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

ACC

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(2ND)

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

143/774

MARRIAGE REGULATIONS
MAR., APR. 1945

(1)

CA Sec.. 3a for signature please.

10/4/45

Glassmanagoi
for DAG

2.

P.P.D.C.

Letter signed and file returned

J. A. Reeves, Maj
C.A. Section.

13 April

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

0050

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

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HEADQUARTERS ALLIED COMMISSION
AFHQ
CIVIL AFFAIRS SECTION

Ref: AC/14090/FS

13 April 45.

SUBJECT: Marriage of Italian Women to British Subjects.

TO : AFHQ, G-5.

With reference to your letter G-5.291.1, dated 3 April 1945.

1. There are no separate Identity Cards for Aliens.

2. A woman who changes her nationality by reason of marriage to a British Subject should go to the local Commune Administrative Office (to the Governatorato in the case of Rome), where her existing identity card will be suitably amended.

3. If for any reason, she is not in possession of an identity card, application should be made as in para 2; three photographs must be produced, and her identity witnessed by 2 persons of reputable character.

4. Although separate identity cards are not issued in respect of aliens, it is necessary that the subject's identity card be amended to conform with her new status.

FOR THE CHIEF COMMISSIONER:

G.R. URQUHART, Brig.
VP CA Section

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CA SEC 4535

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/cjm

3 APR 1945

14090/

G-5: 291.1

3 April 1945

5 APR 1945

SUBJECT: Marriage of Italian Women to British Subjects.

TO : Headquarters, Allied Commission, APO 394.

1. An enquiry has reached us for information on the correct procedure for obtaining alien identity cards which are apparently required under Italian law by Italian women who have become British subjects by marriage.

2. Will you please confirm that such identity cards are, in fact, required and if so the correct procedure for obtaining them.

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

H. Y. ANDERSON,
Lt. Colonel

63300.

Chief Alien Affairs

LEGAL SUB COMMISION
CIO
POLO
Chief Counsel
CMO
ACAO
CAAO
6 APR 1945

TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR		
EXEC. OFFICER		
POLICE		
LIC. & REG.		
PRISONS		
ADM. OFFICER		
SECURITY		
CHIEF CLERK		

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/cjm

G-5: 291.1

3 April 1945

SUBJECT: Marriage of Italian Women to British Subjects.

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

H. Y. ANDERSON,
Lt. Colonel

Governadorado - Rome
Via del Mare 50

2731

(3467)

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Public Safety S/C

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

14090 Regs.
Marriage

24 March 1945

AG 291.1/104-P

SUBJECT: Marriage laws in Corsica, Italy, Sicily and Sardinia

TO : See Distribution.

The attached translation of the marriage laws in Corsica, Italy, Sicily and Sardinia is furnished for your information and guidance.

BY COMMAND OF LIEUTENANT GENERAL MCNARNEY:

/s/ C. W. Christenberry
C. W. CHRISTENBERRY
Colonel, AGD
Adjutant General

1 Incl
Translation of
Marriage Laws

DISTRIBUTION:
"X" "W"
2 - COM EIGHTH FLT (for information)

Reproduced by Hq 2675th Regt AICOM (Ovhd)
APO 394, 6 April 1945 Rec.

291.1
(24 Mar 45) 1st Ind.
HEADQUARTERS, 2675TH REGIMENT, ALLIED COMMISSION, (OVERHEAD), APO 394, U. S. Army, 6 April 1945.

TO: See Distribution.

For the information, guidance and compliance of all personnel whose applications for marriage in this theater are approved.

BY ORDER OF COLONEL PARKIN:

Lt Wermuth
F. R. WERMUTH
CWO USA
Asst Adjutant

1 Incl:
n/c

DISTRIBUTION:
1 - Units this Regt
1 - Sub-Commissions & Sections
Allied Commission

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Special Provisions for French North and West Africa (Including Corsica).

French Ordinance of 16 April 1943.

"Article I - Members of the United States Forces, including members of the Women's Army Corps, are eligible to marry in the territories governed by the French civil and military commander-in-chief, notwithstanding the existence of the provisions of the decree of 12 November 1938, upon presentation of the certificate referred to in Article II hereof."

"Article II - A certificate by the Commander of the United States Forces, or a person designated by him, showing the military and civil status, domicile and, in accordance with United States law, the eligibility of the person to be married will be accepted in lieu of copies of birth certificates or the notary's affidavit set forth in 70 and following articles of the Civil Code, as well as the "Certificat de Coutume" stating that the domiciliary matrimonial requirements are in order."

"Article III - The above regulations are the law."

8. The original of the written approval of marriage granted as herein provided, when presented to the officer of civil status, will permit that official to waive the requirements of French law, except as to publication of banns which may be waived by the Attorney for the Republic in the district where the marriage is to be celebrated. A true copy of said certificate of approval will be filed with the service or other appropriate record of the individual and remain a permanent part thereof.

9. The proposed wife or husband, if not covered by the ordinance quoted above, must comply with the laws of France with reference to marriage. The French law requires as a preliminary to the celebration of marriage (1) the consent of his parents if he is under the age of 21 years; (2) a birth certificate and indorsed thereon the parental consent, if the person is under 21 years of age; (3) or in lieu of the certificate of birth a certificate of identity procured from a Justice of the Peace, which certificate must be approved by the Tribunal of First Instance of the place where the marriage is to be celebrated; and (4) wait ten days during which banns are published.

I. Special Provisions for Italy, Sicily and Sardinia.

Italian Decree of 28 December 1944, No. 430.

ARTICLE I: For the purpose of the celebration of marriage in Italian Territory between foreigners belonging to the United States Forces, subject to military law, land or maritime, or between them and Italian citizens, or foreigners resident in Italian territory, the Catholic chaplains of the said forces shall be deemed to be ministers of the Catholic Religion in the sense of the law of 27 May 1929, No. 847, and the non-Catholic chaplains shall be deemed of the same

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Marriage celebrated before the said chaplains shall produce civil effects as of the date of the celebration when it is followed by transcription in the registers of the Italian Vital Statistics Records ("Registri dello Stato Civile") Office pursuant to the provisions contained in the following article.

ARTICLE II: If the parties are both foreigners, the Officer commanding the military formation to which one of them belong shall, within thirty days of the celebration of the marriage, make request for transcription to the official of the Vital Statistics records ("Ufficiale di Stato Civile") of the commune in the territory of which the said celebration took place.

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The request shall be accompanied by:

(1) the marriage certificate, countersigned by the said officer who will certify as to its authenticity. The following information shall result from the marriage certificate.

(a) The name and surname, the age and profession, the place of birth, the nationality, the domicile or residence of the parties in the State to which they belong;

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(b) the name and surname, the domicile or residence of their parents;

(c) the place and date of the celebration of marriage;

(d) the name and surname of the chaplain before whom the said marriage was celebrated.

(2) The translation of the certificate of marriage into the Italian language, bearing the visa of the said officer;

(3) a declaration in the Italian language or accompanied by a translation into the Italian language, bearing the visa as set out in the preceding paragraph, from which it results that pursuant to the laws to which the applicants are subject, there is no impediment to their marriage. Moreover, it must follow from this declaration that the dispositions of Italian law contained in Articles 85, 86, Nos. 1, 2, and 4 of 87, 88, and 89 of the Civil Code do not constitute an impediment to the marriage.

The declaration mentioned under No. 3 of the preceding paragraph shall be delivered by the General Commanding the North African Theater of Operations or by an officer delegated by him, and also in respect of persons accompanying the forces of the United States of America or who are in the service of the said forces or are in the employ of the Government of the United States. Such declaration shall contain the indications set out in Sub-Paras (a) and (b) of Para. 1 above.

ARTICLE 3: If one of the parties is an Italian citizen, the celebration of marriage must be preceded by publication, pursuant to Article 93 and following of the Civil Code, at the place of residence of the party who is an Italian citizen. The chaplain before whom the marriage takes place shall read Articles 143, 144 and 145 of the Civil Code to the parties.

The marriage certificate must be compiled immediately after the celebration, written in the Italian language in the form provided for by Articles 107 and 108 of the Civil Code and Articles 126, 128, and 129 of the Royal Decree of 9 July 1939, No. 1238 on Civil Status regulations, and must be transmitted in original to the official of the vital statistics records to whom the request for publication was made, not more than five days after the celebration. In respect of the party who is not an Italian citizen, the declaration indicated in sub-para (3) of the preceding Article must accompany the certificate of marriage.

If the marriage has been celebrated before a Minister of the Catholic religion, the transcription follows according to the prescriptions of Articles 9, 11, 12, 13, 14, and 15 of the law of 27 May 1929, No. 847.

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Para. 1 above.

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If the marriage has been celebrated before a Minister of the Catholic religion, the transcription follows according to the prescriptions of Articles 9, 11, 12, 13, 14, and 15 of the law of 27 May 1929, No. 847.

ARTICLE 4: Whenever the persons mentioned in Article I intend celebrating marriage before an official of the Italian Vital Statistics records, the declaration prescribed in sub-para (3) of Article 2 of the present law shall take the place of the declaration required under Article 116 of the Civil Code.

Civil Code

ARTICLE 85 - Interdiction because of unsound mind.

No person interdicted for mental incapacity shall contract marriage. Pending the issue for the petition of interdiction, the public attorney may request that the celebration of marriage be suspended. In this case the marriage cannot be celebrated until the time for appeal of the judgment for interdiction has elapsed.

ARTICLE 86 - Impediments.

No person bound by a previous marriage shall contract marriage.

ARTICLE 87 - Consanguinity, Affinity, Adoption and Fosterage.

Marriage shall not be contracted between the following persons:

1. The ascendants or descendants in the direct line, whether legitimate or natural.

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2. Brothers and sisters whether of the whole or of the half blood.

3. The collateral relations in the direct line. This impediment applies also in case the marriage from which it springs is declared null.

ARTICLE 88 - Crime.

No person who has been convicted of murder or of attempted murder may contract marriage with the spouse of the victim. If the date has been set for the trial or if the arrest of the person has been ordered, the marriage shall not be celebrated until judgment of acquittal has been rendered.

ARTICLE 89 - Time Limitation on Re-Marriage.

The wife shall not be at liberty to contract another marriage until three hundred days after the dissolution or the annulment of her preceding marriage, unless the marriage has been declared null according to Article 123.

The Sovereign or competent authorities may make exceptions to such prohibition.

This prohibition terminates the day on which the wife gives birth.

ARTICLE 107 - Formalities of celebration.

On the day set for the marriage, the official of vital statistics records shall read off to the intended husband and wife the provisions of Articles 143, 144, and 145 in the presence of two witnesses, who may be related to the parties. He shall receive from each of the parties separately and in succession their declaration of the desire to take each other for husband and wife respectively and he shall then declare that the parties are united in marriage.

The marriage certificate shall be drawn up immediately after the celebration.

ARTICLE 108 - Prohibition of the setting of time limits and conditions.

The declaration of each party that they take each other in marriage shall not be subject to time limits or conditions. If the parties should add a time limit or a condition, the official of vital statistics records shall not proceed with the celebration of the marriage.

If the marriage is celebrated in spite of it, the time limit and conditions shall be disregarded.

ARTICLE 143 - Mutual duties.

Marriage binds the parties to the mutual obligation of cohabitation, fidelity, and support.

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ARTICLE 143 - Mutual duties.

Marriage binds the parties to the mutual obligation of cohabitation, fidelity, and support.

ARTICLE 144 - Marital authority.

The husband is the head of the family. The civil status of the wife shall be identified with that of the husband; she takes his surname and is obliged to follow him wherever he chooses to reside.

ARTICLE 145 - Duties of the husband.

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The husband is bound to protect his wife, to support her while with him and to furnish her with whatever is required for the convenience of life, in accordance with his means.

The wife shall contribute to the support of the husband if he lacks sufficient means.

Law of 24 June 1929, No. 1159

ARTICLE 3. The appointment of ministers of religions different from the State religion must be notified to the Minister of Justice and Religious Affairs for approval. No civil effects can be recognized for acts performed in the course

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of their ministry by such ministers of religion, if their appointment has not received governmental approval.

Royal Decree No. 1238 of 9 July 1939.

ARTICLE 126. The marriage certificate shall indicate:

(1) the name and surname, the age, the citizenship or the status as a subject, the race, the occupation, the place of birth and the residence of the spouses;

(2) the name and surname of their parents;

(3) the consent of the person exercising paternal power or guardianship or the consent of the guardian of the emancipated minor, if such guardian is one of the parents, or the authorization referred by Art. 88, fourth paragraph, of the first book of the civil code.

(4) the date of the banns, or the decree of dispensation (from banns).

(5) the date of the decree granting dispensation from any legal impediments.

(6) the declaration by the spouses that they wish to take each other as husband and wife.

(7) the place where the marriage will be celebrated, in the case provided for by Art. 108 of the first book of the civil code and the reason for the transfer of the official of vital statistics to such place.

(8) the statement by the official of vital statistics that the spouses have been married.

The requirements set out under No. 3, 4, and 5 shall not apply in the case provided for by Art. 99 of the first book of the civil code.

If the spouses at the celebration of the marriage, declare to acknowledge any natural children, such declaration shall be inserted in the marriage certificate and the provisions on the declaration of acknowledgement set out in Art. 83 shall apply.

ARTICLE 128. If the spouse is deaf or deaf and dumb and is able to read, the official of vital statistics shall have him read the Articles Nos. 141, 142, and 143 of the civil code.

If the spouse is deaf and dumb and is able to write, he shall state in writing that he wishes to contract marriage.

ARTICLE 129. If the spouse is deaf or deaf and dumb and is able neither to read nor write, the official of vital statistics shall appoint an interpreter [illegible] with the provisions set out in Art. 105, and, after having taken [illegible] shall through the interpreter [illegible] him as to the

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If the spouse is deaf and dumb and is able to write, he shall state in writing that he wishes to contract marriage.

ARTICLE 129. If the spouse is deaf or deaf and dumb and is able neither to read nor write, the official of vital statistics shall appoint an interpreter in accordance with the provisions set out in Art. 105, and, after having taken his oath in conformity with the said article, shall through the interpreter question the spouse, obtain the answers from him and shall inform him as to the provisions of the law.

The compliance with such formalities shall be stated in the marriage certificate.

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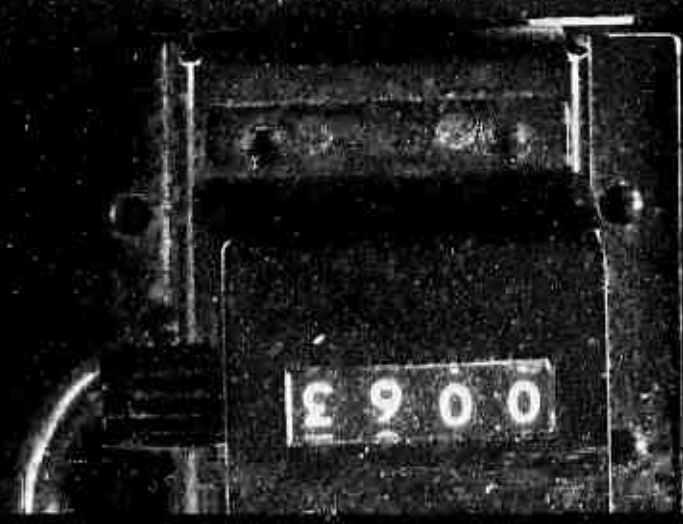
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