Detention.

Section 1: Arrest and Search.- Any authorized member of the Allied Forces may:

- a) Arrest or search any persons suspected of having committed or being about to commit offences;
- b) Enter and search any place and seize and take away any property for the purpose of investigating or preventing any offence or arresting a suspected offender.

Section 2: Detention.- Any person suspected of committing or intending to commit any act hostile to the Allied Forces or the Allied Military Government or engaging in any political or other activity in the interest of the enemy or its Armed Forces or hostile to the Allied Forces or the Allied Military Government, may be detained pending further investigation for a period not exceeding three months unless the Regional Commissioner or Senior Civil Affairs Officer orders that the detention may continue for a longer period.

PART III: COURTS

Article IX. - Creation of Allied Military Courts.

Allied Military Courts are hereby established. Such courts shall consist of:

- 1) General Military Courts having power to impose any lawful punishment including death;
- 2) Superior Military Courts having power to impose any lawful punishment

Forces may:

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b) Enter and search any place and seize and take away any property for the purpose of investigating or preventing any offense or arresting a suspected offender.

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PART III: COURTS

Article IX. - Creation of Allied Military Courts.

Allied Military Courts are hereby established. Such courts shall consist of:

- 1) General Military Courts having power to impose any lawful punishment including death;
- 2) Superior Military Courts having power to impose any lawful punishment other than death or imprisonment for more than 10 years;
- 3) Summary Military Courts having power to impose any lawful punishment other than death or imprisonment for more than one year or a fine of more than 50,000 lire or both such imprisonment and fines.

Where a Superior or Summary Military Court imposes a term of imprisonment and a fine with a further term of imprisonment in the event of default, the aggregate of such terms shall not exceed 10 years and 1 year respectively.

- 7 -

Article X. - Jurisdiction.

The jurisdiction of the Allied Military Courts extends over:

1) All persons except:

- a) members of the Allied Forces ~~and~~ ^{under any Government}
- b) prisoners of war ~~and~~ ^{under any Government}

2) All offences:

- a) against the laws and usages of war,
- b) under any proclamation, order or regulation issued under the authority of the Allied Military Government,
- c) against the ~~existing~~ laws of the territory.

Article XI. - General Powers of Courts.

- 1) An Allied Military Court may make such orders and do all such acts and things as may be requisite for the due administration of justice.
- 2) An Allied Military Court, in lieu of or in addition to any other punishment, may

a) Where any person is convicted of the wrongful use, sale, purchase or possession of any property (including money), order restitution or compensation to the owner or confiscation or forfeiture of such property to the Allied Military Government;

b) Where any person is convicted of an offence involving the improper use of any place of residence or business, order that such place be vacated or closed for a period of time to be fixed by the court;

e) Order that a convicted person shall reside in or be excluded from a particular area.

Article XII. - Review and Confirmation of Death Sentences.

Section 1: Right of Petition. - Any person convicted by an Allied

Military Court may, within thirty days after the imposition of sentence, present to the trial court or the Provincial Legal Officer a petition, sub-

b) under any proclamation, order or regulation issued under the authority of the Allied Military Government,

c) against the ~~existing~~ laws of the territory.

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b) where any person is convicted of an offense involving the improper use of any place of residence or business, order that such place be vacated or closed for a period of time to be fixed by the court;

c) Order that a convicted person shall reside in or be excluded from a particular area.

Article XII. - Review and Confirmation of Death Sentences.

Section 1: Right of Petition. - Any person convicted by an Allied Military Court may, within thirty days after the imposition of sentence, present to the trial court or the Provincial Legal Officer a petition, submitting reasons why the conviction should be set aside or the sentence should be modified.

Section 2: Sentence of Death. - No sentence of death shall be executed unless and until confirmed in writing by me, or by a specified officer not below the rank of Brigadier General or Fieldier to whom I may have delegated such power in writing.

Article XIII. - Effective Date.

This proclamation will become operative in each province or part thereof within the said territory of VENEZIA GIULIA on the date of its publication therein.

H. R. ALEXANDER
Field Marshal,
Supreme Allied Commander,
Mediterranean Theatre of Operations.

Article XIII. - Effective Date.

This proclamation will become operative in each province or part thereof within the said territory of VENEZUELA GUJIA on the date of its publication therein.

H. R. ALEXANDER

Field Marshal,

Supreme Allied Commander,
Mediterranean Theatre of Operations.

MAPS FILMED ON
35MM ROLL

HEADQUARTERS ALLIED COMMISSION
 APO 394
 PACIFIC REGION

3A

AC/4082/L.

WEE/mt.
 25 May 1945.

RE: : Venesia Giulia - Jurisdiction of A.M. Courts.
 TO : Regional Commissioner (Attn: Regional Legal Officer),
 VENETIA Region.

1. I have discussed with the Executive Commissioner the question of the wording of Proc. 1, Art. 1 (1) (a). He agrees that it is essential that persons who are not under the command of the S.A.C. must be subject to the jurisdiction of A.M. Courts.

2. At the same time he feels that it is undesirable to give undue publicity to the fact that we intend to try them. As a matter of law it has been ruled on similar occasions in the past that members of Allied Forces who were not under the operational command of the S.A.C. were subject to the jurisdiction of A.M. Courts and this ruling still holds. There is accordingly no need to amend the Proclamation.

3. It is however desirable that a clear and definite understanding should be reached between the Commanders concerned and Brig. 123H stressed that the Yugoslav Commander should be specifically informed by the Commander 13 Corps that

- (a) So far as concerned Yugoslav troops who were properly in Venesia Giulia and were under the command of S.A.C., these troops would be tried by Court Martial for any offence committed;
- (b) So far as concerned all other Yugoslav personnel including persons who are or claim to be members of the Yugoslav Armed Forces these persons would be subject to the jurisdiction of the Allied Military Courts.

4. Brig. 123H is notifying 13 Army HQ to this effect, but no doubt you will ensure that any necessary action is in fact taken.

By command of Rear Admiral STONE:

Copy to: AC/4188/L.

DOWN GRATED
 UNCLASSIFIED

V. E. BARRERS,
 Colonel,
 Deputy Chief Legal Advisor.

Confidential

SECRET
 for Chief of Staff Office

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✓
 NO 8 ARMY MAIN INFO 15 ARMY GROUP FOR G-5 SECTION CMA CHIEF OF STAFF
 NO 8 ARMY PAIRVA CMA VENEZUELA REGION FOR REGIONAL COMMISSIONER

8319

24 MAY 45

ROUTINE

IN CLEAR PD

PARA ONE PD REFERENCE YOUR MIRE ONE ZERO THREE SIX TO ONE FIVE ARMY GROUP ONLY
 AND YOUR MIRE ONE ZERO THREE SEVEN PD

PARA TWO AND EIGHT ARMY MAIN INFO ONE FIVE ARMY GROUP FOR GEORGE FIVE SECTION
CMA CHIEF OF STAFF MAIN AND EIGHT ARMY PAIRVA CMA VENEZUELA REGION FOR REGIONAL
COMMISSIONER FOR ALCON CITE A-CCAS PARTEN

PARA TWO PD NEW DRAFT BEFORE SIGNED TODAY PD TRANSLATIONS NOW IN HAND PD ALL
 TENSORS WILL BE SENT TO YOU BY FASTEST AND EARLIEST MEANS POSSIBLE

LEGAL SUB COMMISSION	
CLO	/
DCLO	
Chief of Staff	AM
CJ	
Legal Section	
CL RKS	
2 MAY 1945	

INT DIST 1-
 A/President
 Chief Coma.
 Exec. Coma.
 Legal

CA Section

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A. L. BURNHAM CARTER Lt Col.

SIMONAS POMBINO 2
 CWO, IEA
 Asst Adjutant

1376

RXII/032
MAY 240830B

E/2158
MAY 241400
ROUTINE

HQ VENEZIE REGION

ALCOM, 15 ARMY GROUP, AMG 8 ARMY.

IN CLEAR.

Reference 8 Army M1037 of 222300 am sending today to ROME by air Major W. G. R. OATES with our suggestions for Proclamation 1 parts two and three and Proclamations two, three, and four.

DISTRIBUTION

Action: CA Sec

Info: A/President

Chief Commissioner

Ex Commissioner

Legal S/C

File (2)

Float

LEGAL SUB COMMISSION	
CLO	
DCLO	☒
Chief Counsel	
CJ	
Legal Advisor	
CLERK	
24 MAY 1945	

HEADQUARTERS
24 MAY 1945
1. C.

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