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AMNESTY TO PRISONERS SINCE THE ARMISTICE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO A SENATE RESOLUTION OF JANUARY 13, 1920, A FURTHER COMMUNICATION FROM THE ACTING SECRETARY OF STATE, SHOWING THE ACTION OF GREAT BRITAIN, FRANCE, ITALY, AND BELGIUM IN THE MATTER OF AMNESTY TO MILITARY, POLITICAL, AND OTHER PRISONERS SINCE THE SIGNING OF THE ARMISTICE.

MARCH 11, 1920.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

To the Senate:

I transmit herewith a further communication from the Acting Secretary of State replying to the resolution of the Senate, dated January 13, 1920 (No. 278), requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
March 11, 1920.

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The PRESIDENT:

With reference to my communication of February 19, 1920, transmitting, in accordance with the resolution adopted by the Senate on January 13, 1920 (No. 278), requesting the Secretary of State "to procure and furnish the Senate information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive

proclamation or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918," various papers relating to this subject, I now have the honor to transmit a copy of a translation of the Belgium amnesty law of October 31, 1919, together with an extract from the law of August 28, 1919, in this connection.

Respectfully submitted.

FRANK L. POLK.

DEPARTMENT OF STATE,
Washington, March 5, 1920.

MINISTRY OF WAR—THE AMNESTY LAW.

ALBERT, KING OF THE BELGIANS,
To all present and to come: Greeting.

The chambers have adopted and we have sanctioned the following:

ARTICLE 1. Amnesty is granted for the following infractions committed prior to the 4th of August, 1919, and which are punishable by the military penal laws:

(1) Desertions after the 11th of November, 1918, the length of which does not exceed one month, if they took place without conspiracy, as well as those which do not give rise to anything but a conditional sentence.

(2) Misdemeanors which have necessitated the application of exclusively correctional sentences, and including embezzlements and thefts provided for by articles 54 and 55 of the law of May 27, 1870, and which have been perpetrated

(a) By first offenders.

(b) By second offenders, formerly sentenced for crimes or misdemeanors, provided the total of the sentences which are or are to be inflicted does not exceed a term of 15 years' imprisonment and if each one of the sentences considered alone enters into one of the categories amnestied by the present law.

(3) Infractions qualified as "in the presence of the enemy."

(a) Which have been or will be punished by a sentence not to exceed 5 years' reclusion; by a sentence of imprisonment; or by a sentence not exceeding 10 years' detention; primary delinquents alone will benefit by these dispositions;

(b) Which have been committed by secondary delinquents, on condition that the former sentences have not been pronounced for actions also qualified as "in the presence of the enemy," that the total of the sentences which are, or shall be, inflicted does not exceed 15 years' incarceration, and that each sentence, taken separately, is found in one of the categories amnestied by the present law.

(4) Violence against a superior officer and violence committed by a soldier in a house where he was lodged by requisition of the municipality and against an inhabitant of said building, punishable by criminal sentence if the author be a primary delinquent and provided the sentence which has been or is to be pronounced, does not exceed 5 years' detention, reclusion, or imprisonment, the benefit of this disposition will be extended to second offenders who shall not have been sentenced previously for identical acts, on condition that the

sentences incurred or to be incurred do not exceed 10 years' incarceration and that each sentence taken separately is comprised in one of the categories amnestied by the present law.

ART. 2. All those who have not been condemned for a military crime or misdemeanor are considered first offenders. All those having been sentenced for one of these infractions are considered second offenders.

ART. 3. Shall be excepted from the amnesty:

(a) Crimes and misdemeanors against the safety of the State.

(b) Desertions prior to November 11, 1918.

(c) Second desertions (except those after November 11, 1918, and whose duration does not exceed 15 days).

(d) Desertions lasting more than six months; desertions to the enemy; voluntary mutilations. This disposition shall not be applicable in case of a conditional sentence.

(e) Recalcitrants and defaulters belonging to one of the contingents called to the colors during the war.

ART. 4. In no case can amnesty be opposed to the rights of the State. Consequently the rights of the State to confiscations proclaimed, to damages and to restitutions, are maintained. Such fines and costs which have been paid will not be returned.

ART. 5. The amnesty can not be opposed to the rights of third parties. Particularly do they not prevent suit for divorce or separation nor suits for damages based on infringement.

ART. 6. The military jurisdiction being informed of the civil action at the same time as it has taken repressive action remains competent to judge the civil action in spite of the amnesty.

ART. 7. Amnesty does not entail the restitution to the condemned of decorations, titles, ranks, functions, employments, and public offices which have been taken away.

We promulgate the present law; we order that it be stamped with the seal of State and published by the Moniteur.

Done at Washington the 31st of October, 1919.

ALBERT.

EXTRACT FROM THE AMNESTY LAW OF AUGUST 28, 1919.

ART. 7. For the next legislative elections persons amnestied may register and exercise their right to vote.

ART. 8. Are excluded from the present amnesty all individuals who, according to article 56 of the penal code, are in a state of legal recidive.

ART. 9. The only persons benefiting by the present law shall be Belgians and the nationals of countries associated with Belgium in the war.

ART. 10. The present law is not applicable to acts qualified as infractions and giving right to measures of guardianship, of education, and of protection provided by the law of May 15, 1912, concerning the protection of children.

Done at Brussels August 28, 1919.

AMNESTY TO PRISONERS SINCE THE ARMISTICE.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO A SENATE RESOLUTION OF JANUARY 13, 1920,
A FURTHER COMMUNICATION FROM THE SECRETARY OF STATE
SUBMITTING A COPY OF A REPORT PREPARED IN THE EMBASSY
AT ROME, DATED FEBRUARY 3, 1920, TOGETHER WITH THE
TRANSLATIONS OF DECREES ISSUED BY THE ITALIAN GOVERN-
MENT RELATIVE TO THE GRANTING OF AMNESTY TO PRISON-
ERS SINCE THE ARMISTICE.

MARCH 25, 1920.—Read; referred to the Committee on Military Affairs and
ordered to be printed.

To the Senate:

I transmit herewith a further communication from the Acting Secretary of State replying to the resolution of the Senate, dated January 13, 1920 (No. 278), requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
March 24, 1920.

The PRESIDENT:

With reference to the communications of February 19 and March 5, 1920, transmitting various papers in connection with the resolution adopted by the Senate on January 13, 1920 (No. 278), requesting the Secretary of State "to procure and furnish the Senate information showing what, if anything, Great Britain, France, Italy, and

Belgium, or either of these Governments, have done, through legislative or executive proclamation or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918," the undersigned has the honor to forward herewith a copy of a report bearing upon this subject, dated February 3, 1920, prepared in the Embassy at Rome, together with the translations accompanying it of nine decrees issued by the Italian Government relative to the granting of amnesty.

Respectfully submitted.

BAINBRIDGE COLBY,
Secretary of State.

(Inclosures: Translations of nine Italian amnesty decrees—No. 1710 of November 19, 1918; Nos. 157, 158, 159, 160 of February 21, 1919; Nos. 1501, 1502, 1503, 1504 of September 2, 1919.)

DEPARTMENT OF STATE,
Washington, March 22, 1920.

ROME, *February 3, 1920.*

PETER A. JAY, Esq.,
Chargé d'Affaires, American Embassy, Rome.

SIR: In accordance with the instructions contained in the department's telegram No. 6, of January 16, 4 p. m., only received on January 22, 1920, to report to the department at the earliest possible date information showing what, if anything, has been done by Italy through executive proclamation, legislation, or otherwise looking toward the granting of amnesty to military, political, or other prisoners since the signing of the armistice, I have the honor to report as follows:

There have been issued since the signing of the armistice nine royal decrees bearing upon the subject of amnesty and pardon for military, political, and other prisoners, one on December 19, 1918, four on February 21, 1919, and four more on September 2, 1919, conceding in general amnesty or pardon for the less grave offenses, military, political, and others, carrying minor penalties for their infraction, and commutation of sentences for offenses carrying greater penalties committed during the war and up to the date of the entrance into effect of the decrees in question. In some cases the amnesty or pardon or commutation is granted to anyone who has committed the offense, in others to soldiers only, particularly for offenses peculiarly military, and in still others only to soldiers or civilians who seem deserving of special consideration through their war service or greater degree of suffering sustained through war causes.

It will readily be observed upon reading these decrees that they have the effect of conceding wide indulgence for many classes of offenses committed during the war, especially military offenses, and it should therefore be remarked that their issuance did not by any means meet with the unanimous approval of the country. The more patriotic and law-abiding elements greatly disapproved in fact, but recognized that the hand of the Government—in the case of the first five decrees the cabinet of Orlando and in the other four that of Nitti—had been forced by the weight of important political con-

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siderations. The misgivings of this better element were, moreover, not allayed when they observed issuing from confinement not only offenders against the ordinary military and civil laws but also revolutionary political agitators who had opposed by every means in their power the entrance of Italy into the war and who were universally looked upon as having conspired during the war to cripple the nation's forces.

The nine decrees in the original Italian as well as English translations are appended hereto, but for convenience brief summaries are given of them below. The decrees as summarized below have been numbered serially as well as with the numbers which they actually bear in the order of their issuance.

1. Royal decree No. 1710, of November 19, 1918 (abrogating the decrees of June 20, 1915, No. 885, and October 4, 1917, No. 1561, and in addition declaring void the penal action and terminated the penal effects of sentences pronounced in application of the above-mentioned decrees).

This decree has the effect of granting amnesty to those convicted (1) for disseminating false notices on the defense of the State, the military operations, the public order, or the national economic situation, and (2) for the commission of deeds which may depress the public spirit or prejudice the national interests.

2. Royal decree No. 157, of February 21, 1919, published in the Official Gazette of February 23, 1919 (conceding amnesty and indulgence for military offenses).

Articles 1 to 7, inclusive, of this decree concede amnesty for all military offenses to those soldiers who have been decorated for valor or promoted for war merit, for all but the more important military offenses to all soldiers who have been declared war invalids, and to all soldiers for military offenses for which they have been sentenced to confinement not exceeding three years, a fine not exceeding 3,000 lire, or both. Articles 8 to 10, inclusive, concede amnesty and commutation of sentences the execution of which has been suspended. Articles 11 to 16 concern the offense of desertion or inducing to desert and concede amnesty for these offenses to soldiers coming within one of four categories, exclusive of those (1) who have deserted from a first-line detachment in the presence of the enemy, (2) who have deserted to the enemy, (3) who have deserted a third time after warning, and (4) who have deserted in arms. The remaining articles are general provisions concerning the manner in which amnesty is to be applied.

3. Royal decree No. 158, of February 21, 1919, published in the Official Gazette of February 23, 1919, No. 46 (conceding amnesty for offenses not provided for by military or financial laws).

Articles 1, 2, 3, and 4 of this decree concede amnesty within certain limits for offenses against other than military or financial laws to soldiers who have been decorated or promoted for valor, who have been declared war invalids and who have performed military service for certain periods. Article 5 concedes amnesty for five categories of minor offenses. Article 6 concedes amnesty within certain limits to minors under 16. Articles 7 and 8 grant amnesty and pardon within certain limits to the near relatives of those killed or permanently disabled in warservice. Article 9 concedes amnesty and par-

don, respectively, for penalties not exceeding six months' confinement and 2,000 lire fine and for penalties not exceeding four months' confinement and 1,000 lire fine, as well as reduction by so much of greater penalties. Article 10 concedes amnesty for three categories of offenses and article 11 for infractions of certain sections of the postal laws. Article 12 excludes certain classes of persons from the benefits of articles 3, 5, 6, and 9 of this decree. Articles 13 and 14 concern the application of the decree.

4. Royal decree No. 159, of February 21, 1919, published in the Official Gazette of February 23, 1919, No. 46.

By this decree amnesty and pardon is conceded for various offenses against food regulations issued during the war.

5. Royal decree No. 160, of February 21, 1919, published in the Official Gazette of February 23, 1919, No. 46.

While this decree mostly concerns procedure, it contains provisions on the application of conditional sentences and provisional liberty.

6. Royal Decree No. 1501, of September 2, 1919, published in the Official Gazette No. 209 of September 2, 1919, conceding amnesty and pardon for common offenses. By this decree amnesty is extended to considerably more offenses and in considerably greater degree than contemplated in the decrees summarized above. Article 1 concedes amnesty for 16 more categories of offenses, while article 2 reduces to one-half sentences to penalties not exceeding one year's confinement and 3,000 lire fine for all offenses not covered in article 1. Articles 3 and 4 concern the application of the decree.

7. Royal Decree No. 1502, of September 2, 1919, published in the Official Gazette No. 209 of September 2, 1919, concerning amnesty and pardon for military offenses.

By the provisions of this decree amnesty is extended for military offenses to a much greater degree than was contemplated in decree No. 157 of February 21, 1919 (No. 2 above).

Article 1 concedes amnesty for desertion when the total arbitrary absence does not exceed six months and commutation of sentences for longer absences. Article 2 concedes amnesty to five categories of "shirkers" and deserters. Article 3 concedes amnesty for all penalties not exceeding 10 years' confinement and 10,000 lire fine. Article 4 commutes the sentences of deserters still at large who give themselves up. Article 5 grants pardon for penalties not exceeding seven years' confinement and 10,000 lire fine. Article 6 concerns the commutation of sentences to military reclusion, and article 7 the commutation of sentences, the execution of which has been suspended. The remaining articles concern the application of the decree.

8. Royal Decree No. 1503, of September 2, 1919, published in the Official Gazette No. 209 of September 2, 1919.

This decree concedes amnesty in general for contraventions of financial laws such as the failure to pay certain taxes and to observe certain customs regulations.

9. Royal Decree No. 1504, of September 2, 1919, published in the Official Gazette No. 209 of September 2, 1919.

By this decree various disciplinary penalties inflicted on employees of the State railways are pardoned. I have the honor to be, sir,

Your obedient servant,

T. HART ANDERSON, Jr.,
Second Secretary of Embassy.

ROYAL DECREE NO. 1710—NOVEMBER 19, 1918.

Abrogating the decrees of June 20, 1915, No. 885, and October 4, 1917, No. 1561, and in addition declaring void the penal action and terminated the penal effects of sentences pronounced in application of the above-mentioned decrees,

It is decreed:

From the date of publication of the present decree there will cease to be applied the decree No. 885, of June 20, 1915, and No. 1561, of October 4, 1917.

The penal action is moreover annulled and there cease all the penal effects of the sentences pronounced in application of the above-mentioned decrees.

VITTORIO EMANUELE.

ORLANDO.

SACCHI.

NOTE.—The following are the two decrees abrogated by the foregoing: Royal Decree No. 885, June 20, 1915.

ART. 1. Whoever communicating with other persons, either present or not, gives, on the defense of the State, or on the military operations, notices different from that which are brought to the knowledge of the public by the Government or by the supreme commands of the army or army corps, is punished with imprisonment up to six months or with a fine from 100 to 1,000 lire.

If the offense is committed with a view to disturbing the public tranquillity or otherwise damaging the public interests, the penalty is imprisonment from two months to two years and the fine of 500 to 3,000 lire.

ART. 2. Whoever, outside of the cases provided for in article 1, communicating with other persons, present or not, gives, concerning the public order, the national economic situation, or other facts of public interest, notices not conforming to the truth, because of which the public tranquillity may be disturbed or the public interests otherwise prejudiced, is punished with imprisonment up to six months or with a fine from lire 100 to lire 1,000.

If the offense is committed with intent to harm the public tranquillity or the public interests, the punishment is imprisonment from two months to two years and a fine from lire 500 to lire 3,000.

ART. 3. The dispositions of the preceding articles do not concern the notices contained in periodical publications, inasmuch as for these there have been observed the provisions of the royal decree No. 675, of May 23, 1915, containing dispositions for the press; and the political authorities can not avail themselves of the right of sequestration, there remaining also fixed the dispositions of the aforesaid royal decree, as well as that of March 28, 1915, No. 313, and of the law of March 21, 1915, No. 273, on the economic and military defense of the State.

ART. 4. For the offenses provided for in the present decree the officers and agents of the judicial police and the public force must arrest whoever is found in the act of committing them, in accordance with article 303 of the Code of Penal Procedure. The judge may issue a warrant of arrest.

ART. 5. The present decree will remain in force for the duration of the war and will enter into force from the day of its publication in the Official Gazette.

TOMASO DI SAVOIA.
SALANDRA.
ORLANDO.

DECREE NO. 1561—OCTOBER 4, 1917.

Concerning the repression of facts prejudicial to the national interests,

It is decreed:

ARTICLE 1. Whoever by any means commits or instigates to commit a deed, which may depress the public spirit or otherwise diminish the resistance of the country or have a prejudicial effect on the interests connected with the war or with the internal or international situation of the State, whenever such deed does not constitute another offense provided for and repressed by the law, will be punished with imprisonment up to five years and with a fine up to 5,000 lire. In cases of greater seriousness the imprisonment may be extended up to 10 years and the fine to 10,000 lire.

There is never applicable the conditional suspension provided for by articles 423 and 424 of the Code of Penal Procedure.

ART. 2. The cognizance of the offense provided for in the preceding article appertains to the tribunal.

There can be issued a warrant of arrest against one imputed.

ART. 3. The present decree will enter into force the day of publication in the Official Gazette.

TOMASO DE SAVOIA.
SACCHI.
BOSELLI.

ROYAL DECREE NO. 157 OF FEBRUARY 21, 1919, PUBLISHED IN THE OFFICIAL GAZETTE OF FEBRUARY 23, 1919, CONCEDING AMNESTY AND INDULGENCE FOR MILITARY OFFENSES.

It is decreed:

ART. 1. There is conceded amnesty for any offense provided for in the Penal Code for the Army, in the Maritime Military Penal Code, in military penal laws and proclamations, and in the Code of the Mercantile Marine to the soldiers of the Royal Army, of the Royal Navy, or of the Royal Finance Guards, and to the persons of the mercantile marine who have been decorated with the medal for military valor or promoted for merit of war, for acts performed during the war after the date of commission of the offense.

ART. 2. There is conceded amnesty for any offense provided for in the Penal Code for the Army, the Maritime Military Penal Code, in military penal laws and proclamations, and in the Code of the Mercantile Marine, to the soldiers of the Royal Army, of the Royal Navy, or of the Royal Finance Guards, and to the persons of the Mercantile Marine, with the exception of the offenses of arson and devastation provided for in articles 252 and 253 of the Penal Code for the Army and 276 and 277 of the Naval Military Penal Code;

voluntary homicide, unless committed through excess of defense; revolt; mutiny; espionage; treason, outside of the hypothesis provided for in articles 74 of the Penal Code of the Army and 75 of the Naval Military Penal Code, and subornation to commit the said offenses; lesions for which see articles 258 and 259 of the Penal Code for the Army and 282 and 283 of the Naval Military Penal Code; sack, fraud, for which see articles 189 and 190, part 1, of the Penal Code for the Army, and 211 and 212, part 1, of the Maritime Military Penal Code; highway robbery; robbery; offenses provided for in articles 276 of the Penal Code for the Army and 300 of the Maritime Military Penal Code and article 4 of the law of June 30, 1912, No. 740, offenses provided for in chapter 3, book 2, of the Penal Code for the Army, and chapter 2, title 2, book 2, of the Maritime Military Penal Code, and offenses provided for in chapter 3, title 2, of the Code of the Mercantile Marine—to the soldiers of the Royal Army, of the Royal Navy, of the Royal Finance Guards, and to the persons of the Mercantile Marine who have been declared war invalids because of lesions or infirmities contracted through war service after the date of commission of the offense and comprised in the first six categories indicated in Table A, attached to the vice royal decree of May 20, 1917, No. 876.

ART. 3. There is conceded amnesty to those who have committed any of the offenses provided for in the vice royal decree of November 5, 1916, No. 1684, relative to the penal and disciplinary regulations for establishments engaged in war production, whether military or private industry—except those in sections 1, 2, and 3 of article 5 and in article 2 of the vice royal decree of December 10, 1917, No. 1964.

ART. 4. Amnesty is conceded to the soldiers of the Royal Army, of the Royal Navy, and of the Royal Finance Guards, to the persons of the mercantile marine, and to those extraneous to the militia who have committed during the war any offense provided for in the Penal Code of the Army, in the Maritime Military Penal Code, in military penal laws and proclamations, and in the Code of the Mercantile Marine, for which there is provided a penalty restrictive of personal liberty, not superior at maximum to three years or a pecuniary penalty alone or combined with the said penalty not superior at maximum to lire 3,000 or the penalty alone of suspension from work.

In the effects of the concession of amnesty provided for in the present article there is not to be computed the augmentation of penalty established in articles 250 of the Penal Code of the Army and No. 275 of the Maritime Military Penal Code.

ART. 5. Amnesty is conceded for offenses committed through negligence or ignorance or for motives—exclusive of that of gain—which the penal law holds equivalent to negligence or ignorance. There are excepted from this benefit the offenses provided for in article 74, part first, of the Penal Code for the Army, and 75, part first of the Maritime Military Penal Code, and the offenses in service provided for in chapter 3, title 2, book 1, of the Penal Code for the Army, and in chapter 3, title 2, book 1, of the Maritime Military Penal Code, to whom amnesty is not applicable under the terms of the preceding article.

ART. 6. The penalties restrictive of personal liberty, for a time not superior to three years, and pecuniary penalties not superior to lire 2,000, inflicted or to be inflicted on the soldiers of the Royal Army,

the Royal Navy, and the Royal Finance Guards, on the persons of the mercantile marine, and on those extraneous to the militia for any offense provided for in the Penal Code for the Army, the Maritime Military Penal Code, in Military Penal Laws and Proclamations, and in the Code of the Mercantile Marine, exclusive of the offenses excepted from amnesty as in article 2 of the decree, and the offenses provided for in articles 174 of the Penal Code for the Army and 196 of the Maritime Military Penal Code and in the vice royal decree of October 19, 1916, No. 1417, are pardoned.

All other penalties inflicted or to be inflicted on soldiers, on the persons of the mercantile marine, and on those extraneous to the militia for offenses provided for in the first part of the present article, the execution of which has not been suspended or delayed, are reduced by three years, if it is a case of penalties temporarily restrictive of personal liberty, and of lire 2,000 if it is a case of pecuniary penalties.

The same pardon is conceded to persons condemned for offenses under article 6 of the vice royal decree of May 15, 1917, No. 874.

ART. 7. Outside of the case as in the preceding article 4, the penalty of suspension from duty inflicted on officers by military tribunals, the execution of which has been postponed during the war, is pardoned, remaining, however, the loss of precedence for promotion in accordance with article 5 of the vice royal decree of February 4, 1917, No. 187, with article 15, second paragraph, of the order of the supreme command of the Royal Army of May 13, 1917, No. 55000, and with article 21 of the law of July 28, 1912, No. 806.

ART. 8. All the sentences to penalties, the execution of which has been suspended and for which there has been ordered the postponement of the execution, are commuted in justice to conditional sentences and, if superior to five years, are reduced to that limit, in favor of those soldiers, who, during the period of the suspension or the postponement, have rendered faithful service and have shown praiseworthy conduct.

The sentences so commuted will cease to have effect if the condemned within five years from the date of the present decree commits no offense provided for in the Penal Code for the Army or the Maritime Military Penal Code nor any crime provided for in the ordinary Penal Code or in other penal law; otherwise they will be expiated in accordance with the law.

ART. 9. The penalties, the suspension of which should have been ordered and was not ordered, or was revoked, in consequence of the declaration of inability of the condemned to the fatigues of war, or of his request for a review of the case for causes not depending on war service, are reduced to a third.

ART. 10. To soldiers who, having been condemned to a penalty the suspension of which has been ordered, have been proposed by the commands of the larger units, under the dependence of which there passed the period of suspension, for total or partial pardon of the penalty for having shown irreprehensible conduct, there is granted the pardon for which they have been proposed; and in the case of a pardon for only a part of the penalty, the sentence for the other part is commuted in justice to conditional sentence in the sense and

with the effects as provided in the first paragraph of article 8 of the present decree.

To soldiers who have been sentenced to penalties the suspension of which has been ordered and who have been proposed by the commanders of the larger units under whose dependence the period of suspension has been passed, for the benefit of conditional sentence in the sense of the Order of May 25, 1918, of the supreme command of the Royal Army, there is conceded the right of benefit for which they have been proposed.

ART. 11. Amnesty is conceded to the soldiers of the Royal Army, of the Royal Navy, and of the Royal Finance Guard, charged with desertion, in whose case the penal proceedings have remained suspended in virtue of any disposition which has established the suspension of the said proceedings in time of war, and who have performed military service during the war for a period not inferior to six months.

ART. 12. Amnesty is conceded for the offense of desertion to soldiers of the Royal Army, the Royal Navy, the Royal Finance Guard, and the persons of the Mercantile Marine—exclusive of soldiers deserting a first-line detachment in the presence of the enemy or who have passed over to the enemy, of soldiers deserting for the third time in spite of warning, and of soldiers deserting in arms, who have committed the offense provided for in article 4 of the vice royal decree of December 10, 1917, No. 1952—whenever the arbitrary absence or absences from the corps have not had a total duration superior to 15 days, there being also comprised in this period the absences for which there has intervened a general or particular provision of exemption from penalty, by pardon or commutation, and whenever it is a question of deserters comprised in any of the following categories:

1. Deserters who represented themselves of their own accord before October 31, 1918;

2. Deserters who, not being missed at the entrance into vigor of the present decree, have rendered service in any time, during the war, at least 18 months in auxiliary units or at least 12 months in first-line units, or who have suffered through war service a lesion or an infirmity comprised in the first six categories indicated in article 2, or who have been authorized to wear the badge of the permanently disabled or the badge of at least two wounds received in battle, or have been decorated at any time, during the present war, with the medal for military valor;

3. Deserters who have committed the offense through not having presented themselves at the end of a leave or of an exoneration, and who have rendered service for at least 9 months in auxiliary detachments, or 6 months in first-line detachments, decorated at any time during the present war with a medal of military valor, or who have been authorized to wear the badge of the permanently disabled, or that for a wound received in combat, or with a cross of war merit;

4. Deserters who have committed the offense after the suspension of hostilities; having at all other times rendered faithful service and conducted themselves in a praiseworthy manner.

ART. 13. The penalties restrictive of personal liberty, inflicted or to be inflicted for the offense of desertion on soldiers of the Royal Army, the Royal Navy, the Royal Finance Guard, and on the persons of the Mercantile Marine, exclusive of the soldiers deserting from a first-line detachment in the presence of the enemy, or who passed over to the enemy, soldiers deserting a third time in spite of warning, and soldiers deserting in arms, who have committed the offense provided for in article 4 of the vice royal decree of December 10, 1917, No. 1952, are reduced to the maximum penalty prescribed by article 145, part first, of the Penal Code for the Army and 169, part first, of the Maritime Military Penal Code, whenever it is a question of deserters comprised in any of the categories indicated in Nos. 1, 2, 3, and 4 of the preceding article, whose arbitrary absence or absences from the corps have had a total duration superior to 15 days.

The penalties inflicted or to be inflicted on deserters who, at the moment of commencement and for all the duration of the arbitrary absence, were not, for reasons of classification or physical condition, either destined or destinable to auxiliary detachments or services, are reduced to half, and the ordinary confinement is converted to military confinement whenever it is a question of soldiers who have performed at least 12 months of service with fidelity and good conduct.

ART. 14. The dispositions of the present decree relative to soldiers having committed the offense of desertion are also applicable to soldiers who have committed the offenses contained in the orders of the supreme command of the Royal Army of December 16, 1917, and November 12, 1918, and in the vice royal decree of November 21, 1918, No. 1749, as well as to discharged soldiers who have committed the offenses contained in the orders of the supreme command of the Royal Army of November 12 and 14, 1917, and to the soldiers who have committed the offenses contained in the last paragraph of article 8 of the royal decree of April 29, 1915, No. 561.

ART. 15. Amnesty is conceded for the offense of assisting in desertion provided for in article 4 of the order of the supreme command of the Royal Army of November 2, 1917; in article 1 of the vice royal decree of November 11, 1917, No. 1811; in article 3 of the order of the supreme command of the Royal Army of November 16, 1918; and in article 5 of the vice royal decree of December 10, 1917, No. 1952, whenever committed by the nearest relatives of the deserter, indicated in article 191 of the ordinary Penal Code.

ART. 16. The penalties restrictive of personal liberty, inflicted or to be inflicted for the offenses of joining in desertion, established by articles 155 and 160 of the Penal Code for the Army, 185 and 186 of the Maritime Military Penal Code, and of assisting in desertion, established by article 4 of the order of the supreme command of the Royal Army of November 8, 1917; by article 1 of the vice royal decree of November 11, 1917, No. 1811; by article 3 of the order of the supreme command of the Royal Army of December 16, 1917; and by article 5 of the vice royal decree of December 10, 1917, No. 1952, are reduced to a third, except as is disposed in article 15 of the present decree.

There are excluded from the benefit of pardon those who committed the offense for gain or in favor of deserters excluded from the benefits conceded in the present decree, and those who have repeated the offense.

ART. 17. The penalties reduced in accordance with articles 6, 9, 13, 14, and 16, of the present decree, may be served in agricultural or industrial penitentiary establishments, or also working in public or private works under the tutelage of the public administration, in accordance with article 14 of the ordinary penal code.

ART. 18. There are excluded from the benefit conceded with the dispositions in articles 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, and 16 preceding, those who at the time of committing the offense had had more than one conviction for an offense against persons or property, with a penalty superior to six months of ordinary or military confinement, or if they have been subjected to the special vigilance of the public safety.

ART. 19. In case there chances to be in favor of one and the same person more than one benefit from the dispositions of the present decree, there is to be applied only the most favorable benefit, except as provided for in articles 8 and 10.

ART. 20. The commander of the corps, or the detachment of the mobilization center, or the military authority of the department, to which there belongs the soldier having a right to amnesty, pardon, or commutation, under the present decree, will issue at the instance of the interested party or at the request of the competent judicial authority, a certificate from which it will appear whether there exist the conditions on which depends the declaration or the concession of the benefit.

ART. 21. In case of more than one offense and penalty the amnesty applies distinctly to each offense; the indulgence is applied once after the penalties have been accumulated in accordance with the law.

ART. 22. The present decree applies to the offenses for which it provides committed before its date.

The amnesty conceded by the present decree inasmuch as it concerns those condemned with irrevocable sentences and pardons for penalties restrictive of personal liberty, established in the preceding articles, has no effect on loss of grade consequent upon degradation, destitution, dismissed, or removed from grade, inflicted or to be inflicted even in addition to a penalty, **restrictive of personal liberty.**

The dispositions of the present decree do not prejudice civil actions which have cause in the offense, nor disciplinary proceedings, nor the rights of third parties.

ART. 23. The present decree enters into force the day of its publication in the Official Gazette.

It will be actuated within two months from its date.

VITTORIO EMMANUELE.

ORLANDO.

FACTA.

CAVIGLIA.

DEL BONO.

MEDA.

ROYAL DECREE NO. 158—FEBRUARY 21, 1919.

[Published in the Official Gazette of Feb. 23, 1919, No. 46.]

Conceding amnesty and pardon for offenses not provided for by military or financial laws,

It is decreed:

ARTICLE 1. Amnesty is conceded for offenses for which the law establishes a penalty restrictive of personal liberty inferior at the minimum to five years, or a pecuniary penalty, alone or together with the aforesaid penalty, to soldiers of the Royal Army, the Royal Navy, the Royal Finance Guard, and to the persons of the Mercantile Marine who have been decorated with the medal of military valor, or promoted for merit of war through acts performed during the war and after the date of commission of the offense.

ART. 2. Amnesty is conceded for offenses for which the law establishes a penalty restrictive of personal liberty inferior at the minimum to three years, or a pecuniary penalty, alone or together with the aforesaid penalty to soldiers of the Royal Army, the Royal Navy, the Royal Finance Guard, and the persons of the Mercantile Marine who have been pronounced war invalids because of lesions and infirmities contracted through war service after the date of commission of the offense and comprised in the first eight categories indicated in table A attached to the vice royal decree of May 20, 1917, No. 876.

ART. 3. To those condemned to penalties not exceeding three years and to those condemned to pecuniary penalties there is applied the right of benefit prescribed in article 423 of the code of penal procedure, when it results that during the war they have faithfully and with good conduct performed military service for at least 18 months, or for at least 12 in the war zone, or at least six in the first-line detachment.

The same benefit, when there appears the conditions just indicated, is applied in favor of those who, for offenses committed before performing military service, are afterward condemned for them to a penalty not exceeding three years or to a pecuniary penalty.

The limit during which the penalty remains suspended through the effect of the present disposition, is in any case five years.

ART. 4. Amnesty is conceded to those guilty of not having answered the levy for whom the penal proceedings or the execution of the sentence has remained suspended and who have performed during the war military service not inferior to six months.

ART. 5. Amnesty is conceded:

(a) For offenses provided for in articles 115, 118, 122, 123, 125, 126 of the penal code, and, in relation to them, in articles 134 and 137 of the same code;

(b) For offenses provided for in articles 246, 247, and 251 of the penal code;

(c) For all the offenses committed on the occasion of popular movements, public demonstrations, and tumults, determined by political and economic causes;

(d) For offenses officially prosecutable provided for in the royal edict in the press and in the law of May 6, 1877, No. 3814;

(e) For offenses provided for by the royal decree of May 23, 1915, No. 674, concerning extraordinary provisions on the matter of public

security, and by the royal decree of May 23, 1915, No. 675, having dispositions on the press.

ART. 6. Amnesty is moreover conceded for offenses committed by minors who have not completed their sixteenth year and who are not old offenders, in cases in which the established penalty of the law does not surpass three years at the minimum.

ART. 7. Beyond what is disposed in the preceding articles, there is also conceded amnesty in favor of those whose ancestor, descendant, husband, or brother have been killed in war or have been declared war invalids through lesions or infirmities comprised in the first eight categories indicated in Table A, appended to the vice royal decree of May 20, 1917, No. 876, for all offenses for which the law establishes a penalty restrictive of personal liberty not superior at maximum to 30 months, or a pecuniary penalty, alone or together with the aforesaid penalty, not superior at maximum to lire 3,000 and for which the law establishes alternatively with a restrictive penalty not superior to 30 months a pecuniary penalty even superior to lire 3,000.

ART. 8. Beyond the cases provided for in the preceding articles, those condemned who are in the conditions of the persons mentioned in the preceding article are pardoned penalties restrictive of personal liberty not superior to a year and pecuniary penalties not superior to lire 2,000, and by so much there are reduced the penalties inflicted or to be inflicted for any offense.

This pardon is held as not having been granted if in the limit of five years from the date of the present decree the convicted one commits a new crime.

ART. 9. Except as is disposed in the preceding articles, amnesty is conceded for all offenses for which there is established a penalty restrictive of personal liberty not superior to six months, or a pecuniary penalty, alone or together, with the said restrictive penalty, not superior to lire 2,000.

There are, moreover, pardoned, excepting always the disposition of the preceding articles, all penalties restrictive of personal liberty not superior to four months and pecuniary penalties, alone or together with the said restrictive penalties, not superior to lire 1,000, and by so much are reduced all the others, inflicted or to be inflicted, for offenses which have taken place before the entrance into effect of the present decree.

ART. 10. Amnesty is, moreover, conceded:

(a) For contraventions of the laws and regulations on the civil state.

(b) For contraventions to the dispositions of articles 104, 155, 165, 177, 180, 198, 223, 230, as well as the first two clauses of article 172 of the commercial code, provided that within a month from the publication of the present decree the obligations contemplated in the said dispositions are fulfilled.

(c) For contraventions provided for in the law of February 16, 1913, No. 89, on the ordering of the notarial service and the notarial archives, for which there is established a penalty not superior to suspension, and for all the contraventions provided for in the relative regulation of September 10, 1914, No. 1326.

ART. 11. There are pardoned the pecuniary penalties established by articles 2, 35, and 58 of the single text of the postal laws, approved by royal decree of December 24, 1899, No. 501, for the carrying and distribution of correspondence, thereby defrauding the postal monopoly, for the illegal addition of written matter in publications, and for the unauthorized use of official stamps for the transmission of private correspondence.

ART. 12. From the amnesty conceded in articles 3, 5, 6, and 9, and from the pardon contemplated in article 9, there are excluded those imputed and condemned who have before been convicted more than once for crime, of which even one only to the penalty of confinement for over six months for association in crime or for crime against person or property, or who are subjected to special vigilance of the public safety for a deed different from that constituting the offense to which the benefit may be applied.

The benefit conceded with the preceding articles is applied also in the case in which to the penalty restrictive of personal liberty or to the pecuniary penalty be joined, as penalty or as a penal consequence, the interdiction from public office, or suspension from the exercise of a profession or an art.

ART. 13. The case of a number of offenses and penalties, the amnesty applies distinctly to each offense; the pardon is applied once after cumulation of the penalties, according to the regulations established by articles 77 and following of the penal code.

ART. 14. The efficacy of the present decree is extended to offenses provided for in it and committed up to the day preceding the date of the decree.

It does not prejudice civil actions which have a cause in the offense, nor the rights of third parties, nor the action of the exchequer relative to the collection of duties of judicial officers, inasmuch as such duties depend on ordinances or on sentences which have become irrevocable.

It, moreover, does not apply to offenses provided for in financial laws, in military laws, nor in the provisions issued during the war to guard the exigencies of public alimentation nor those of the conservation, production, and development of cattle.

VITTORIO EMANUELE.

ORLANDO.

FACTA.

ROYAL DECREE NO. 159—FEBRUARY 21, 1919.

[Published in Official Gazette of Feb. 23, 1919, No. 46.]

Conceding amnesty and pardon for offenses against food regulations,

It is decreed:

ARTICLE 1. Amnesty is conceded:

(a) For offenses concerning the census and the assignment by food tickets of alimentary products or things of common and large consumption, committed through negligence or ignorance, and provided for in the first section of articles 1, 3, 14, and the last section of article 16 of the vice royal decree of May 6, 1917, No. 740.

(b) For offenses concerning the acquisition or the proposal to acquire alimentary products and other goods at prices superior to the fixed maximum provided for in article 10 and article 11 of the vice royal decree of May 6, 1917, No. 740, whenever committed by private citizens for their own needs or of their families, and not for commercial reasons.

(c) For the offenses provided for in articles 1 of the ministerial decree of March 11, 1916; 1 of the vice royal decree of October 19, 1916, No. 1399; 2 of the ministerial decree of February 21, 1917; 1 of the commissarial ordinance of March 4, 1917; 1 of the commissarial ordinance of May 29, 1917; 1 of the commissarial ordinance of July 29, 1917; 10 and 15 of the commissarial ordinance of August 19, 1917, within the limits of cases of sifting flour to give a greater yield than the legal tax established in the said decrees.

(d) For offenses provided for in article 10 of the vice royal decree of October 19, 1916, No. 1399, concerning the prohibition of the production or the holding of flours containing an easily separated dross.

(e) For offenses provided for in articles 5 of the ministerial decree of March 11, 1916; 1 of the vice royal decree of October 19, 1916, No. 1399; 6 of the ministerial decree of February 21, 1917; 4 of the commissarial ordinance of July 29, 1917; 21 and 22 of the commissarial ordinance of August 19, 1917, concerning the obligation of putting lead seals and indicating cards on sacks of flour, whenever the imputed or the condemned is a different person from the producing miller, or if it is the miller the penalty applicable does not exceed lire 200.

(f) For offenses in the sifting and baking provided for in article 3 of the vice royal decree of February 18, 1917, No. 246, committed by private citizens for the production of bread in their houses.

(g) For the offenses provided for in articles 6 of the ministerial decree of March 11, 1916; 1 of the vice royal decree of October 19, 1916, No. 1399; 7 of the ministerial decree of February 21, 1917; 2 of the commissarial ordinance of May 29, 1917; and 2 of the commissarial ordinance of July 29, 1917, within the limits of the making of bread for private citizens in public bakeries.

The amnesty is in favor of the baker and the private citizen:

(h) For offenses provided for in articles 1 and 2 of the commissarial ordinance of April 6, 1917, concerning the obligation of putting a distinctive mark on each form of bread.

(i) For offenses provided for in articles 2 of the ministerial decree of March 11, 1916; 1 of the vice royal decree of October 19, 1916, No. 1399; 3 of the ministerial decree of February 21, 1917; 2 of the commissarial ordinance of May 29, 1917; and 2 of the commissarial ordinance of July 29, 1917, within the limits of the production of bread from flour of a yield superior to the legal proportion.

(l) For offenses provided for in the vice royal decree of December 12, 1916, No. 1708; in the vice royal decree of February 18, 1917, No. 246; and in the vice royal decree of July 29, 1917, No. 1222, concerning the form and weight of bread, the obligation of selling it stale, and the hours of work.

(*m*) For offenses provided for in articles 10 of the vice royal decree of October 19, 1916, No. 1399, and 21 of the vice royal decree of May 6, 1917, No. 740, concerning the possession of utensils and apparatus for the sifting of flour.

(*n*) For offenses provided for in article 2 of the vice royal decree of April 18, 1918, No. 497, within the limits of the exportation of garden products, preserves, vegetables, fruit, potatoes, and bran.

(*o*) For offenses provided for in article 8 of the vice royal decree of April 18, 1918, No. 497, committed by private citizens for their own needs or of their own families.

ART. 2. There is pardoned the penalty for all other offenses not expressly provided for in the preceding article whenever there has been applied concretely only the pecuniary penalty in a measure not superior to 100 lire.

There are excepted transgressions concerning the butchering of animals, the sale and consumption of meat, provided for in article 22 of the vice royal decree of May 6, 1917, No. 740.

VITTORIO EMANUELE.

ORLANDO.

FACTA.

• CRESPI.

ROYAL DECREE NO. 160—FEBRUARY 21, 1919.

[Published in the Official Gazette of Feb. 23, 1919, No. 46.]

Containing provisions on the application of conditional sentences on the part of territorial military tribunals, on provisory liberty, and on the transition from the state of war to that of peace.

It is decreed:

ARTICLE 1. The territorial or maritime military tribunals, in pronouncing sentences of condemnation to ordinary or military confinement, or in a military prison, not superior to 18 months, or to a pecuniary penalty, which alone or together with a penalty restrictive of personal liberty and converted in accordance with the law would amount to a deprivation of personal liberty for a total period not superior to 18 months, may ordain that the execution of the penalty be suspended in the manner, under the conditions and regulations, established by articles 423 and 426 and 585 and 586 of the code of ordinary penal procedure.

When the suspension of execution of the sentence is revoked as a right under article 585 of the code of ordinary penal procedure, the penalty must be expiated according to the regulations established by the penal code of the army or maritime military penal code.

The revocation is declared in the form established by articles 558 and 559 of the code of ordinary penal procedure if there was afterwards another conviction by the tribunal which pronounced the last one; and in the opposite case, by the tribunal which pronounced the conditional conviction; or in the event of the suppression of the tribunal, by that which is legally substituted for it.

The convictions for offenses provided for in the military penal laws committed during the war, the execution of which has been suspended or postponed, or which have been in any way commuted to

conditional sentences, do not carry, in respect to the conditional sentences pronounced by the ordinary judicial authorities, the revocation of the benefit provided for in article 585 of the code of ordinary penal procedure.

ART. 2. In proceedings for offenses for which the Penal Code for the Army and the Maritime Military Penal Code or other military penal law prescribe a penalty restrictive of personal liberty not superior to 20 years, provisional liberty may be granted, except in the case of persons subjected to warning or to the special vigilance of the public safety authorities, or who have no domicile or fixed residence in the Kingdom, or who have been condemned at other times to ordinary confinement.

Provisional liberty may be granted at any period of the examination or the trial.

In the course of the trial provisional liberty may be granted by the college, on the conforming conclusions of the public minister, even beyond the limits indicated above, excepting, however, the cases of those persons indicated in the first part of the present article, and making the concession conditional upon residence in a determined commune, or upon the advancing of bail or a guaranty, or both.

ART. 3. One condemned by a military tribunal of the Army or Navy to military or ordinary confinement for a time superior to two years, who has served half the sentence and not less than two years, and whose conduct has been such as to suggest repentance, may, on his request, obtain conditional freedom if the remainder of the penalty does not exceed four years.

Conditional freedom is not conceded to one who has committed for the second time any crime when condemned to a penalty exceeding seven years.

ART. 4. The concession, the revocation of the effects of conditional liberty, are regulated by articles 14 of the ordinary Penal Code and 587 and 588 of the code of ordinary penal procedure, these being substituted for the minister of justice, the ministry of war, for the attorney general, the military advocate general, and for the accusation section the supreme tribunal of war and navy in council chamber.

ART. 5. From the date of the entrance into force of the present decree, the proceedings pending before the military tribunals of territories comprised within the confines of the Kingdom, for offenses subjected to military jurisdiction, because committed in time of war, or in any way devolved upon the military jurisdiction by proclamations or special laws issued during the war, are devolved upon the ordinary judicial authority, with the exception of proceedings in which the argument is already fixed or opened, or postponed, or for which there has been in any way already issued a summons or an indictment.

Against sentences pronounced after the entrance into vigor of the present decree, by a war or extraordinary tribunal, in proceedings excepted as above, there is, however, permitted an appeal for nullification before the supreme tribunal of war and navy.

Up to the date of the cessation of the state of war, there remains subject to military jurisdiction, proceedings relative to culpable

offenses committed by soldiers and to the offenses of treason, espionage, devastation, and sack, by whomsoever committed, and continue to remain subject to it even after the cessation of the state of war, whenever it is a matter of proceedings for which there has been issued prior to such date a summons or an indictment.

Against sentences pronounced in such proceedings by a war tribunal or an extraordinary military tribunal, there is likewise permitted an appeal for nullification before the supreme tribunal of war and navy.

ART. 6. Until further disposition is made, inasmuch as is not established to the contrary by the present decree or by special dispositions, there remain in effect the vice royal decrees of November 14, 1915, No. 1622, and January 3, 1918, No. 2, as well as all the vice royal and ministerial decrees issued in time of war relative to the organs and functionaries of military justice, to the constitution and new institution or ordinary or special territorial military tribunals and of maritime military tribunals of department and of their sections, to the supreme tribunal of war and navy and to the procedure to be followed before the same, and to the revisionary council which ceases to be an organ of the supreme command of the royal army.

In the special military tribunals instituted in accordance with the vice royal decree of October 27, 1918, No. 1628, the functions of public minister can be intrusted also to the substituted military advocates.

ART. 7. The proceedings pending at the entrance into effect of the present decree and those afterwards initiated before territorial military tribunals, both ordinary and special, and before maritime military tribunals also for offenses committed in time of war, excepting the proceedings devolved upon the ordinary judicial authority in accordance with article 5, are regulated by the dispositions relative to competence and procedure provided for in time of peace by the penal code for the Army and the maritime military penal code with the modifications respectively resulting from the decrees indicated in the preceding article.

The proceedings in which at the entrance into effect of the present decree the argument has been opened or postponed continue to be regulated by the dispositions in force at the time and the place in which the argument was initiated, with the exception that in any case there is an appeal for nullification of the sentences to the supreme tribunal of war and navy.

ART. 8. The offenses subjected to military jurisdiction committed before capture or during confinement, by Italian soldiers restored by the enemy, the competence to initiate or proceed with the examination and admit the case to court, even in the case of a renewal following a sentence pronounced in contumacy, belongs to the territorial or special military tribunal, in the limits of jurisdiction of which is situated the military mobilization district of the accused.

ART. 9. There remaining in force article 5, at the date of cessation of the state of war, the proceedings pending before the military war tribunals are remanded to the territorial military tribunals in the jurisdiction of which is situated the mobilization district of the accused.

The proceedings in charge of officers are remanded to the special military tribunal of Florence.

ART. 10. For offenses committed prior to the entrance into effect of the present decree, of the competence of war tribunals comprised in territories which have ceased, or which may cease to be declared in a state of war, there continue to be applied the dispositions relative to conditional conviction and postponement of sentence, established by the ruling of the supreme command of the Royal Army of May 25, 1918, on the procedure to be followed before war tribunals.

ART. 11. Proceedings against absent accused persons pending before war tribunals are remanded to the territorial military tribunals in the jurisdiction of which is situated the mobilization district of the accused.

ART. 12. The decrees of amnesty and pardon relative to offenses in the competence of military tribunals are applied *ex officio* by the examining officer if the examination is proceeding; by the military tribunal in council chamber if the examination is concluded and the argument is not opened; by the military tribunal in audience if the argument is opened; by the military tribunal in council chamber, on the request of the military advocate, if there has already been pronounced the sentence of conviction, except the cases in the last section of the present article; by the supreme tribunal of war and navy, on the request of the military advocate general, if against the sentence an appeal for nullification has been made; and by the supreme tribunal, revisionary section, if the sentence has been denounced or returned for revision under article 1 of the vice royal decree of April 11, 1918, No. 459, and article 1 of the vice royal decree of October 6, 1918, No. 1608.

The military advocate provides without delay for the provisional release of the condemned who are confined and for whom he has requested the declaration of amnesty or pardon.

Against the provisions issued by the examining officer or by the military tribunal there is granted recourse to the revisionary section of the supreme tribunal of war and navy.

For the application of the decrees of amnesty or pardon, relative to offenses for which there have been pronounced by military war tribunals sentences of conviction already submitted in the original to the examination of the military advocate general, in accordance with article 1 of the vice royal decree of April 11, 1918, No. 459, or already deposited in the original in the archives of the supreme tribunal of war and navy, the military advocate general provides, or the military advocates delegated by him, except recourse to the revisionary section of the supreme tribunal of war and navy against provisions issued by them.

ART. 13. There are abrogated within the limits of offenses committed after the entrance into force of the armistice, all dispositions relative to the offense of desertion and to any other considered as such, issued during the present war, whether in virtue of the law of May 22, 1915, No. 671, or in virtue of article 251 of the Penal Code for the Army, with the exception of article 4 of the vice royal decree of December 10, 1917, No. 1952, and remaining in force the disposition of article 8 of the vice royal decree of April 21, 1918, No. 536.

For offenses committed before the entrance into effect of the armistice the penalties established in the dispositions relative to

the offense of desertion, as above issued, may be diminished by one to two grades. There are, moreover, abrogated all the dispositions relative to the offense of persuasion to desert committed by nearest relatives issued during the present war, whether in virtue of the law of May 22, 1915, No. 671, or in virtue of article 251 of the Penal Code for the Army.

ART. 14. The present decree enters into force the day following that of its publication in the Official Gazette.

VITTORIO EMANUALE.

ORLANDO.
CAVIGLIA.
FACTA.
DEL BONO.

ROYAL DECREE NO. 1501—SEPTEMBER 2, 1919.

[Published in the Gazzetta Ufficiale No. 209, of Sept. 2, 1919.]

Concerning amnesty and pardon for common offenses.

It is decreed:

ARTICLE 1. Amnesty is granted:

1. For every offense committed through the medium of the press before July 22, 1919;

2. For criminal offenses as established in articles 371 (criminal manslaughter) and 375 (criminal wounding) of the penal code, and for every criminal offense as established by the provisions of royal or vice royal decrees, or proclamations of the military authorities;

3. For offenses respecting which the exercising of a penal action is still suspended by reason of the dispositions of vice royal decree No. 811 of June 10, 1915, if the suspension is derived from military service done by the person accused or by several of the persons accused, and provided the question concerns offenses punishable by a penalty of restricted personal liberty not exceeding a maximum of 10 years, or by a pecuniary penalty of any amount both separate from or accompanied by said penalty.

4. For any offense imputed:

(a) To the person who after the date of the offense was declared to be disabled because of wounds or infirmities suffered during war service or through act of war included in the first eight categories of table A annexed to vice royal decree No. 876 of May 20, 1917;

(b) To the person who prior to the date of the offense had gained two medals for valor, or had been promoted twice for war merit, or had received one medal for valor and one promotion for war merit after the date of the offense.

5. For offenses punishable by a penalty restricting personal liberty not exceeding five years at the minimum, or by pecuniary penalty for any amount either separately or accompanied by said penalty if the person accused has gained one medal for valor or received one promotion after the date of the offense for war merit.

6. For offenses contemplated under articles 115, 118, and 130 comprised in the list of criminal acts against the country and the State powers, and in relation to these, in article 134 of the penal code and for those contemplated in articles 135, 139, 140, and 141 of the same code.

7. For offenses committed during popular disturbances, public demonstrations and agitations consequent on political causes and economical causes, excluding homicide, and the offenses included under article 372, Nos. 1 and 2 (personal injuries), articles 373, 408, and 409 of penal code (in respect of robbery and extortion).

8. For offenses against freedom of labor (arts. 165 and 167 of the Penal Code) committed before July 22, 1919.

9. For offenses of undue abandonment of one's own duty (art. 181, Penal Code).

10. For the crimes of violence and resistance against the authorities (arts. 187 and 190 of the Penal Code) and of outrages committed against persons vested with public authority (arts. 194 to 196 of the Penal Code).

11. For crimes of instigation to transgress and in relation to them for that contemplated under article 251 of the Penal Code, provided the person condemned has not undergone any preceding conviction for this kind of offenses and provided the offenses were committed before July 22, 1919.

12. For offenses as provided for in vice royal decree No. 674, of May 23, 1915, containing extraordinary provisions for the public safety.

13. For crimes included in articles 381 and 382 of the Penal Code (in respect to criminal abortion).

14. For offenses against property not included in the preceding numbers, for which the penal action can not be taken without a complaint being lodged.

15. For contraventions as included in articles 434 to 446, 453 to 459 (contraventions concerning public order), 475, 476, 482 (public safety), 493, 494 (public protection of property) of the Penal Code, in the articles 1, 7, and 8 of the police service act of June 30, 1889, No. 6144, series 3, and for those included in proclamations issued by military commands against civilians.

16. For any crime not contemplated in the preceding numbers and punishable by the sole pecuniary penalty not exceeding 100 lire and by the penalty of restricted personal liberty not exceeding one month, whether separately or accompanied by the said pecuniary penalty. Excluded from this benefit are the violations of royal decrees Nos. 1146 and 1296, of 13th and 14th of July, 1919, and No. 1360, of August 3, 1919.

For cases indicated in Nos. 4 and 5, the party concerned must supply the public prosecutor with the proofs requisite for the application of the amnesty.

In the case indicated in No. 3 the amnesty is exclusively personal.

ART. 2. In favor of persons who have had no preceding conviction for crime, a reduction of one-half of the sentence to a pecuniary penalty not exceeding 3,000 lire as well as the penalty of restricted personal liberty not exceeding one year whether separately or accompanied by pecuniary penalty, is conceded as pardon, provided the dispositions of the preceding article are not applicable to said convictions. Excluded from any pardon are the convictions for violations of royal decrees No. 1146 and 1296 of July 13 and 24, respectively, and No. 1360 of August 3, 1919.

ART. 3. The amnesty and pardon as provided in the two preceding articles are applicable to the penal actions and to the convic-

tions in accordance with articles 86 and 87 of the penal code. In the case of concurrence of offenses and of penalties, the amnesty is applicable to each separate offense, without distinction the pardon is applicable but once, for the cumulation of penalties according to the regulations of articles 77 and following, of the penal code. In case of the concurrence of a pecuniary penalty with that restrictive of personal liberty, the pardon is applicable to both.

ART. 4. The power of the present decree is extended to offenses included in same and committed up to the day preceding the date of the decree itself, except as established in Nos. 1, 3, 4, 5, 8, and 11 of article 1.

Where the question concerns continued offenses or permanent offenses, the present decree is applied only in case the continuation or permanency shall have ceased not later than the tenth day prior to the date of said decree, this being excluded in the computation of the period.

This does not prejudice civil actions consequent on offenses nor the rights of a third party, nor the action of the public treasury in exacting the rights of judicial officials dependent of orders or sentences that have become irrevocable.

VITTORIO EMMANUELE.

NITTI.

MORTARA.

ROYAL DECREE NO. 1502—SEPTEMBER 2, 1919.

[Published in the Gazzetta Ufficiale No. 209, of Sept. 2, 1919.]

Concerning amnesty and pardon for military offenses,
It is decreed:

ARTICLE 1. Amnesty is conceded in cases of desertion, even if repeated, provided the total period of arbitrary absence does not exceed six months.

If the total period of arbitrary absence should exceed six months, the punishments inflicted or to be inflicted for the offense of desertion are commuted to conditional convictions, substituting 10 years' military reclusion for solitary confinement for life and reducing to five years the same punishment for all the others. Excluded are the cases of desertion to the enemy and offenses of armed desertion as provided for in article 4 of vice royal decree No. 1952, of December 10, 1917.

ART. 2. Amnesty is conceded to shirkers ("renitenti"—the Italians make a distinction between men who have never served in the army and those who have. In the former case, men who do not answer the call are classed as "renitenti," whereas the latter are considered deserters. Translator's note) and to deserters who did not answer the call to arms for mobilization during the war who can advance extenuations in respect to one of the following conditions:

(a) Men who have served in the allied or associated armies or, at least, have been registered for service in one of the said armies before November 4, 1918.

(b) Who have been exempted by an allied or associated government from military service because connected with industries or administrations affecting the defense and the economy of the State.

(c) Who had resided up to the time of the call to military service and during the war up to the date indicated in paragraph (a) in an enemy country, in Russia, in Roumania, and in countries out of Europe (excepting the Italian dominions and protectorates, Egypt, Tunisie, Algeria, and Morocco).

(d) Who were unfit for military service in respect of infirmity as contemplated in the new schedule of physical imperfections and infirmities which gave exemption from military service (1917 edition).

In such cases the party concerned shall deliver to the competent military advocate the proofs necessary for the application of the amnesty.

The amnesty does not dispense with the necessity of serving in the army of men who have been drafted in with the class to which they belong, except that they be entitled to exemption.

ART. 3. Amnesty is conceded for the other military offenses committed during the war, punished by restrictions of personal liberty not exceeding at the maximum 10 years, or by pecuniary measures—considered as separate punishment or conjointly with restricted liberty, not to exceed at the maximum 10,000 lire, or punishable by dismissal, resignation, removal, privation, or suspension from rank and suspension from duty considered separately or in conjunction with the other punishments as indicated in the preceding article.

ART. 4. Convictions to temporary punishments to be inflicted for the offense of desertion of soldiers who are still at large as the present decree comes into force, provided all subjects of imputation give themselves up to the consular military authorities of Italy, are commuted to conditional convictions; solitary confinement for life is commuted to military reclusion.

ART. 5. Temporary punishments restricting personal liberty over a period not exceeding seven years and pecuniary punishments, not exceeding 10,000 lire, whether considered separately or in conjunction with the liberty restricting punishments inflicted or to be inflicted, are pardoned, and by so much there are reduced greater penalties unless the suspension or postponement of them has been ordered.

The punishment of solitary confinement for life is reduced by one grade. To be excluded from said pardon are deserters to the enemy and individuals convicted for treason, espionage, and for offenses against enlistment as provided in diverse provisions by articles 74 and 77, paragraphs 1 and 2, of the military penal code, and 75 and 76, paragraphs 1 and 2, of maritime military penal code.

ART. 6. Convictions to military reclusions and of confinement inflicted or to be inflicted are commuted to conditional convictions and at the same time are reduced by one-half if they reach to or exceed 20 years, and to one-third if less than 20 years.

ART. 7. Punishments inflicted for any offenses of which the suspension or postponement of execution during the war has been ordained, are commuted to conditional punishments, and at the same time if over five years, to be reduced to this limit.

ART. 8. The provisions of the present decree are also applicable by the ordinary judicial authorities competent in accordance with royal decrees No. 160, of February 21, 1919, and No. 1083, of July 4,

1919. For such application the said authorities will take into consideration the penalties imposed by military laws.

The disposition of the present decree relative to the offense of desertion are applicable also to soldiers who have committed the offenses provided for in the orders of the supreme command of the Royal Army dated December 16, 1917, November 12, 1918, and in the vice-royal decree of November 21, 1918, No. 1749, to the discharged soldiers who have committed the offenses provided for in the orders of the supreme command of the Royal Army dated November 2 and 14, 1917, and to soldiers who have committed the offenses provided for in the last paragraph of article 8 of the royal decree of April 29, 1915, No. 561.

ART. 9. In the event of concurrence of more than one of the benefits as conceded by the provisions of the present decree, in favor of the same person and for the same offenses, only the most favorable benefit will be applied.

The same regulation is applicable in case of concurrence, in favor of one person or for one offense, of benefits conceded by the present decree with those conceded by the royal decree of February 21, 1919, No. 157.

For the case of concurrence of the benefit of reduced punishment with that of conversion to conditional conviction, the two benefits cumulate.

ART. 10. In the case of concurrence of offenses and punishments the amnesty will be applied without distinction to each offense; the amnesty is applied once after cumulation of the punishments in accordance with the laws.

The provisions for temporary release from prison in favor of those who in virtue of the present decree are entitled to discharge from jail can be made by the general military advocate general or by officers of military justice as may be delegated by him.

ART. 11. On all cases in which, in virtue of the present decree, the conviction be commuted to conditional conviction, the commutation is affirmed and the conviction ceases to take effect if the person convicted does not commit, within the limit of five years from the date of the present decree, any offense as foreseen in the military Penal Codes or any crime provided for by the common Penal Code or by other penal laws; otherwise it is expiated in accordance with the law prior to revocation on the part of the ordinary or military judge who shall pronounce the last sentence.

ART. 12. The provisions pertaining to the loss of rank and to the suspension from duty inflicted or to be inflicted even as accessory to the punishment of restricted personal liberty for offenses for which there has intervened amnesty, pardon, or commutation of punishment, in virtue of the present decree or of the royal decree of February 21, 1919, No. 157, will cease to take effect on application of the person concerned, and pursuant to a like opinion given by the Supreme Tribunal of War and Navy; against which no appeal can be admitted neither judicially nor through administrative channels.

The opinion will be expressed following the deliberations taken in the council chamber according to the prescribed rules laid down for deliberations of sentences; after hearing the conclusions drawn by the general military advocate general and taking into consideration the sentences passed, the acts of penal procedure, and every

moral and juridical circumstance of the case. The supreme tribunal can also institute summary inquiries and address rogatory notes to the consular and judicial authorities.

The application must be sent in by the person concerned within 180 days from the date on which the present decree comes into operation.

ART. 13. The reintegration of rank is conceded by royal decree where the question concerns officers, and by ministerial decree in every other case.

Reintegration takes effect in the same rank as held by the soldier at the time of the conviction with recognition of the seniority which at the same moment pertained to him in the arm to which he belonged.

ART. 14. The present decree is applicable to offenses mentioned therein, which were committed prior to the date it bears, and becomes operative on the day of publication in the Official Gazette.

VITTORIO EMMANUELE.

NITTI.

MORTARA.

ALBRICCI.

SECHI.

ROYAL DECREE NO. 1503.—SEPTEMBER 2, 1919.

[Published in the Gazzetta Ufficiale No. 209, of Sept. 2, 1919.]

Concerning amnesty and pardon for offenses in financial matters,
It is decreed:

ARTICLE 1. There are pardoned surtaxes and pecuniary penalties incurred and not paid up to the date of the present decree for infraction of the law:

(a) On taxes of registration and succession.

(b) On taxes by stamps; that is to say:

1. Taxes included in general tariff, inclosure (a) of the text of the law on tax stamps, No. 135, of January 6, 1918.

2. Taxes included in the special tariffs, inclosure (b) of the said single text, relative to notes and bills of restaurants, wine shops, cafes, and other public functions; tickets on betting; on tickets for public entertainments; on perfumes and patent medicines; on jewelry and precious stones in general.

3. Taxes on urban and suburban tramways, urban omnibus, and navigation tickets as per decree No. 560, of April 23, 1918.

5. Taxes doubled as per decree No. 1134 of August 1, 1918.

6. Taxes on receipts, notes, and bordereaux relative to the entrance of merchandise and orders of withdrawal from the general stores; on the seasoning, purging, and weighing of silks, as per decree No. 1818 of November 17, 1918.

7. Taxes on the call for civil and commercial judgments as per decrees No. 1669 of October 17, 1918, and No. 230 of February 27, 1919.

8. Taxes on announcements in the papers, in periodicals, and other publications, as per decrees No. 1825 of November 1, 1918, and No. 2003 of December 22, 1918.

(*c*) On taxes in surrogation of the stamp and the register and on taxes for life insurance and contracts.

(*d*) On mortgaged taxes.

(*e*) On mortmain taxes.

(*f*) On taxes for governmental concessions and on administrative acts and provisions.

(*g*) On taxes for bourse contracts.

(*h*) On taxes for velocipides, motorcycles, automobiles, and motor boats.

(*i*) On the registered transfers of lands.

For the contraventions indicated in letters (*b*), (*f*), (*g*), and (*h*), committed up to the date of the present decree which have been the object of preceding sentences, the relative penal effects cease.

The pardon is not applied if on or before the 31st of December, 1919, there are not integrally paid the taxes owed, and if there are not fulfilled within the same period the prescribed formalities inas-much as is possible.

There remain in force the dispositions of article 9 of law No. 25 of January 23, 1902, inclosure (*c*) of article 5 of decree No. 114 of February 11, 1915, and of article 1 of decree No. 1153 of July 15, 1915, concerning the payment in ratio of the inheritance taxes therein contemplated, but the pardon will not take effect whenever through the failure to pay the tax rate there occurs the ending of the postponement conceded under the cited articles of the law of 1902 and the decrees of 1915.

The pardon for pecuniary penalties granted by the laws indicated in letter (*f*) and depending on the exercise of acts without the prescribed authorization or license, is subordinated to the payment on or before the 31st of December, 1919, of the tax fixed for the authorization or license, without prejudice of the faculty pertaining to the competent administration to grant or deny the authorization or license and of the right to receive the relative tax in case it is granted.

ART. 2. Amnesty is conceded for crimes and contraventions provided for by the laws and decrees hereafter indicated and committed up to the date of the present decree, whenever the penalties established for such offenses, alone or united to others, do not exceed the maximum of 2,000 lire fine or compensation and of six months of restricted personal liberty.

(*a*) Dispositions of the following articles of the single text of the customs law No. 20 of January 26, 1896:

ART. 80. Differences between merchandise and the invoices.

ART. 81. Differences between the merchandise presented and the relative declaration.

ART. 82. Differences in respect to the safety seal and for the alteration of packages.

ART. 83. Differences in the declarations of merchandise in export admitted to the restitution of rights.

ART. 84. Differences happening in private warehouses.

ART. 85. Contraventions against the obligation of the seal in the zones of vigilance and of the mark on stuffs.

ARTS. 87, 88, and 89. Disciplinary contraventions.

ART. 90. Failure to observe disciplinary measures imposed on small boats in the zones of vigilance.

ART. 91. Penalties for any other contraventions.

ART. 92. Penalties for offenses accumulated in fines.

ART. 105. Penalties for State employees and for the agents of the public force.

ARTS. 125 and 126. Differences between merchandise of importation and of temporary exportation.

(*b*) Article 9 of the law No. 238 of July 2, 1902, on the tributary status of saccharine.

(*c*) Article 20 of the law No. 1827 of July 3, 1864, modified by article 11 of the vice royal decree No. 3018 of June 28, 1866, as well as by articles 21 and 25 of the law herein indicated, in the matter of manufactured taxes on gaseous waters and beer.

(*d*) Articles 16, 17, and 20, of the royal decree No. 5125 of December 25, 1887, confirmed by law No. 5407 of May 13, 1888 concerning manufacturing taxes for acetic acids.

(*e*) Articles 2, 3, and 4 of inclosure (*b*) of law No. 486 of August 8, 1895, concerning taxes on the manufacture of prepared chicory and other substitutes for coffee.

(*f*) Article 4 of inclosure (*c*) of the law just indicated, for the tax on the manufacture of mineral oils and the corresponding tax on their sale.

(*g*) Article of inclosure (*f*) to the same law for the tax on the consumption of gas, light, and electric energy.

(*h*) Articles 16, 18, and 20, of regulation No. 106 of April 16, 1896, for the manufacturing tax on glucose, malt, and malt sirups.

(*i*) Articles 17 and 27 of the single text No. 56, of March 2, 1902, for the manufacturing tax on powers for public works and on other explosive products.

(*l*) Articles 26 and 28 of regulation No. 347, of July 2, 1903, for the tax and surtax on the manufacture of native sugar.

(*m*) Articles 5, 23, and 33 of the single text, No. 704, of September 16, 1909, with the modifications in the table annexed to law No. 572, of June 8, 1913, and article 4 of law No. 1794, of December 23, 1915, for the tax on the manufacture of spirits.

(*n*) Articles 9 and 10 of regulation No. 183, of May 1, 1881, and articles 9 and 11 of inclosure 1 to the vice royal decree No. 1525, of November 9, 1916, for the tax on the manufacture of seed oils.

(*p*) Articles 12 and 19 of inclosure (*c*) to the vice royal decree No. 736, of May 13, 1917, for the tax on the manufacture of soaps, washing lyes, and washing waters.

(*q*) Articles 62 and 68 of the single text of the law on imposts on consumption, No. 248 of May 7, 1908.

For the penalties inflicted in excess of the limits in the first clause of the present article there will be accorded a diminution up to concurrence with those limits, as amnesty.

For customs contraventions as in letter (Q) committed by cooperative societies, amnesty is conceded without limitation of the sum provided for in the first clause of the present article.

ART. 3. Pardon is conceded and there cease the penalty effects of preceding convictions, for infractions committed up to the date of

the present decree, having the character of simple contraventions and provided for by the laws hereafter indicated, provided the pecuniary penalties established for such infraction do not exceed 500 lire:

- (a) On the salt monopoly.
- (b) On the tobacco monopoly.
- (c) On the lottery monopoly.
- (d) On the monopoly on the sale of playing cards.
- (e) On the monopoly on the sale of matches.
- (f) On the sale of quinine by the State.

There are excluded from this benefit the contraventions as in letter (b) denounced in application of article 3 of the vice royal decree No. 649 of May 9, 1918, regarding the hoarding of tobacco in quantities exceeding a kilogram.

ART. 4. There are pardoned the pecuniary penalties inflicted and not paid up to the date of the present decree:

(a) For contraventions to article 7 of law No. 1444 (series 2) of June 23, 1873, on the surtax for the failure to declare or have inexact declarations on direct taxes.

(b) For contraventions to article 69 of law No. 4021 (series 2) of August 24, 1877, on the tax on mobile wealth.

There are, moreover, pardoned the surtaxes incurred and not paid up to the date of the present decree established by articles 1 and 4 of the said law.

(c) For contraventions contemplated in inclosure (b) of the vice royal decree, No. 1525, of November 9, 1916, and No. 1824, of December 31, 1916, concerning taxes on noncombatant soldiers.

(d) For the contraventions contemplated by vice royal decree, No. 1894, of December 23, 1915, and No. 231, of February 4, 1917, relative to the tax on exemption from military service.

(e) For contraventions contemplated by vice royal decree, No. 857, of June 9, 1918, inclosure (e), on hunting preserves.

(f) For contraventions contemplated by articles 10 and 18 of the single text of extraordinary taxes imposed during the war approved by vice royal decree, No. 857, of June 9, 1918, inclosure (d), relative to the tax on the incomes of directors and attorneys of commercial societies and of the administrators of stock companies.

(g) For contraventions contemplated by article 7 of decree No. 1835, of November 17, 1918, relative to a complementary tax on revenues and to a 2 per cent tax on dividends, interests, and premiums on shares issued by stock companies and cooperative societies.

The pardon is subordinated to the condition that the offenders present their declarations or provide for the correction of false declarations already produced, within the period of two months from the publication of the present decree in the Official Gazette.

ART. 5. There are pardoned the pecuniary penalties inflicted and not paid up to the date of the present decree for contraventions provided for by law No. 746 of December 20, 1908, on the status of the expenditures of "Tavoliere delle Puglie" and by the relative regulation No. 196 of January 5, 1911.

This pardon will not take effect if within the period of a year from the aforesaid date the offender for whatever motive shall not have paid beyond the expenses of the proceedings the amount of the damages which shall be established by the administration, and if,

in case of illegal occupation he shall not have released and restored the occupied soil, or shall not have systematized otherwise in the form of a contract the juridical relations with the Crown.

ART. 6. There are pardoned the pecuniary penalties inflicted and not paid up to the date of the present decree for contraventions to the dispositions of articles 24 and 32 of law No. 3682 (series 3) of March 1, 1886, on the reorganization of the land tax.

ART. 7. The present decree will be presented to Parliament for conversion into law.

VITTORIO EMMANUELE.

NITTI.

TEDESCO.

MORTARA.

SCHANZER.

ROYAL DECREE NO. 1504—SEPTEMBER 2, 1919.

[Published in the Official Gazette of Sept. 2, 1919, No. 209.]

Concerning pardon for disciplinary penalties inflicted on the personnel of the State railways,

It is decreed:

ART. 1. In regard to the penalties imposed on the personnel of the State railways for faults committed within the period dating from May 24, 1915, to the date of publication of the present decree as per articles 37, 38, 39, 40, 41, 42 (excluded clauses 1, 3, 4, 5, 6, 7, 8, 10, 14, 17, 18, 19, when the provision laid down in article 51 has been applied) of the rules and regulations of the personnel as approved by vice royal decree No. 417 of July 22, 1906, and as per articles 180, 181, 182, 183, 184, 185, 186, 187 (excluded clauses C, D, F, G), 188 (excluded clauses A, B, D, F, G, H, K, N, P), when article 195 of the regulations for the personnel as approved by decree No. 1393 of August 13, 1917, has not been applied, the following provisions will be adopted, coming into operation from the date of publication of the present decree:

(a) The cessation of every ulterior effect of censures, fines, suspensions of service and retributions, of suspensions of rank and salary, of prorogation of the limit set for the normal increase in salary or wages, of degradations and retrocessions applied at the date of publication of the present decree, and therefore without retroactive effect;

(b) The censures, fines, suspensions of service and retributions, suspension of rank and salary, prorogations of the limit fixed for the normal increase in salary or wages, degradations and retrocessions imposed for faults committed as per first clause and not applied up to the date of publication of the present decree, shall be pardoned with cessation of every ulterior effect;

(c) Cessation of disciplinary measures for provisions not unfolded at the date of publication of the present decree, consequent on the faults committed as per clause 1.

ART. 2. The administrative board of the State railways is authorized to examine each case as presented by the persons interested, and decide in regard to readmission of ex-agents that were revoked and dismissed for faults as per article 1.

ART. 3. The administrative board of the State railways is further authorized to examine and take a decision upon each case as presented in regard to the readmission of ex-agents dismissed by right of article 189 of the rules and regulations governing the personnel for convictions comprised in the provision of the amnesty as per royal decree No. 1501 of September 2, 1919.

Applications of persons concerned as per the present article and that preceding should be presented within two months of the date of the publication of the present decree, and not beyond two months from the release from military service where ex-agents are concerned, and not over two months from the communication of the disciplinary measure for the proceedings in course of development, of revocation or dismissal as per articles 2 and 3, not yet expiated.

VITTORIO EMANUELE.

NITTI.

DE VITO.

MORTARA.

SCHANZER.



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