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ITALIAN LEGISLATION
JULY 1943 - JAN. 1944

ON HIS MAJESTY'S SERVICE.

MOST SECRET.

Lieut.Colonel H. E. Rowe,

c/o Civil Affairs Branch,

LANGOT Rear,

Allief Force Headquarters,

B. N. A. F.

ANG. HQ
15 ARMY GROUP,
C. M. F.

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ON HIS MAJESTY'S SERVICE.

Legal
Received
Aug 6 1943
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Lieut.Colonel H. E. Rowe,

~~c/o Civil Affairs Branch,~~

~~AMGOT~~ Rear,

AMG. HQ
15 ARMY GROUP,
C. M. F.

Allief Force Headquarters,

B. N. A. F.

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

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Lt. Col. Rowe.

Many thanks. I agree with your definition.
This paper does not however mention O&P Products
I propose to treat as State as part of its capital
was provided by the State or by various entities.

Subject: ROWE-SETTON REPORT.

MOST SECRET.

CIVIL AFFAIRS BRANCH,
EAST AFRICA COMMAND H.Q.,
NAIROBI.

EAC/353/541/POL.

28th July, 1943.

Dear Rowe,

With further reference to your "MOST SECRET" No.141.F/7985/1/CA of 28th June, 1943, I am sending you with this a copy of the general report made by yourself and Setton.

For your information, I may say that the researches of Dr. Artur Schatzberger cast further light on the activities of some of the concerns, and, the answers to the Questionnaire not being satisfactory, it was not found possible to adopt the Report as a basis for classifying the concerns dealt with in it.

Yours sincerely,


A. J. Selinger

Lieut.Colonel H. E. Rowe,
Civil Affairs Branch,
AMGOT Rear,
Allied Force Headquarters, B.N.A.F.

R E P O R T O N
S T A T A L , P A R A S T A T A L A N D O T H E R O R G A N I S A T I O N S
I N O C C U P I E D T E R R I T O R I E S .
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Part I - General.

The object of this Report is to make recommendations (in accordance with letter 64/162 of 6th April from Political Branch, East Africa Command, to Political Branch, Middle East, and telegram in reply No. OMT/53516 of 9th March) as to the organisations which should be classified respectively as Statal or Para-Statal for the purposes of applying the War Office instructions contained in Troopers' telegram 75659/TQ of 11th March, addressed East Africa w/te Hqs, and in their memorandum of 14th March.

2. In the War Office memorandum referred to, the directions there contained as to the method of treatment of Para-Statal businesses are to be applied to all concerns which are statal or which are "partly state and partly private concerns". So far as a statal organisation is concerned, no difficulty arises in that such an organisation must be one owned and controlled by the State. So far as an organisation is concerned which is "partly state and partly private", the problem immediately arises as to what tests should be applied to determine whether that condition exists in regard to any organisation.

3. The question of whether an organisation is partly state and partly private is, in our opinion, an entirely different one from whether it is "para-statal" in terms of Italian legal doctrine. The meaning of the term "para-statal" has never, apparently, been the subject of complete agreement between Italian jurists, but the most authoritative definition would seem to be that of Dr. Mario Fioretti of the Royal University of Rome. Dr. Fioretti may be said to have classified para-statal organisations as being those which -

- (a) have a close connection with the social and economic activities of the State;
- (b) are subject to Government intervention in their creation, formation, administration and financing;
- (c) constitute an extension of the field of activities of the concern to the entire territory of the State;
- (d) are subject to suspension and control by the Government;
- (e) have at least a majority of officials appointed by the Government; and which
- (f) are expressly defined as para-statal in the decree constituting the concern.

It is to be noted that the main elements of a true "para-statal" concern in Italian legal doctrine are control by the State and a connection with the social and economic activities of the State. The matter of "financing" is referred to, but the actual ownership by the

applying the War Office instructions contained in Troopers' telegram 75659/10 of 11th March, addressed East Africa to Kiderst, and in their memorandum of 14th March.

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3. The question of whether an organisation is partly state and partly private is, in our opinion, an entirely different one from whether it is "para-statal" in terms of Italian legal doctrine. The meaning of the term "para-statal" has never, apparently, been the subject of complete agreement between Italian jurists, but the most authoritative definition would seem to be that of Dr. Mario Ricchetti of the Royal University of Rome. Dr. Ricchetti may be said to have classified para-statal organisations as being those which -

- (a) have a close connection with the social and economic activities of the State;
- (b) are subject to Government intervention in their creation, formation, administration and financing;
- (c) constitute an extension of the field of activities of the concern to the entire territory of the State;
- (d) are subject to suspension and control by the Government;
- (e) have at least a majority of officials appointed by the Government; and which
- (f) are expressly defined as para-statal in the Decree constituting the concern.

It is to be noted that the main elements of a true "para-statal" concern in Italian legal doctrine are control by the State and a connection with the social and economic activities of the State. The matter of "financing" is referred to, but the actual ownership by the State or a share of the assets of the organisation is not a necessary element of "para-statal" status.

4. The investigations which we have seen called upon to make arise out of a military occupant's rights over the property of the enemy state. That right does not in our view depend on the extent of control of an organisation exercised by the enemy State but on the enemy State's right of ownership in its assets.

Consequently, the expression "para-statal" as used for the purposes of applying the War Office instructions must be taken to have

an entirely different meaning from that attributed to it by Italian jurists.

The Italian Government has, by virtue of its Fascist nature, taken a large interest in controlling the activities of many organisations which are generally connected with its social and economic activities, but where there is only control, and no share of ownership of assets so as to make an organisation virtually a Government Department, we are of opinion that such organisations cannot be properly treated as estatal or Para-statal for the purposes of the War Office Instructions. On the other hand, we are of opinion that, if there is a part ownership of the assets of an organisation on the part of the Italian Government, the whole of such organisation should be treated as Estatal and dealt with in accordance with the War Office Instructions notwithstanding that such organisation could not possibly be considered "para-statal" in the true legal meaning of that word.

5. The next matter which has received our consideration is the nature of the interest on the part of the Italian Government which should exist in the assets of an organisation before it is treated as "part owned" by the State. In our opinion the holding of any type or class of ordinary or preference stocks or shares of the organisation is sufficient, whatever the amount of such holding and whether directly belonging to the State or to any organisation which is wholly or partly State-owned. Our consideration has also been given to Government ownership of loan capital in an organisation, as distinct from mere credits, but on this the writers of this Report have not been able to agree to any recommendation. In Major Cotton's view, the ownership by the Government of a debenture or any other form of charge on the assets of an organisation cannot identify the whole property of that organisation as being Government property or as even being partly estatal. Major Howe, on the other hand, whilst recognising the strict legal view held by Major Cotton, is of opinion that the War Office Instructions are sufficient authority to regard the financial structure of any organisation as a whole; and that, if it be found in any case that the Italian Government has financially interested itself in the organisation by means of taking up loan rather than share capital, such a condition would be sufficient justification for applying to the organisation the treatment laid down in the War Office Instructions. Major Cotton and Major Howe are of opinion that, if it is considered the ownership by the Italian Government of debenture or other loan capital does not entitle it to be said, within the meaning of the War Office Instructions, that an organisation is "partly a State concern", then the specific point should be put to the War Office.

It should be decided that, so far as state-owned debenture and loan capital is concerned, the Military Occupant is only entitled to stand in the shoes of the State and not to treat the organisation as partly a state concern in accordance with the War Office Instructions,

ment, we are of opinion that such organisations cannot be properly treated as statal or para-statal for the purposes of the War Office Instructions. On the other hand, we are of opinion that, if there is a part ownership of the assets of an organisation on the part of the Italian Government, the whole of such organisation should be treated as statal and dealt with in accordance with the War Office Instructions notwithstanding that such organisation could not possibly be considered "para-statal" in the true legal meaning of that word.

5. The next matter which has received our consideration is the nature of the interest on the part of the Italian Government which should exist in the assets of an organisation before it is treated as "part owned" by the State. In our opinion the holding of any type or class of ordinary or preference stocks or shares of the organisation is sufficient, whatever the amount of such holding and whether directly belonging to the State or to any organisation which is wholly or partly State-owned. Our consideration has also been given to government ownership of loan capital in an organisation, as distinct from mere credits, but on this the writers of this Report have not been able to agree to any recommendation. In Major Setton's view, the ownership by the Government of a debenture or any other form of charge on the assets of an organisation cannot identify the whole property of that organisation as being government property, or as even being partly statal. Major Rome, on the other hand, whilst recognising the strict legal view held by Major Setton, is of opinion that the War Office Instructions are sufficient authority to regard the financial structure of any organisation as a whole; and that, if it be found in any case that the Italian Government has financially interested itself in the organisation by means of taking up loan rather than share capital, such a condition would be sufficient justification for applying to the organisation the treatment laid down in the War Office Instructions. Major Setton and Major Howe are of opinion that, if it is considered the ownership by the Italian Government of debenture or other loan capital does not entitle it to be said, within the meaning of the War Office Instructions, that an organisation is "partly a State concern", then the specific point should be put to the War Office.

If it should be decided that, so far as state-owned debenture and loan capital is concerned, the Military Occupant is only entitled to stand in the shoes of the State and not to treat the organisation as partly a state concern in accordance with the War Office Instructions, it becomes necessary to consider how far the benefit of the state-owned debenture or loan capital may be obtained. The organisation concerned may only, in Britain or any other occupied territory, be a branch, the head of which is situate in Rome. The state loans to such organisation may have been made by the Central Government in Rome and be repayable there, or have been made by the local government and be repayable in the territory. Our recommendation in such cases, is that where a loan has been locally made the Military Occupant is entitled to the benefit of capital by way of charge or other loan

to the interest until repayment and to the capital that is repayable during the term of the occupation. Except so far as above it is considered that it is not possible for the Military Occupant to obtain any benefit from the deventure or loan.

6. We have recommended above that, for the purpose of applying the War Office Instructions, the test should be one of property ownership and not of control. Certain organisations exist, however, where there is full para-statal status within its strict meaning (apart from there being no Government financial interest) and we are of opinion that these organisations should be dealt with according to each special case, having regard to its political and economical activities in the territory. Such treatment would be outside the War Office Instructions.

7. Banks have been excluded by us from our considerations as the policy as to the treatment of such organisations is not included in the War Office Instructions above referred to.

8. The foregoing paragraphs indicate generally the terms of reference to us and the construction and method of application which we are of opinion should be given to the War Office Instructions. In Part II of this Report, we set out the organisations which we have investigated and which in our opinion are fully stated. In Part III of the Report, we set out the organisations which we have investigated and which in our opinion are "partly stated concerns" in accordance with the principles of classification we have recommended.

Part IV of the Report consists of a list of those Companies or Organisations which, although not strictly State owned or part-owned in terms of paragraph 4 hereof, are closely related to the enemy State by financial ties arising out of the enjoyment by them of Government loans or subsidies. No recommendation is made as to the classification of these companies or organisations for the reasons mentioned in paragraph 5 hereof.

In Part V of the Report, we set out the organisations which we have investigated and which are more particularly referred to in paragraph 6 above.

Certain other organisations operating either in Britain or in the entire territory of Italian East Africa, have, by reason of their importance, been the subject of investigation and, having regard to the fact that no evidence of any kind has been found to show that they are stated, para-statal or connected in any way with the enemy State, they have been listed separately in Part VI of this Report as "private concerns", to which the War Office Instructions cannot be made to apply.

9. Attached to this Report in Appendix I hereto is a Schedule of Companies, believed to be complete, which at the date of the occupation were registered, carrying on business or represented by the

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7. Banks have been excluded by us from our considerations as the policy as to the treatment of such organisations is not included in the War Office Instructions above referred to.

8. The foregoing paragraphs indicate generally the terms of reference to us and the construction and method of application which we are of opinion should be given to the War Office Instructions. In Part II of this Report, we set out the organisations which we have investigated and which in our opinion are fully statal. In Part III of the Report, we set out the organisations which we have investigated and which in our opinion are "partly state concerns" in accordance with the principles of classification we have recommended.

Part IV of the Report consists of a list of those Companies or Organisations which, although not strictly State owned or part-owned in terms of paragraph 4 hereof, are closely related to the enemy State by financial ties arising out of the enjoyment by them of Government loans or subsidies. No recommendation is made as to the classification of these companies or organisations for the reasons mentioned in paragraph 5 hereof.

In Part V of the Report, we set out the organisations which we have investigated and which are more particularly referred to in paragraph 6 above.

Certain other organisations operating either in Britain or in the entire territory of Italian East Africa, have, by reason of their importance, even the subject of investigation and, having regard to the fact that no evidence of any kind has been found to show that they are statal, para-statal or connected in any way with the enemy State, they have been listed separately in Part VI of this Report as "private concerns", to which the War Office Instructions cannot be made to apply.

9. Attached to this Report in Appendix I hereto is a schedule of Companies, believed to be complete, which at the date of the occupation were registered, carrying on business or represented by the holder of a power of attorney in Britain. The Companies referred to in such appendix have been investigated so far as appears in Parts II to VI of this Report and if it appears at any time that any other of such companies may have a connection with the Italian Government or have been financed or subsidised by it, then we recommend that the same be investigated in accordance with the principles hereinbefore set out.

10. In Appendix II hereto are contained copies of questionnaires which have been addressed, with our approval, by the Custodian of Enemy Property, Britain, to 100 Companies referred to in Appendix I.

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The replies to such questionnaires have not been received at the date of this Report and the information given and conclusions drawn in Parts II to VI hereof are subject to amendment in the light of such replies.

There are several organizations listed in Appendix I which so far as investigations have gone, appear to be private concerns, but which, in the light of replies received from them to the questionnaires in Appendix II, it may be expedient to investigate more fully and classify in terms of this Report.

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Part II.

Organisations classed as "Wholly Statel".1. A.A.S.S. (Azienda Autonoma Statale delle Strade).

This Institution is in effect a Government Department. Its employees are pensionable Government Officials, and its funds are provided for in the National Budget.

(Authority - Ing. Miari, Italian Public Works Department).

It is recommended that this organisation be treated as wholly statel.

2. Ferrovie dell' Eritrea.

The entire funds of the Eritrean Railways were supplied by the Eritrean Government and the profits (if any) belong to that Government.

(Authority - ex-Manager of Eritrean Railways).

It is recommended that this organisation be treated as wholly statel.

3. Biblioteca del Regio Governo.

This is an Institution which may be regarded as the counterpart of H.M. Stationery Office in the United Kingdom, with the exception that its functions are confined to the publication, preservation and sale to the public of official printed matter. Its entire funds were supplied by the Eritrean Government and all proceeds from its activities formed part of the public revenue.

(Authority - Prof. Gabriel of the Biblioteca del Governo).

It is recommended that this organisation be treated as wholly statel.

4. A.M.A.C. (Azienda Mineraria Africa Orientale).

This Institution is founded and governed by Decree and is by legislation a Statel Institution. The whole of the capital was subscribed by the State, which is also entitled to all assets on a liquidation. The Institution is controlled by the General Inspectorate for Mines in Italian Africa, through the Mine's Office of the Eritrean Government. All gold produced is delivered to the State through the Banca d'Italia.

(Authority - Letter from A.M.A.C. of 14th August 1941).

It is recommended that this organisation be treated as wholly statel.

5. Ente Approvvigionamenti.

This Institution was formed as a successor to Azienda Speciale Approvvigionamenti by Decree. It was wholly financed by the State and was in effect a State Department for supplies with powers of requisitioning.

(Authority - Copies of Decree).

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- (Authority - Ing. Nistri, Italian Public Works Department).
It is recommended that this organization be treated as wholly Statal.
2. Ferrovie dell'Eritrea.
The entire funds of the Eritrean railways were supplied by the Eritrean Government and the profits (if any) belong to that Government.
(Authority - Ex-Manager of Eritrean Railways).
It is recommended that this organization be treated as wholly Statal.
3. Biblioteca del Reale Governo.
This is an Institution which may be regarded as the counterpart of H.M. Stationery Office in the United Kingdom, with the exception that its functions are confined to the publication, preservation and sale to the public of official printed matter. Its entire funds were supplied by the Eritrean Government and all proceeds from its activities formed part of the public revenue.
(Authority - Prof. Gabriel of the Biblioteca del Governo).
It is recommended that this organization be treated as wholly Statal.
4. A.E.A.O. (Azienda Mineraria Africa Orientale).
This Institution is founded and governed by Decree and is by legislation a Statal Institution. The whole of the capital was subscribed by the State, which is also entitled to all assets on a liquidation. The Institution is controlled by the General Inspectorate for Mines in Italian Africa, through the Mine's Office of the Eritrean Government. All gold produced is delivered to the State through the Banca d'Italia.
(Authority - Letter from A.E.A.O. of 14th August 1941).
It is recommended that this organization be treated as wholly Statal.
5. Ente Approvvigionamenti.
This Institution was formed as a successor to Azienda Speciale Approvvigionamenti by Decree. It was wholly financed by the State and was in effect a State Department for supplies with powers of requisitioning.
(Authority - Copies of Decrees).
It is recommended that this organization may be treated as wholly Statal.
6. Partito Nazionale fascista.
This a "moral entity" of a public character. It is founded by Decree and is closely allied to the State, being the only authorized political party in Italy. Its surplus funds are accumulated in a special reserve. It is subsidized by the State and although the members are the beneficial owners, the contingent beneficiary in the event of dissolution would naturally be the State.

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(Authority - Official documents of the P.A.F. in Eritrea).

It is recommended that this organization be treated as wholly State.

7. Ente Coloniale Isolevoro Eritreo.

This is an organization sponsored by the National Fascist Party and although it derives considerable funds from the subscriptions of its members, it was wholly controlled by the Party and therefore indirectly by the State and received subsidies and grants-in-aid from the latter.

It may be compared to the National Playing Fields Association of the United Kingdom, with the exception that it, its financial structure it must be considered a State organization.

(Authority - v. above for P.A.F.).

8. Corziere dell'Impero.

This newspaper was founded as a small limited liability company with a limited capital of 150,000 lire. The original shareholders were all private individuals and the shares were nominative. In due course, however, with the spread of active fascist to the colonies, it came under the direct influence of the fascist party and the shares were converted into bearer-shares. The President of the Board of Directors was Dr. Aldo Marchetti, the Federal Secretary of the fascist party in Eritrea and the shares were in the possession of the Party Treasurer. The newspaper may therefore be said to belong to the Party.

(Authority - Marchetti Del Giudice, ex Editor of the 'Corriere').

It is recommended that this organization be treated as wholly State.

9. R.C.I. (Risciole Feigniale Italiana).

This institution was founded in 1893 as a private concern, and is still such according to its local representative in Eritrea, but a telegram of 4th December 1937 from the Governor-General of Italian East Africa to the Government of each of the provinces sets out that the concern was raised from State provided capital, that it acts in the service of the State and that permission has been given to it to carry on its operations without the prior formalities necessary in the case of private firms.

(Authority - Copy telegram of Dec. 1937 as above).

It is recommended that this organization be treated as wholly State.

10. I.R. (Istituto Nazionale Assicurazioni per l'Industria)
Ente Assicurazioni Industriali.

This institution is a national institution formed for carrying into effect a national scheme of workmen's compensation. It is the subject of decree laws and its income is derived from insurance

It may be compared to the National Flying Circus Association of the United Kingdom, with the exception that by its financial structure it must be considered a state organisation.

(Authority - V. G. Gove for A.W.F.).

8. Corriere della Sera.

This newspaper was founded as a small limited liability company with a limited capital of 150,000 lire. Its original shareholders were all private individuals and the shares were nominative. In due course, however, with the spread of active fascism to the colonies, it came under the direct influence of the fascist party and the shares were converted into bearer-shares. The President of the Board of Directors was Dr. Aldo Marchetti, the Federal Secretary of the Fascist Party in Milan and the shares were in the possession of the party Treasurer. The newspaper was therefore to be said to belong to the party.

(Authority - Marchese Del Giudice, ex editor of the 'Corriere').

It is recommended that this organisation be treated as wholly state.

9. Asci. (Associazione Nazionale Sciencisti Italiani).

This institution was founded in 1939 as a private concern, and is still such according to its local representative in Africa, but a telegram of 4th December 1937 from the Governor-General of Italian East Africa to the Government of each of the provinces sets out that the concern was to be a state provided capital, that it was to carry on its operations without the prior formalities necessary in the case of private firms.

(Authority - Goy telegram 5 Dec. 1937 as above).

It is recommended that this organisation be treated as wholly state.

10. I.P.A.A.F. (Istituto Nazionale Assistenza Popolare Assicuratrice - Istituto Nazionale Assistenza Popolare).

This institution is a National Institution formed for carrying into effect a national scheme of workers' compensation. It is the subject of decree laws and its income is derived from insurance premiums, Government subsidies, proceeds from the charges for treatment of private patients and the like. It also operates an agricultural concession. The Institute is, in effect, the medium for operating a state scheme for insurance of workers' compensation, and the ownership of realisable assets is vested in the state and the initial capital was provided by the state.

(Authority - Major Gatten's Report of 17. 4. 41).

- letter from Institution dated 20.5.41).

It is recommended that this institution be treated as wholly state.

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11. I.N.C.I. (Istituto Nazionale Fascista della Previdenza Sociale).
 This Institution is a National Institution formed for carrying into effect a national scheme of State Incapacities and Pensions for Old Age, Disability and Tuberculosis. It has also carried on a scheme for insuring the dependants of workmen and employees on active service. Contributions, which are compulsory, are made equally by employers and workmen. The ownership of residuary assets is vested in the State.
 (Authorities - Major Setton's Report of 17.11.41).
 - Letter from Institution dated 14.8.41).
 It is recommended that this organisation be treated as wholly Statel.
12. I.N.C.I. (Fondo Assistenza Malattia Africa Orientale).
 This Institution operated a scheme for National Health Insurance primarily for employees and workmen in Italian East Africa. Contributions are compulsory and the ownership of residuary assets is vested in the State.
 (Authority - Major Setton's Report of 17.11.41).
 It is recommended that this organisation be treated as wholly Statel.
13. I.N.C.I. (Patronato Nazionale Assistenza Sociale).
 This Institution was founded in 1917 for the purpose of providing free legal and medical assistance to the Italian Working Classes and to ensure that they obtained the benefits to which they were entitled from such organisations as I.N.S.I., I.S., I.S.P.C., and I.S.S.C.. The Institution was Government-subsidised through the Ministry of Corporations in Rome and the ownership of residuary is vested in the State.
 (Authority - Major Setton's Report of 17.11.41).
 It is recommended that this organisation be treated as wholly Statel.
14. I.N.C.I. (Istituto Nazionale per lo Scavo degli Impiegati dello Stato)
 This is in effect a Government Department for the housing of Government employees. It has a Government official on its staff for Africa who was appointed by the Governor-General for Italian East Africa. It is also financed by the Government.
 (Authorities - Various copy letters, Notices, etc).
 It is recommended that this organisation be treated as wholly Statel.
15. I.N.C.I. (Reale Istituto Circolo d'Italia).
 This Institution was constituted a "moral ente" by Royal Decree No. 2481 of 14th November 1938 and by Decree issued by the Ministry of Popular Culture No. 104 of 31st December 1938. It is legally a parastatal concern and the income is derived from various public and private sources. The Institution, besides acting as a Club for

12. It is recommended that this organization be treated as wholly statal.
I.A.C.A.S. (Centro Assistenza Militaria Africa Orientale).
This institution operated a scheme for National Health Insurance primarily for employees and workmen in Italian East Africa. Contributions are compulsory and the ownership of residuary assets is vested in the State.

(Authority - Major Setton's Report of 17.10.41).

13. It is recommended that this organization be treated as wholly statal.
I.N.A.S. (Istituto Nazionale Assistenza Sociale).
This institution was founded in 1917 for the purpose of providing free legal and medical assistance to the Italian Working Classes and to ensure that they obtained the benefits to which they were entitled from such organizations as I.N.A.I.S., I.N.A.S., and I.N.A.S.S. The institution was Government-subsidized through the Ministry of Corporations in Rome and the ownership of residuary is vested in the State.

(Authority - Major Setton's Report of 17.10.41).

14. It is recommended that this organization be treated as wholly statal.
I.N.C.F.A. (Istituto Nazionale per lo Scopo degli Impiegati dello Stato)
This is in effect a Government Department for the housing of Government employees. It has a Government official on its Board for Britain who was appointed by the Governor-General for Italian East Africa. It is also financed by the Government.

(Authorities - Various copy decrees, Notices, etc).

It is recommended that this organization be treated as wholly statal.

15. I.A.C.I. (Circolo Automobilistico Italiano).
This institution was constituted a "moral entity" by Royal Decree No. 2481 of 14th November 1922 and by Decree issued by the Ministry of Popular Culture No. 204 of 31st December 1930. It is legally a parastatal concern and the income is derived from various public and private sources. The institution, besides acting as a Club for assistance of the motorist, carries out administrative duties on behalf of the State. Under Article 73 of its Decree, the ownership of assets and a liquidation would be decided by the State. The activities of the institution are controlled by the Ministry of Popular Culture.

(Authority - Letter from Institution dated 14.8.1941).

It is recommended that this organization be treated as wholly statal.

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8.
part III.Organisations classified as "partly statal".1. E.I.A.A.C. (Compagnia Italiana Alberghi Africa Orientale).

This is a private company with a capital of Lit. 3,700,000 subject to the Regulations of the Commercial Code and operates hotels in Italian East Africa. The State is a shareholder in the Company.

(Authority - Letter from Company dated 18th Aug. 1961).

It is recommended that this organisation be treated as "partly statal".

2. S.A.M.S. (Societa Anonima Navigazione Eritree).

This is a private company formed on 2nd May 1931 and subject to the Regulations of the Commercial Code. The capital consists of 3,500 shares of Lit. 1,000 each, of which 2479 are held by Comm. Giampietro Filippi on behalf of the Ministry of Finance, General Direction of Government Holdings and Government Aircraft.

(Authority - Letter from Company dated 18.8.61).

It is recommended that this organisation be treated as "partly statal".

3. C.I.T.A.O. (Compagnia Italiana Trasporti Africa Orientale).

This is a private company formed on 21st August 1937 by Royal Decree No. 1702 converted into Law No. 2995 on 20.11.1937. The initial capital was Lit. 7,000,000 of which Lit. 4,000,000 was provided by the Government of Italian East Africa. The Company is controlled by the State, who also contributed the value of workshops at Asmara to the value of Lit. 7,500,000.

(Authority - Letter from Company dated 27.8.1941).

It is recommended that this organisation be treated as "partly statal".

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Part IV.

Organisations referred to in the second sub-paragraph of paragraph 8 of Part I of this Report.

1. E.O. S.A. (Sante Co-operative of Consumo dell' Eritree).

This Institution is a private Commercial Co-operative Society governed by the regulations of the Commercial Code. The shares are held by various other co-operative societies, private holders, banks and the like. The Banca Nazionale Eritrea (which is known to be Government owned as to 51% of its capital) is the holder of shares to the value of Lit. 50,000. The Institution is a "Moral Entity" and as such was controlled by the Eritrean Government, although it is not legally a para-statal institution. The Eritrean Government took 1% of the total takings, in repayment of a loan made to the Institution by a number of Eritrean municipalities and guaranteed by the Government.

(Authority - Letter from Institution dated 22.6.61).

/b.

Part V.State Controlled Institutions.1. I.N.A. (Istituto Nazionale della Assicurazione).

This Institution was founded in 1919 by decree and it is subject to the Regulation for Private Insurance Companies, No. 906 of 27th April 1923 (as modified). It is taken as a private concern but, similar to all private insurance companies, it is controlled by the Ministry of Co-operation. There is no provision as to distribution of assets in the event of liquidation.

(Authority - Letter from Institution dated 16.8.41).

It is recommended that this be treated as a State-Controlled Institution in accordance with para 6 of Part I of this report.

2. Unione Militare.

This Institution is a private Commercial Co-operative Society for the Officers of the Army, constituted by Royal Decree Law No. 1,599 on 27th October 1920. It has branches throughout Italy and Italian East Africa and part of its funds were derived from donations and endowments, though it is not known if the Italian Government was a contributor. The capital is divisible amongst the shareholders in the event of a liquidation. The Institution, as a Co-operative Society, is subject to Government control.

(Authority - Letter from Institution dated 26.8.41).

It is recommended that this be treated as a State-controlled Institution in accordance with para 6 of Part I of this report.

Part VI.

PRIVATE CONCERNS.1. Cay. Reg. Sento Filletta.

This is a private concern which operates as sole agents in Britain for Amco Motors and products. It was possessed of repair workshops in Amara, together with plant, machinery and etc. It was also possessed of a stock of spare parts for Amco Cars, but such spares were the property of the Amco Company. The workshops and plant referred to were requisitioned and taken over by the British Army on 4th May, 1941 (Order No. 476) and the spare parts were requisitioned similarly on 20th October 1941. The workshops are now occupied by S.A.A.C.

(Authority - letter from Company dated 17.2.42).

It is recommended that this organisation be treated as wholly private.

2. S.A.A.C. (Societa Anonima Metallidrica S.p.A. Orientale).

This is a limited liability company, registered in Amara, whose objects are the sale in Italian East Africa of metallurgical products. The capital is £1,000,000, all of which is held by private persons and the company has never received any assistance from or been subject to control by the State.

(Authority - letter from Company dated 17.2.42).

It is recommended that this organisation be treated as wholly private.

3. S.A.T.A.C. (Societa Anonima Trasporti Aerea Orientale).

This Company is a limited liability company with a capital of £1,000,000, all of which is privately held. The Company is registered in Amara and is at present in liquidation. It is affiliated to Soc. M. Tabeti & Co. (S.V.)

(Authority - letter from Company dated 1.2.42).

It is recommended that this organisation be treated as wholly private.

Soc. M. Tabeti & Co.

This Company is a limited liability company with a capital of £1,000,000, all of which is privately held. The Company is registered in Amara and is at present in liquidation. It is like S.A.T.A.C. (to which it is affiliated) a transport company.

(Authority - letter from Company dated 19.2.42).

It is recommended that this organisation be treated as wholly private.

5. Societa Anonima Trasporti A.C.

This Company is a limited liability company with a capital of

but such expenses were the property of the said company. The workshops and plant referred to were requisitioned and taken over by the British Army on 4th May, 1941 (Order No. 476) and the spare parts were requisitioned similarly on 20th October 1941. The workshops are now occupied by S.A.P.C.

(Authority - Letter from firm dated 17.2.42).

It is recommended that this organisation be treated as wholly private.

2. S.A.P.A.O. (Societa Anonima Metallurgica Sidero Orientale).
This is a limited liability company registered in Assara, whose objects are the sale in Italian West Africa of metallurgical products. The capital is Lit.1,000,000, all of which is held by private persons and the company has never received any assistance from or been subject to control by the State.

(Authority - Letter from Company dated 17.2.42).

It is recommended that this organisation be treated as wholly private.

3. S.A.T.A.O. (Societa Anonima Trasporti Africa Orientale).
This Company is a limited liability company with a capital of Lit.1,000,000, all of which is privately held. The Company is registered in Assara and is at present in liquidation. It is affiliated to S.O.C. (Societa Anonima S.p.A. (S.V.))

(Authority - Letter from Company dated 15.2.42).

It is recommended that this organisation be treated as wholly private.

S.O.C. (Societa Anonima S.p.A. (S.V.))

This Company is a limited liability company with a capital of Lit.1,000,000, all of which is privately held. The Company is registered in Assara and is at present in liquidation. It is like S.A.T.A.O. (to which it is affiliated) a transport company.

(Authority - Letter from Company dated 15.2.42).

It is recommended that this organisation be treated as wholly private.

5. Societa Anonima Trasporti A.O.

This Company is a limited liability company with a capital of Lit.10,000,000 divided into 100 shares of Lit.100 each. The shares are privately held and the company, which was a transport company, is now in liquidation.

(Authority - Letter from Company dated 15.2.42).

It is recommended that this organisation be treated as wholly private.

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6. Retalli Zeltinelli Società Anonima.

This is a limited liability company; the capital of which is Lit. 35,000,000. The Company are timber merchants and the whole of the capital is stated to be held by the Zeltinelli Family, who reside in Milan. The Company is registered in Venice, but has its principal place of business in Milan.

(Authority - Letter from Company dated 16.2.42).

It is recommended that this organisation be treated as wholly private.

7. Societa Anonima Alfa Romeo Milano - Napoli.

This is a limited liability company; the capital of which is Lit. 270,000,000, (paid-up Lit. 23,000,000). The Company manufactures motor-cars and has a registered branch in Italian East Africa, the head office of which was at Addis Ababa. The Company was formed on 3rd February 1918 and is constituted for a period of years terminating on 1st October 1967. So far as can be ascertained, the capital is privately held and no evidence of Government control has been ascertained. (ee.)

(Authority - Letter from Company dated 17.2.42).

It is recommended that this organisation be treated as wholly private.

8. S.A.I.A. (Societa Coloniale Anonima Levya Africa).

This is a limited liability company with a capital of Lit. 10,000,000. The Company was constituted by Statute and has its registered office in Rome with head office in Addis Ababa. The capital is stated to be privately held and, according to the Statute constituting the Company, distribution of a wind-up would be in accordance with the Commercial Code.

(Authorities - Statute constituting Company,)

Letter from Company dated 17.2.42).

It is recommended that this organisation be treated as wholly private.

9. S.A.O.I. (Societa Anonima Commercio Industrie).

This is a limited liability company with a capital of Lit. 100,000 divided into 800 shares of Lit. 125 each. The shares are held, as to 400 by S.A. Transito A.O. (a.v.) and as to 400 by Signore Giovanni Bandrocco on behalf of Signore Agostino Bandrocco. The shares are made out to Brest. The head office of this Company was originally at Trieste but was transferred to Ancona on 1.6.37. The Company is a Transport Company and was founded by Decree.

(Authority - Letter from Company dated 16.2.42).

It is recommended that this organisation be treated as wholly private.

10. S.T.O.A. (Societa Italiana Commercio Strumenti).

7. Authority - Letter from Company dated 10.2.42).
 It is recommended that this organization be treated as wholly private.
Societa Anonima Alfa Romeo Milano - Napoli.
 This is a limited liability company, the capital of which is Lit. 240,000,000, (paid-up Lit. 23,000,000). The Company manufactures motor-cars and has a registered branch in Italian East Africa, the head office of which was at Addis Ababa. The Company was formed on 3rd February 1918 and is constituted for a period of years terminating on 31st October 1967. So far as can be ascertained, the capital is privately held and no evidence of Government control has been ascertained.
 (Authority - Letter from Company dated 17.2.42).
8. It is recommended that this organization be treated as wholly private.
S.O.A.T.A. (Societa Coloniale Africana Italiana Africa).
 This is a limited liability company with a capital of Lit. 10,000,000. The Company was constituted by Statute and has its registered office in Rome with head office in Addis Ababa. The capital is stated to be privately owned and, according to the Statute constituting the Company, distribution on a winding-up would be in accordance with the Commercial Code.
 (Authorities - Statute constituting Company,)
 Letter from Company dated 17.2.42).
9. It is recommended that this organization be treated as wholly private.
S.A.C.I. (Societa Anonima Commerciale Industrie).
 This is a limited liability company with a capital of Lit. 100,000 divided into 800 shares of Lit. 125 each. The shares are held, as to 400 by S.A. Trasporto A.O. (S.V.) and as to 400 by Signore Giovanni Bandrocco on behalf of Signore Agisio Bandrocco. The shares are made out to bearer. The head office of this Company was originally at Trieste but was transferred to Asmara on 6.2.37. The Company is a Transport Company and was founded by Decree.
 (Authority - Letter from Company dated 16.2.42).
10. It is recommended that this organization be treated as wholly private.
S.I.C.A. (Societa Italiana Commerciale Affini).
 This is a limited liability company with a capital of Lit. 50,000 divided into 50 shares of Lit. 1,000 each. The shares are held privately and the shareholders are entitled, on a liquidation, to the assets. The registered office of the Company is in Naples and the Company's business is the sale of hardware.
 (Authorities - Letter from Company dated 10.2.42,)
 and Constitution of Company).
 (It is recommended that this organization be treated as wholly private.

11. S.I.C.I.S.A. (Societa Italiana Costruzioni e Lavori Pubblici).

This is a limited liability company with a capital of Lt. 5,000,000 which is held by the brothers Costera in equal shares. The registered office of the company is at Rome and the company is represented in Italy by the holder of a power of attorney. The company are public works contractors.

(Authority - Letter from Company dated 17.2.42).
and Constitution of Company).

It is recommended that this organization is treated as wholly private.

12. Silvati Aerial S.A.

This is a limited liability company which carries on the business of omnibus and taxi proprietors. Its activities are controlled in Italy by Regulations regarding public services, but the Company itself is not subject to any State control. The capital of the Company is not known, but it is stated to be privately held by the brothers Silvati. The shareholders are entitled to the assets in a liquidation.

(Authority - Letter from Company dated 21.8.41).

It is recommended that this organization be treated as wholly private.

13. S.I.C.C.A. (Societa Italiana Imprese Commerciali Coloniali Africane).

This is a company which was formed in Turin on 6th December 1935 by six private persons, Sebastiano Longhino, Andrea Celesia, Carlo Cova, Carlo Vecchio and Vincent Celesia who provided between them the capital, the amount of which has not been ascertained. The Company are reporters from Italian East Africa and so far as can be ascertained, are not subject to government control.

(Authority - Letter from Company dated 20.8.41).

It is recommended that this organization be treated as wholly private.

14. S.A.I.S.A. (Societa Italiana Imprese Commerciali Africane).

This is a limited liability company having a capital of Lt. 100,000 divided into 600 shares of Lt. 1,000 each. The 600 shares are held as to 590 by Eugenio Spinelli, the other four shares being held by four other private persons respectively. The Company was formed on 20th March 1935 and is registered in Rome. The objects of the Company are to provide civil, military and private transport and to sell motor-cars and motor-car accessories and lubricants. In the event of liquidation, the shareholders are entitled to the assets on a distribution. The Company is stated never to have been subject to State control.

(Authority - Letter from Company dated 20.8.41).

(Authority - Letter from Company dated 17.2.41).
and Constitution of Company).

It is recommended that this organization be treated as wholly private.

12. Selvati AIRCO S.A.

This is a limited liability company which carries on the business of omnibus and taxi proprietors. Its activities are controlled in Britain by regulations regarding public services, but the Company itself is not subject to any State control. The capital of the Company is not known, but it is stated to be privately held by the brothers Selvati. The shareholders are entitled to the assets in a liquidation.

(Authority - Letter from Company dated 31.8.41).

It is recommended that this organization be treated as wholly private.

13. S.I.L.C.A. (Societa Italiana Imprese Commerciali Colonie Africane).

This is a company which was formed in Turin on 6th December 1935 by six private persons, Sebastiano Torchio, Andrea Cavalli, Carlo Dovere Carlo Micheli and Nicolo Colombo who provided between them the capital, the amount of which has not been ascertained. The Company are exporters from Italian West Africa and so far as can be ascertained, are not subject to Government control.

(Authority - Letter from Company dated 30.8.41).

It is recommended that this organization be treated as wholly private.

14. S.I.L.C.A. (Societa Italiana Imprese Commerciali Africane).

This is a limited liability company having a capital of Lt. 500,000 divided into 500 shares of Lt. 1,000 each. The 500 shares are held as to 596 by Eugenio Spinelli, the other four shares being held by four other private persons respectively. The Company was formed on 20th March 1930 and is registered in Asmara. The objects of the Company are to provide Civil, military and private transport and to sell motor-cars and motor-car accessories and lubricants. In the event of liquidation, the shareholders are entitled to the assets on a distribution. The Company is stated never to have been subject to State control.

(Authority - Letter from Company dated 30.8.41).
and Constitution of Company).

It is recommended that this organization be treated as wholly private.

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15. Societa Navipels di Traversari e Rattelli Congregata.

This is a limited liability company with a capital of Lt. 8,000,000. It is not known how the capital is held. The Company has its registered office in Milan, and it is stated that it is or absolutely a private character and that it has never been subject to any State control. The Company are transport constructors and warehousemen.

(Authority - Letter from Company dated 18.9.47).

It is recommended that this organization be treated as wholly private.

.....
[Handwritten Signature]
.....

MAJOR
Legal Adviser
Political Branch
E.A. COMMAND U.S.

.....
[Handwritten Signature]
.....

MAJOR
Deputy Legal Adviser.
O.S.P.A.
Austria.

Source, 11th July, 1948.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GCH/gmf

9 January 1944.

In reply
refer to: ACC/L/303.

SUBJECT: Decrees from Italian Government.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

For your information we are proposing to issue Italian
Decrees No. 21/B and 16/B published in Gazzetta Ufficiale No. 4B
of 6 Dec. 1943 in Regions 1 & 2.

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

See: [unclear]
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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gmf

15 January 1944.

In reply
refer to: ACC/1/306/1.

SUBJECT: Italian Legislation in Occupied Territory.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

Ref your AMG/233/9 dated 10 Jan and to our conversation with the Minister yesterday we were in substantial agreement in principle. The Minister will let us have as many copies as are required (and advise us in this respect) and we will advise you as to what decrees are in our opinion ~~those which are~~ appropriate for reenactment in occupied territory. The actual method of promulgation is for you to decide but we suggested printing in on to some blank space, which we would get the Minister to leave on each issue, a list of the decrees to be promulgated, over an appropriate signature. Other methods occurred to you. Whatever method is adopted, the question of policy which you have to consider (& no doubt have) is that the Italians will tend to treat all decrees in each issue as binding on them but I doubt if in practice this objection to the plan is as great as it sounds on paper.

With regard to the Proclamation, this is in terms applicable to the whole of occupied territory, and in view of the repeated and disheartening delays over the restoration of Regions 1 & 2 this aspect of the matter must be considered.

My own view is the Proclamation could stand as drawn in this respect so as to become applicable to Regions 1 & 2 if they have not been restored to the Italian Government by the time it has been posted. I am proposing to send the documents to the D.C.C.A.O., AMG HQ for his observations and comments and I hope you can hold the matter up for the time being.

You will not of course overlook my point that in line 2 of the last recital "unoccupied" may be an inappropriate word even after restoration. We have to deal with 3 types of territory; (1) King's Italy, (2) Territory to be restored which may become unoccupied or may continue to have the status of occupied territory, whatever that means, and (3) Occupied territory under an AMG.

I suggest these recitals might read:-

WHEREAS for the purpose of exercising governmental powers of administration in and over certain territory of the Kingdom of Italy which has been liberated from the German invader, the Italian Government have and

SUBJECT: Italian Legislation in Occupied Territory.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

Ref your AMG/233/9 dated 10 Jan and to our conversation with the Minister yesterday we were in substantial agreement in principle. The Minister will let us have as many copies as are required (and advise us in this respect) and we will advise you as to what decrees are in our opinion ~~those which are~~ appropriate for reenactment in occupied territory. The actual method of promulgation is for you to decide but we suggested printing in on to some blank space, which we would get the Minister to leave on each issue, a list of the decrees to be promulgated, over an appropriate signature. Other methods occurred to you. Whatever method is adopted, the question of policy which you have to consider (& no doubt have) is that the Italians will tend to treat all decrees in each issue as binding on them but I doubt if in practice this objection to the plan is as great as it sounds on paper.

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You will not of course overlook my point that in line 2 of the 1st recital "unoccupied" may be an inappropriate word even after restoration. We have to deal with 3 types of territory; (1) King's Italy, (2) Territory to be restored which may become unoccupied or may continue to have the status of occupied territory, whatever that means, and (3) Occupied territory under an AMG.

I suggest these recitals might read:-

WHEREAS for the purpose of exercising governmental powers of administration in and over certain territory of the Kingdom of Italy which has been liberated from the German invader, the Italian Government have and will issue decrees and decree laws which are valid and binding in such territory

AND whereas it is expedient and advisable from time to time to bring the law of occupied territory administered by Allied Military Government into conformity with the law of the territory administered by the Italian Government as aforesaid so far as is practicable, having regard to the prosecution of the war against the German invader.....
NOW, etc.

As you are moving I shall ask Col. Walmer when he has discussed the matter with Col. Spofford to take the matter up with you direct.

Copy to: AMG HQ (Leg. Subcommission)

G. H. UFFORD, Colonel

Chief Legal Officer, AMG

Subject: - Italian Legislation.

AMG Hq.,
15 Army Group,
C.M.F.

Ref. AMC/233/13.
12 January 44.

D.C.C.A.O.

There is attached hereto the draft of a proposed Proclamation establishing the procedure by which certain current Italian legislation might be extended to occupied territory.

2. A Proclamation rather than a General Order seems necessary for the achievement of our objective. The purpose of the enactment was not only not contemplated in any of the original Proclamations and therefore is a matter of such seriousness as to make a new Proclamation appropriate, but the grant of jurisdiction to the Italian courts over offenses against what will in law be regulations of the Allied Military Government is such a departure from accepted practice as to be beyond the proper scope of a General Order.

3. The document as drawn is merely a draft, but if its substance meets with your approval I believe that it is sufficiently definite to afford a satisfactory basis for discussion with AGC and the Italian Government. I should be grateful for your advice as to the time at which it should be sent to AFHQ for their information.

4. I have not overlooked your suggestion that the Italian Government may be reluctant to permit our counter-signature to appear on their independent legislation. If they refuse to follow this procedure another method of the sort which you propose could doubtless be agreed upon. I feel, however, that the administrative convenience of the procedure set out in the draft Proclamation is so great as to make it worthy of submission.

Lead HNR

Major, A.J.S.,
Chief Legal Officer.

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We spoke. I will await your next report.
Thought that a simpler procedure.

There is attached hereto the draft of a proposed Proclamation establishing the procedure by which certain current Italian legislation might be extended to occupied territory.

2. A Proclamation rather than a General Order seems necessary for the achievement of our objective. The purpose of the enactment was not only not contemplated in any of the original Proclamations and therefore is a matter of such seriousness as to make a new Proclamation appropriate, but the grant of jurisdiction to the Italian courts over offenses against what will in law be regulations of the Allied Military Government is such a departure from accepted practice as to be beyond the proper scope of a General Order.

3. The document as drawn is merely a draft, but if its substance meets with your approval I believe that it is sufficiently definite to afford a satisfactory basis for discussion with ACC and the Italian Government. I should be grateful for your advice as to the time at which it should be sent to AFHQ for their information.

4. I have not overlooked your suggestion that the Italian Government may be reluctant to permit our counter-signature to appear on their independent legislation. If they refuse to follow this procedure another method of the sort which you propose could doubtless be agreed upon. I feel, however, that the administrative convenience of the procedure set out in the draft Proclamation is so great as to make it worthy of submission.

Ward H. H. H.

Major, A. U. S. ;
Chief Legal Officer.

*We spoke. I will await your next step.
I should have thought that a simpler proclamation
would have suited!*

W. C. Miller

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5/15/44

Section One: Whenever the Chief Civil Affairs Officer or an officer appointed by him to act as Legislation Officer in writing signifies his willingness that a Decree of the Italian Government shall be extended to Occupied Territory such Decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the date such occupation.

ALLIED MILITARY GOVERNMENT

(Italy)

PROCLAMATION No. 15.

Extension of Italian Legislation to Occupied Territory.

WHEREAS the Italian Government presently enjoys certain rights, powers, and responsibilities of government in unoccupied territory and is exercising legislative and administrative powers in such territory, and,

WHEREAS it may prove expedient and advisable from time to time to bring the law of Occupied Territory into conformity with the law then in force in areas controlled by the Italian Government.

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

Article One

Method of Extension

Section One : Whenever the original of a Decree of the Italian Government is countersigned by the Chief Civil Affairs Officer or by an officer appointed by him to act as Legislation Officer, such decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the dates of occupation.

Section Two : All law which, in accordance with the procedure set forth in the preceding section, has become part of the law of Occupied Territory shall be binding upon and enforceable in Italian Courts sitting in such Territory.

Article Two.

Local Variations.

Section One: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region or an Officer empowered by either of

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X

to bring the law of Occupied Territory into conformity with the law of the Italian Government.

NOW, therefore, I, Harold R. L. G. Alexander, G.C.H., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy, and Military Governor, hereby proclaim as follows:

Article One

Method of Extension

Section One: Whenever the original of a Decree of the Italian Government is countersigned by the Chief Civil Affairs Officer or by an officer appointed by him to act as Legislation Officer, such decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the dates of occupation.

Section Two: All law which, in accordance with the procedure set forth in the preceding section, has become part of the law of Occupied Territory shall be binding upon and enforceable in Italian Courts sitting in such Territory.

Article Two.

Local Variations.

Section One: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region or an Officer empowered by either of them, if he is satisfied that local amendments in regard to time or times when performance is due under Italian legislation which has been extended to Occupied Territory under Section One, Article One, would be suitable or equitable, may, by Order, alter the date or dates of performances thereunder.

Section Two: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region, or an officer empowered by either of them, may temporarily suspend by Order the local enforcement of legislation

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which has been extended under Section One to territory already occupied before the date when the territory under his control was occupied.

Section Three : Any Orders issued by Civil Affairs Officers under the present Article shall be binding upon and enforceable in Italian Courts.

Article Three.

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.

H. R. ALEXANDER, General,
General Officer Commanding
the Allied Military Forces and
Military Governor.

Dated: January, 1944.

Article Three.

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.

H. R. ALEXANDER, General,
General Officer Commanding
the Allied Military Forces and
Military Governor.

Dated: January, 1944.

I, Victor Emanuel III

by the grace of God and by the will of People

KING OF ITALY

Having regard to Art.18 of Law 19 January 1939 No.129;

Having regard to R.D.Law 30 October 1943 No.2/B;

Having regard to R.D.Law 10 November 1943 No.5/B;

Considering the urgent and absolute necessity of Regulations;

After hearing the Cabinet Council;

On proposal of the Chief of Government and of the Industry, Trade

and Labour Under-Secretary of State;

HAVE DECREED AND DECREE

Article 1

Salaries, wages and continuative rewards which were received by the employees, over whom the regulations of the judicial control of the Collective Labour Contracts are applied, may in spite of the provision of Art.4 of R.D.Law 19 June 1940 No.953, embodied with some amendments in the Law 28 November 1940 No.1727, be increased upon the basis as described in the following Article.

Article 2

The increases mentioned by the preceding Article shall not exceed the percentage of the monthly total amount of salaries, wages and the lowest rewards, fixed by Collective Labour Contract effective as from 1 September 1942, granted as a result of the following Schedule:

On 1st	L.1.600 per month (or fraction thereof)	70%
On 2nd	"	"60%
On 3rd	"	"30%
On 4th	"	"20%
On 5th	"	"10%

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effective as from September 1942.

This increase percentage, will be calculated in such a manner, and applied upon the weekly, daily and time wages.

Regarding the classes of employees, who, on 1st September 1942 were without Collective Labour Contracts, the rates of increase, fixed by the first paragraph will be applied upon the salaries, wages or medium rewards, which, at that date were in point of fact, paid to the employees of those classes.

In the case of any dispute, the wage, salary or medium reward paid in point of fact on the date of 1 September 1942, will be fixed by the competent Sindacal Associations.

Article 3

Increases granted after the last of September 1942 shall be deducted from the increase of salaries wages or rewards allowed as a result of the preceding two articles.

Article 4

The regulations of this Decree will be operative w.e.f. the 1st day of November 1943.

This Decree will be presented to the Legislative Assemblies for the embodiment in Law and the introducing Minister is authorized to introduce the relative Bill.

To whom it may concern, We order that any person will comply with this Decree and have it fulfilled as a Law of the State.

By the High Command, dated 7 December 1943

VICTOR MANUEL

BAUOLIO

SIGNED

EPICARDO CORSINO

rewards, which, at that date were in point of fact, paid to the employees of those classes.

In the case of any dispute, the wage, salary or medium reward paid in point of fact on the date of 1 September 1942, will be fixed by the competent Sindacal Associations.

Article 3

Increases granted after the last of September 1942 shall be deducted from the increase of salaries wages or rewards allowed as a result of the preceding two Articles.

Article 4

The regulations of this Decree will be operative w.e.f. the 1st day of November 1943.

This Decree will be presented to the Legislative Assemblies for the embodiment in Law and the introducing Minister is authorized to introduce the relative Bill.

To whom it may concern, We order that any person will comply with this Decree and have it fulfilled as a Law of the State.

By the High Command, dated 7 December 1943

VICTOR MANUEL

BADOGLIO

SIGNED

MICARINO CURBINO

(under R.Decree of 30 October 1943, No. 1/B)

LOCO TEEPER OF THE SEALS

BADOGLIO

C.L.O.

15

The machinery of tax collection in the forward areas is barely ticking over. Esatori in some areas have thrown in their hands. All this derives from the wholesale dislocation of the normal life of the Italian people. My first thoughts were to reply to your note that we could not even climb Ossa without pushing Pelion on top; and to refrain from publishing his order.

But second thoughts are that the large contributor in our areas is Naples

Another example is provided by
the provision of funds for the Post
Offices. In Naples, funds are
provided pro tanto by the Banca
d'Italia - in Sicily, ^{the ANPA} funds are
made available thro' the banks.
for this purpose. ~~the~~ ^{the} ~~has~~
consideration, how does Sicily
differentiate between money used
for POST's and other Post Office
uses, meeting mandati etc.

1084

who, by and large, are ¹¹⁴
 making money and where
 revenue is coming in well.
 How would you view
 publishing his in Report
 3 but not as yet
 elsewhere?

also
 10/11

P.S. I can only regret
 that the folders you use
 have sunk to such a new low.

14

POSB's.

Savings & current y's are 872 million
for the prov. of Naples. All
provincial postmasters receive
a float from Postmaster Naples
who draws the amount required
from the Banca d'Italia. At
present latter authorized to
come up to 100 mill but considered
optimistic. No one makes objection
to repay advance

Jan. 44

C.F.O.

✓ The C.F.O., A.C.C., calls my attention to the desire of the Financial Sub-Commission to have Royal Decree Law 21 B of 6 Dec 43 (p. 9 of attached copy of the Gazette) republished in occupied territory, with the substitution of "February" for "January" in Article 3.

Postponing for the moment the question of what procedure for enactment we should prefer if it seems desirable to make the decree effective in our territory, I should appreciate an expression of your views as to whether we should proceed in fact with the suggested change.

I am sorry not to be able to let you have a translation - the one we got was hopelessly confusing.

Wash. Field
C.F.O.

12/

REGIO DECRETO-LEGGE 6 dicembre 1943, n. 21/B

Imposta generale sull'entrata. Conferma per l'anno 1944, con modifiche, degli accordi sindacali del 1943,

VITTORIO EMANUELE III

Per grazie di Dio e per volontà della nazione
RE D'ITALIA

Having regard to article 18 of the law on 19 January 1939, n. 129;

Having regard to R.D.L. 9 January 1940, n. 2, establishment of the general tax on receipts;

Having regard to relative regulation approved by R.D. on 26 January, n. 10;

Having regard to law on 19 June 1940, #762;

Having regard to R.D.L. 3 June 1943, #452

Having regard to R.D.L. 30 October 1943, #2/B

Having regard to R.D.L. 10 November 1943, #5/B

Having considered that from December 31st 1943 syndical

agreements stipulated by article 16 of stated law will cease

to be valid, in consideration of every category of productive

activity with competent national federations and for the ac-

tual contingency, it is not possible to proceed in renewal of

the same year agreements for the coming year 1944;

Having considered the urgent necessity for modifying for a greater

proportional assessment of the tax, the existing system of as-

certaining the taxable receipts, is realised to be no longer

and relating to economic reality of actual movement of business

and not in comparison with some contributing categories of

aforesaid tax.

Having heard Council of Ministers;

On the proposition of the Under-secretary of State for finance

We have decreed and do decree:

Art. 1

To the effect of the application of the general tax on the receipts of which, according to the law on 19 JUNE 1940 #762 save the exceptions of which in the following article, as the method of taxable receipts of ascertaining the taxable receipts so the terms, dues and modalities of payment established in the said law and in the syndical agreements in force 1943, will remain also for the year 1944.

Art. 2

For all the rest the application of the syndical agreements of 27 December 1941 remain valid # 71836, 71837, 71858, 71859 and # 71860 stipulated for year 1942 and renewed for year 1943 with syndical agreement of 27 December 1942, # 72452 and 72663 the only method of ascertainment remains modified as in successive article for the following categories:

n.129;
 Having regard to R.D.L.9 January 1940, n.2, establishment of the general tax on receipts;
 Having regard to relative regulation approved by R.D. on 26 January, n.10;
 Having regard to law on 19 June 1940, #762;
 Having regard to R.D.L. 3 June 1943, #452
 Having regard to R.D.L. 30 October 1943, #2/B
 Having regard to R.D.L. 10 November 1943, #5/B
 Having considered that from December 31st 1943 syndical agreements stipulated by article 16 of stated law will cease to be valid, in consideration of every category of productive activity with competent national federations and for the actual contingency, it is not possible to proceed in renewal of the same year agreements for the coming year 1944;
 Having considered the urgent necessity for modifying for a greater proportional assessment of the tax, the existing system of ascertaining the taxable receipts, is realised to be no longer and relating to economic reality of actual movement of business and not in comparison with some contributing categories of aforesaid tax.
 Having heard Council of Ministers;
 On the proposition of the Under-secretary of State for finance We have decreed and do decree:

Art.1

To the effect of the application of the general tax on the receipts of which, according to the law on 19 JUNE 1940 #762 save the exceptions of which in the following article, as the method of ascertainment of receipts of payment established in the said law and in the syndical agreements in force 1943, will remain also for the year 1944.

Art.2

For all the rest the application of the syndical agreements of 27 December 1941 remain valid # 71836, 71837, 71858, 71859 and # 71860 stipulated for year 1942 and renewed for year 1943 with syndical agreement of 27 December 1942, # 72452 and 72663 the only method of ascertainment remains modified as in successive article for the following categories:
 a) merchants on retail business of various kinds, including retail dealers of textile products and of the cloths who possess their own shops for sale to the public in Communes with population more than 10.000 inhabitants, except share societies to which modification above said is applied in any Comune where they have their own shops for sale to the population.
 B) Public shops, that is: bars and cafes also for accessory services, to which billiard-rooms and play-rooms are annexed; beer-shops, wine-shops, ice-cream shops which possess the license of Public Safety Authority; cook-shops, fish-shops pork-butcher's, hot meal establishment and the like, restaurants

///.

1) Professional fees.

Article 1. The firm indicated in the previous Art. 1 has to present themselves to register officials in whose jurisdiction their own shops, establishments and offices are situated, with the following information: the number of persons employed in the business, the number of employees received in 1929 and the number of employees employed in the business in their own activities.

Article 2. The tax due for 1929 shall be calculated and indicated, together with interest, every contribution of war effected by the firm in 1929, in accordance with the provisions of the law of 1929, and the results stated in conformity with Art. 1. The firm shall also be obliged to declare the number of employees of January 1, 1929, the date of other commercial operations of the previous fiscal year, the amount of the total amount of the receipts received in 1929 and the number of employees employed in the business in their own activities.

Article 3. The office of the registry has power to control and to demand the declarations. The firm should also give the information required and is bound by the provisions of the law of 1929, and is bound by the provisions of the law of 1929, and is bound by the provisions of the law of 1929.

Article 4. For the omitted or late presentation of the declaration, a fine of L. 100-500 is applicable. If a firm presents without the contributor presenting the declaration the fine will be increased from 500 to L. 5,000. In case of a false declaration, from one to five times the fine, will be levied.

Article 5. For anything else not provided in this R.D., it will be applied according to rules contained in the law and regulation on the tax receipts on the recall and as concerns legal department, in law on 7 January 1929.

Article 6. This decree will be issued in Gazzette Ufficiale del Regno

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special series- and will be in force on 1st January 1944.
It will be presented to the legislative assembly for the
conversion into law.
Under-secretary of State introduces and is authorized to
present relative project of the law.
We order towh whoever ,who wait to observe this decree,
that it must be observed as a law of the State.

From Suprem Command 6 December 1943.

VITTORIO EMANUELE

BADDOGLIO -JUNG

Having regard:(to agreements 30 october 1943)# 1/B)

Keeper of the seals:BADDOGLIO

From Suprem Command 6 December 1943.

VITTORIO EMANUELE

BADOGGIO-JUNG

Having regard:(to agreements 30 october 1943)# 1/B)

Keeper of the seals:BADOGGIO

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9

Subject: Italian Legislation in Occupied Territory.

AIR HQ,
15 Army Group,
G.H.Q.

Ref. AIR/253/9
12 January 1945

Full brief

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
GRINDLEY.

The D.H.C. has approved the substance of a suggested procedure for the solution of the increasingly difficult problem of extending the force of approved current Italian law to occupied territory under the control of 15th Army Group.

2. It is proposed to publish a proclamation or general Order which will provide in substance that any Decree, Royal or Ministerial, which is published in the Gazzetta Ufficiale, and which bears at its foot the endorsement of an authorized representative of the Italian Government in territory then occupied by the Allied Forces and that such Decrees, so endorsed, shall upon occupation become a part of the law of the territories thereafter occupied by the Allied Forces, except to the extent that specific provisions may be inapplicable in terms to such territory.

3. No such Order or proclamation would, of course, be posted without satisfactory arrangements first having been made between AIR HQ, 15th Army Group and the Italian Government. It seems clear that an arrangement of this sort would be in the interest of all concerned; it would be of value to us in that it would eliminate the elaborate and wasteful procedure of re-enacting approved Italian legislation; it would assist the Italian Government by making it entirely clear what laws of its enactment are in effect in an area when it is restored to Italian sovereignty. For everyone concerned it would have the merit of rendering the territorial scope of legislation as definite as is possible from the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and intimate liaison between AIR, AGG, and the Italian Government. An officer, to be assigned to this HQ, would have to be given the responsibility of considering all proposed legislation, consulting with us when important questions of policy are involved and on our behalf endorsing those decrees which are deemed appropriate for extension to occupied territory. We should do everything in our power to see that our participation in the legislative process did not retard action by the Italian Government.

5. If you feel that there is merit in this proposal I should be more than glad to come to A.C.C. at the earliest possible moment to discuss its details, in the meanwhile I shall prepare rough drafts of the instrumentswhich.....

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which it would not be advisable to have executed if the same is to be put into effect.

Lucas Hunt

Major, A.B.S.,
Chief of Staff

The following is a copy of the report of the committee on the subject of the proposed changes in the organization of the Department of Defense, as requested by the Secretary of Defense, dated 10/10/54.

The committee has reviewed the proposed changes and has concluded that they are in general in line with the policy of the Department of Defense to streamline its organization and to eliminate overlapping functions. The committee believes that the proposed changes will result in a more efficient and effective organization and will help to reduce the cost of the Department of Defense.

The committee has also noted that the proposed changes will result in a significant reduction in the number of positions in the Department of Defense. This reduction is necessary in order to bring the Department of Defense's personnel strength in line with the current and projected requirements of the Department.

The committee believes that the proposed changes are in the best interests of the Department of Defense and the Nation. It recommends that the proposed changes be approved and implemented as soon as possible.

If you have any questions or suggestions regarding this report, please contact the undersigned at the address shown below.

D.C.C.A.O.

9 Jan 44.

M E M O.

Italian Legislation.

The problem of the co-ordination of our legislation with that of the Italian Government is sure to become increasingly complicated unless we adopt a regular and systematic procedure. Unless we are to devote an entirely disproportionate amount of time and paper to the rewriting and republication of desirable modifications of Italian Law it seems essential that we establish an effective relationship of liaison with the Italian Government which will make it possible for us to say definitely at the time of the enactment of an Italian decree that it either is, or is not, going to become part of the law of occupied territory.

2. I suggest the following as a possible solution to the problem. A General Order should be published providing, in substance, that any Italian legislation, by Royal or Ministerial Decree, which is published in the Official Gazette and which at its conclusion bears the notation "approved" over the signature of an authorized representative of the Allied Military Government shall, without more, become part of the law of occupied territory. It will be far easier for us to fulfil the supplementary responsibility of seeing that the Official Gazette is distributed to the Italian officials and to AIG officers throughout the occupied area than it would be constantly to draft parallel legislation, take care of its printing, and have it posted in the large areas under our control.

3. In order to bring such a procedure into effect we should, of course, have to work out an agreement with the Italian Government as to all of its details. This, I believe, could easily be done, and I am confident that Colonel Upjohn would do all in his power to get the scheme working. It would, however, be absolutely essential for one, or better for two more Legal Officers to be assigned to the HQ strength for the execution of the plan after it is accepted. It would be their duty to consider all proposed Italian legislation and make prompt recommendations to this HQ as to its extension to occupied territory. Though I feel sure that Colonel Upjohn would be willing to let us share the services of one or more of the Legal Officers on his staff it would seem advisable to preserve the separation between ACC and AMG by having our own independent representative. He would, of course, have to work in the closest possible collaboration with ACC.

4. If you think that there is merit in this scheme I shall immediately do everything possible to put it into effect. The longer we allow things to drift the more difficult our problems will be later on. I am not unaware of the implications of political intimacy between ourselves and the Badoglio Government which might be drawn from this arrangement. The practical convenience and advantages, however, would be undeniable.

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Government which will make it possible for us to say definitively at the time of the enactment of an Italian decree that it either is, or is not, going to become part of the law of occupied territory.

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Major, A.U.S.,
Chief Legal Officer.

We spoke. I am in entire agreement with your suggestion which should be implemented with the agreement of ACC. We need have no fear of implications of political intimacy by taking steps to assure coordinated administration.

I think the Italian Govt will resist your suggested method of dealing with the situation. I think it is possible to put a supplementary statute in the laws of the Italian Govt which would be derogatory to their sovereignty. I think it is possible to put a supplementary statute in the laws of the Italian Govt which would be derogatory to their sovereignty. I think it is possible to put a supplementary statute in the laws of the Italian Govt which would be derogatory to their sovereignty. I think it is possible to put a supplementary statute in the laws of the Italian Govt which would be derogatory to their sovereignty.

See also, Dr. Collett

7
6 December 1943.

ROYAL DECREES OF LAW.

Dissolution of the Voluntary Militia for the
national Security and of the Special Militias.

VICTOR EMANUEL III.

KING OF ITALY.

Having regard to the Royal Decree dated the 14th January 1923 No. 31
and successive amendments and additions,

Having regard to the Royal Decrees dated 30th October 1943 Law
No. 2/B and 10th November No. 5/B.

Considering the urgent necessity to provide for the dissolution
of the voluntary militia for the national security and their
special Corps as also the special Militias, giving back their
functions to the ordinary Police organizations.

After hearing the council of Ministers,

On proposal of the Chief of the Government, it was agreed with the
Ministers of the navy, of the Air-force and with the Ministers of
Home, Undersecretaries of Justice, of the Finances, of war, of the
public Labours, of the agriculture and forests, and of the Communications.

We have decreed and decree:

Part I.

The Voluntary Militia for the national legionary security and
their special Corps (Militia of Border, of Anti Air-Craft and of
the navy. φ.

Art. 1.

The voluntary Militia for the national security and their special

Having regard to the Royal Decree dated the 14th January 1923 No.31 and successive amendments and additions.

Having regard to the Royal Decrees dated 30th October 1943 Law No.2/B and 10th November No.5/B.

Considering the urgent necessity to provide for the dissolution of the voluntary militia for the national security and their special Corps as also the special Militias, giving back their functions to the ordinary Police organizations.

After hearing the council of Ministers,

On proposal of the Chief of the Government, it was agreed with the Ministers of the navy, of the Air-force and with the Ministers of Home, Undersecretaries of Justice, of the Finances, of War, of the public Labours, of the agriculture and Forests, and of the Communications.

We have decreed and decreed:

Part I.

The Voluntary Militia for the national legionary security and their special Corps (Militie of Order, of Anti Air-Craft and of the navy).

Art.1.

The voluntary Militia for the national security and their special Corps (Militia of Order, of anti Aircraft "M.A.C.A., of the navy "MILMART") created by Royal Decree dated 14th January 1923 NO.31 and shared later by other orders in legionary militia with the same abovementioned special Corps are dissolved. Military formations and groups of every party are forbidden.

Art.2.

The personnel not in permanent service of the voluntary militia

6

For the national security and their special Corps and the personnel of the ages now conscripted in the army and of the ages of first line units for officers join the force in which they render service at this moment with the rank held in the previous army. The other personnel not in permanent service will be replaced on dismissal from the previous army with the rank held in this army.

Art. 3.

The officers in permanent service coming from the equal grade of officers of the Forces can demand to be replaced in that army in which they render service at this moment.

Only the interested ministers, who appoint the reacceptances may decide on the rank and age.

The officers remaining in permanent service and those who do not make such an application or those whose application is not accepted the same will occur as to those officers not in permanent service and allow a period retirement or a pension according to the law. In the case of retirement they can allow by an estimation case per case only by the respective ministers of the amount of pension in amount not higher than the minimum recorded to the officer's military rank.

It will be provided also for the not commissioned personnel in permanent service.

Art. 4.

Weapons equipments and materials of every kind of the legionary militia and their special Corps will be taken over by the units of the Royal army (of the "MILITARIA" by the Royal navy) which will be established by the respective General Staff.

Art. 3.

The officers in permanent service coming from the equal grade of officers of the Forces can demand to be replaced in that army in which they render service at this moment.

Only the interested ministers, who appoint the reacceptances may decide on the rank and age.

The officers remaining in permanent service and those who do not make such an application or those whose application is not accepted the same will occur as to these officers not in permanent service and allow a period retirement or a pension according to the law.

In the case of retirement they can allow by an estimation case per case only by the respective ministers of the amount of pension in amount not higher than the minimum accorded to the officer's military rank.

It will be provided also for the not commissioned personnel in permanent service.

Art. 4.

Weapons equipments and materials of every kind of the legionary militia and their special Corps will be taken over by the units of the Royal army (of the "MILITARIA" by the Royal navy) which will be established by the respective General Staff.

The barracks and the localities belonging to the abovementioned militia will be consigned to the respective Military Authorities for that territory.

Part II.

The Railway Militia.

Art. 5.

The tasks carried out by the Railway Militia will be taken over

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by the Carabinieri Regali and by the Authorities - public Safety
 according to the particular orders issued by Royal decree on the
 proposal of the Ministries of Home, of Communications and agreed
 with the minister of war.

Art. 6.

The personnel belonging to the Railway Militia again take their
 ranks of civil personnel of the railway administration.

They will be judged conformable their ranks by the respective
 administration only.

For other personnel the orders in Art. 2 and 3 apply.

Art. 7.

The weapons and military equipment will be consigned to the units
 of the Royal Army indicated by the respective General-Staff. The
 localities now occupied by the Railway Militia will be given back
 to the Railway administration together with accessories, materials
 and means of transport belonging to this administration.

Part III. Art. 8.Post Telephone and Telegraph Militia.

The Post Telephone and Telegraph Militia is dissolved. Their tasks
 will be taken over by the organizations, which were already in
 charge.

Art. 9.

The personnel belonging to the Post telephone and Telegraph Militia
 will again take their ranks of civil personnel of the Post Telephone
 and Telegraph Administration.

They will be judged suitable for their ranks by the competent
 administration only.

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

rank of civil personnel of the railway administration. They will be judged conformable their ranks by the respective administration only.

For other personnel the orders in art. 2 and 3 apply.

Art. 7.

The weapons and military equipment will be consigned to the units of the Royal Army indicated by the respective General-Staff. The localities now occupied by the Railway Militia will be given back to the Railway administration together with accessories, materials and means of transport belonging to this administration.

Part III. Art. 8.

Post Telephone and Telegraph Militia.

The Post Telephone and Telegraph Militia is dissolved. Their tasks will be taken over by the organizations, which were already in charge.

Art. 9.

The personnel belonging to the Post telephone and Telegraph Militia will again take their rank of civil personnel of the Post Telephone and Telegraph Administration.

They will be judged suitable for their ranks by the competent administration only.

For other personnel the orders in art. 2 and 3 apply.

Art. 10.

The weapons and military equipment will be consigned to the units of the Royal Army indicated by the respective General Staff. The localities now occupied by the abovementioned Militia will be given back to the Post Telegraph and Telephone Militia Administration together with the accessories, materials and means of transport belonging to this administration.

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Part 4. Street Militia.

Art. 11.

The Street Militia is dissolved, their tasks will be taken over by the Carabinieri Reali and by other organisations which were already in charge.

Art. 12.

The personnel of the Street Militia in permanent service can demand to join the Carabinieri Reali in permanent service. The acceptance is not dependent upon attaining the height for officers. The minister of war only after hearing the Commander in Chief of the Carabinieri Reali can judge the acceptance and appointments for everyone's rank and age. The acceptances of the army of the Carabinieri Reali will be used for the constitution of a special group, as enlargement for the Corps already planned in this army.

For the personnel not in permanent service the orders in art. 2 apply.

Art. 13.

The localities now occupied by the Street Militia have been given back to the administration which allowed them. Because there is no other equal organisation existing the Carabinieri Reali have taken possession of those localities. For the remainder the orders in art. 4 apply.

Part V. The Port Militia.

Art. 14.

The Port Militia is dissolved. Their tasks will be taken over by the Carabinieri Reali and by other organisations which were already in charge.

The personnel of the Street Militia in permanent service can demand to join the Carabinieri Reali in permanent service. The acceptance is not dependent upon attaining the height for officers. The minister of war only after hearing the Commander in Chief of the Carabinieri Reali can judge the acceptance and appointments for everyone's rank and age. The acceptances of the army of the Carabinieri Reali will be used for the constitution of a special group, as enlargement for the Corps already planned in this army. For the personnel not in permanent service the orders in art. 2 apply.

Art. 13.

The localities now occupied by the Street Militia have been given back to the administration which allowed them. Because there is no other equal organization existing the Carabinieri Reali have taken possession of those localities. For the remainder the orders in art. 4 apply.

PART V. The Port Militia.

Art. 14.

The Port Militia is dissolved. Their tasks will be taken over by the Carabinieri Reali and by other organizations which were already in charge.

Art. 16.

The localities now occupied by the Port-Militia have been given back to the administration which allowed them. Because there is no other equal organization existing the Carabinieri Reali have taken possession of those localities. For the remainder the

Art. 15.

in orders in art. 4 apply. For the personnel of the Port Militia the orders in art. 4 apply.

Part VI.

The Forest Militia.

Art. 17.

The Forest Militia will form with their units the Royal Forest Corps to which is also trusted the guarding of the fishing in the interior waters and of the tratturi (Special term: Very large natural road made hundreds of years ago by cattle).

With Royal decree on proposal of the minister of agriculture and of the forests will be decided the regulation of the execution for the restoration of the Royal Forest Corps and the tasks and uniform assigned to this Corps.

Transient Rules.

The staff of the Legionary and Special Militia will be, under this decree, dismissed and available for the full use of their Military Districts and of the other units, encharged of the register of the dismissed soldiers in the case that the abovementioned units are in the King's Italy.

The staff belonging to Districts, situated in Territories which are freed from the German control or occupation will follow the rules issued for the staff of Armed Forces which are in the same conditions. Special provisions regarding their transient settlement will be issued for the enforcement of this decree.

Art. 19 Having taken into account the occasion and having given to the ministers of war and navy the power to provide ~~with~~ special decrees for the smallest limits of obtainment of Militia officers of the MACA and MILMART which do not have the rank of Army officers. This has effect so long as it will not be possible to substitute them.

Art. 20.

hundreds of years ago by cattle).

With Royal decree on proposal of the minister of agriculture and of the forests will be decided the regulation of the execution for the restoration of the Royal Forest Corps and the tasks and uniform assigned to this Corps.

Transient Rules.

The staff of the Legionary and Special Militia will be, under this decree, dismissed and available for the full use of their Military Districts and of the other units, encharged of the register of the dismissed soldiers in the case that the abovementioned units are in the King's Italy.

The staff belonging to Districts, situated in Territories which are freed from the German control or occupation will follow the rules issued for the staff of Armed Forces which are in the same conditions.

Special provisions regarding their transient settlement will be issued for the enforcement of this decree.

Art. 19 Having taken into account the occasion and having given to the ministers of war and navy the power to provide ~~with~~ special decrees for the smallest limits of obtainment of Militia officers of the MACA and MILMART which do not have the rank of Army officers. This has effect so long as it will not be possible to substitute them.

Art. 20.

This decree will take effect the day after its publication in the special numbers of the "Gazzetta Ufficiale del Regno" and will be presented to the legislative assembly for the conversion into law.

The Chief of the Government is empowered for the presentation of the relative submission for law.

We order everyone to observe this decree and to make it observed as a State's law.

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From the supreme Comando, on the 6th December 1943.

Victor Emanuel

Eadoglio-De Courten-Sendalli-Reale de Santis-Jung-orlando

De Caro-Siciliani-Di Reimondo.

Seen: according to the Royal Decree, dated 30th October 1943 No. 1/B.

The Keeper of Seals: Eadoglio

Badoglio-De Courten-Sandalli-Reale de Santis-Jung-orlando

De Caro-Sicilliani-Di Reimondo.

Seen: according to the Royal Decree, dated 30th October 1943 No. 1/B.

The Keeper of Seals: Badoglio

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gmf

5 January 1944.

In reply
refer to: ACC/L/303.

SUBJECT:

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

Referring to our conversation yesterday -

1. In reply to your AMG/218/11 dated 29 Dec. 43 the policy of ACC is to permit transactions up to 50,000 Lire without license and above that amount with license.

The granting of a license must depend on the facts of each particular case but the following facts are of especial importance (a) whether the transaction appears to be bona fide for full value (b) whether it appears to be an attempt at a flight from the Lire (c) whether any fascist is involved.

2. In reply to your AMG/206/114 dated 3 January 44 I can assure you that over and over again has the Minister of Justice had impressed upon him the noneffectiveness of new decrees in occupied territory and this has been done both in conference and in writing. I shall not relax my efforts in this direction. In fact so far as Decree 15B is concerned you stated to Major Thackrah on 24 Dec. that you were proposing to republish this decree in 15th Army Group territory.

3. In reply to your letter relating to proposed General Order 10 I entirely approve same.

4. The Financial Subcommittee desires to have Decree No. 21/B relating to Taxation on Turnover republished in occupied territory as soon as possible but substituting in Article 3 "February" for "January" and I am recommending this to D.C.C.A.O., A.M.G. HQ. Will you please consider this and let me know your reaction.

5. I am also recommending D.C.C.A.O., A.M.G. HQ to republish Decree 16/B. So far as Title 2 is concerned this has been requested by Communications Subcommittee.

6. Ref. your AMG/206/11 dated 1 Jan. 44 I am taking the matter of the Foggia Court of Appeal up with the Italian Government; their proposed decree seems to me to be unnecessary. I shall be glad if you will do nothing further until you hear from me again.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

Referring to our conversation yesterday -

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W. G. R. UPCHEN, Colonel
Chief Legal Officer, ACC.

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