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PUBLICATION, "MEMORANDUM ON ITALIAN COURTS & LEGAL
SET UP"
AUG. 1943

MEMORANDUM

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ITALIAN COURTS AND LEGAL SET-UP

FOR INFORMATION OF LEGAL OFFICERS

PART I		ITALIAN COURTS
PART II		PROBLEMS ARISING FROM MILITARY OCCUPATION
APPENDIX "A"		URGENT AMENDMENTS TO PROCEDURE
APPENDIX "B"		PROVISIONAL AND CONDITIONAL FREEDOM OF PRISONERS.
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PART I

1.

Attention is directed to General Administrative Instruction No. 7 (Ref. "AMGOT Plans, Proclamations and Instructions" - Sept. 1943 - p. 131 - paras 13 to 25 incl.). Specifically, these instructions direct the following immediate steps to be taken for re-establishing law and order in the departments of Italian Justice:

- (a) Courts with criminal jurisdiction only to be expeditiously re-opened under supervision of AMG with primary object of relieving congestion in jails, and in following order of priority:

(1) Pretura
(ii) Tribunale
(iii) Corte d'Appello (Criminal Chamber)
(iv) Corte di Cassazione.

- (b) Obtain partitions of trustworthy judicial officials suitable for continuing duties of administration of criminal justice. (Vide: AMGOT 5th 4011/L dated 19th August 1943 on Italian legal advisory Committee).
- (c) Apply to Foreign Division for continuance of payment of salaries of above.
- (d) Consider situation arising out of impossibility of re-establishing courts under (a) within 4 reasonable days and desirability of taking action under proclamation No. 4, art. II, Sec. 3 providing for exercise of necessary jurisdiction by Allied Military Courts.
- (e) Before reopening civil courts, await approval of AMG HQ.
- (f) Establish list of persons awaiting trial and particularly note those cases which it is undesirable to try before Italian Courts. (Vide: Directions to all SIOs - AMGOT/4018/L dated 7th Sept. 43).

.2.

Pretura (986 in Italy)

(e) Jurisdiction - civil and criminal. Original

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(i) (ii) (iii) (iv)
 (i) (ii) (iii) (iv)
 (i) (ii) (iii) (iv)
 (i) (ii) (iii) (iv)

- (b) On the particular of trustworthy judicial... (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).
- (c) Apply to... (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).
- (d) Consider... (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).
- (e) Before... (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).
- (f) Establish... (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).

2. Preture (986 in Italy)

- (a) Jurisdiction - (Civil and criminal. Original and appellate).
- (b) Bench - single... (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).
- (c) Composition - (Vide: LACOT 1 letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).

Criminal and Civil Courts & Personnel.

max fine of L. 10,000. Appeals to Tribu-
nale. Exclusive jurisdiction in following
matters up to L. 10,000: (1) Finance and
customs offenses punishable by fine only;

(2) stamp offences.

Exercises powers of criminal investigation
(or examining magistrate) within his juris-
diction and may pronounce sentence in sum-
mary cases by means of decrees ("decreti"),
i.e. without a formal instruction.

- (11) Civil: Possesses both original and appel-
late jurisdiction in cases involving not
more than L. 10,000 and hears appeals from
the Communal Conciliation Court.
Original jurisdiction, regardless of value,
in necessary actions; fixing boundaries
and distances; evictions; master and ser-
vant; co-tenancy. Appeal lies to Tribunal.
All cases coming within competence of the
Procura limited in 1867 letter 1861/L dated
19th August, 1923 addressed to President of
Court of Appeal, Palermo extending juris-
diction to urgent procedure.

- (12) Criminal and civil matters affected by tem-
porary modifications to procedure as pub-
lished under the authority of the allied
Command from time to time.

3. Tribunale: (142 in Italy).

- (a) Jurisdiction - Civil and criminal. Original and
appellate.

- (b) Branch - President and two judges = "Collegio".

Each Tribunale composed of several chambers or
sections in within the judicial district of a
court of appeal to which the judges are attached
for administrative purposes.

Comparable to English County Courts. May be com-
posed of one or more sections each with a President.

- (c) Competence:

- (1) All criminal offences except those coming
within the jurisdiction of the "Procura"
and within that of the court of assize
(infra) i.e. imprisonment up to eight years

(111) Criminal and civil matters effected by temporary modifications to procedure as published under the authority of the allied Command from time to time.

5. Penale: (142 in Italy).

(a) Jurisdiction - Civil and criminal. Original and appellate.

(b) Panel - President and two judges = "Collegio".

Each Tribunale composed of several chambers or sections is within the judicial district of a court of appeal to which the judges are attached for administrative purposes. Comparable to English County Courts. May be composed of one or more sections each with a President.

(c) Competence:

(1) All criminal offences except those coming within the jurisdiction of the "Procura" and within that of the Court of Assize (infra) i.e. imprisonment up to eight years and/or fine exceeding L. 10,000.

(2) Original civil jurisdiction includes claims arising out of corporation matters, taxes and customs and excise, status and capacity of persons, actions for deceit; and in all cases where the value of the subject matter is indeterminate. Appeal to Court of Appeal (Corte d'Appello).

Giulia C. Amelio (Court of Ap. 12).

- (a) Jurisdiction: Center of regional judicial appeal-
 action including the above-mentioned tribunals and
 the Court of Appeal (Corte d'Appello). Hears appeals
 from the Court of First Instance (Tribunale). Jurisdiction of appeal
 in Labor Section: suspension during period of appeal
 administration by substitution of provincial labor
 offices with full powers of arbitration, organiza-
 tion and mediation. Possesses original jurisdiction
 in matrimonial causes and makes orders for ex-
 ecution of Decrees of Ecclesiastical Courts of
 Vatican and abroad = "delegazioni." Also a special
 section for trying juvenile cases (in this case
 with appeal letter 4034/L dated 31 Aug. 43).
 In certain matters calling for urgent procedure,
 jurisdiction is extended under terms of appeal let-
 ter 4034/L dated 19th Aug. 43.

- (b) Staff: Three magistrates consisting of a Presi-
 dent and two counselors, in each of the different
 sections, or chambers.
 There are eighteen regular Courts of appeal and six
 substitute sections of appeal in Italy. (See appendix
 see appendix "C").

5. Court of Appeals.

- (c) Jurisdiction: Exclusive in criminal matters in-
 volving capital punishment, life sentences,
 ("ergastolo") and imprisonment for not less than
 ten years. Sits in circuit at tribunals within
 the judicial district of the Court of appeal of
 which it forms a section.

- (d) Staff: composed of

- (1) A President of a section of the Court of
 Appeal as President.
 (2) A counselor of Court of appeal, or presi-
 dent of a section of a Tribunal; and,
 (3) Five assessors from the panel of jurors.

The magistrato and assessors together constitute
 the bench = "collegio." The former makes on tech-
 nical questions and the "collegio" determines ques-
 tions of fact and law, fixes penalties, and
 pronounces sentence.

There is no appeal against the degree of punish-
 ment inflicted by the Court of appeal.

in certain matters calling for urgent procedure, jurisdiction is extended under terms of 28007 let- ter 4001/1 dated 19th Aug. 43.

- (4) Paroh - Three magistrates consisting of a President and two counsellors, in each of the different sections, or chambers. There are eighteen regular Courts of appeal and six adjoined sections of appeal in Italy. (For appeals see Appendix "C").

5. Court of Assize.

- (1) Jurisdiction - Exclusive in criminal matters involving capital punishment, life sentences, ("ergastolo") and imprisonment for not less than ten years. Sits en circuit at Tribunals within the judicial district of the Court of appeal of which it forms a section.

(2) Panel - composed of

- (i) A President of a section of the Court of Appeal as President.
- (ii) A counsellor of Court of Appeal, or president of a section of a Tribunale; and,
- (iii) Five assessors from the panel of jurors.

The magistrates and assessors together constitute the bench - "collegio." The former advise on technical questions and the "collegio" determines questions of both fact and law, fixes penalties, and pronounces sentence.

There is no appeal against the degree of punishment inflicted by the Court of Assize.

6. The Magistrates (Presidents, counsellors and judges) in Italian Courts are state servants, selected normally by competitive examination from candidates holding academic legal diplomas and presented for appointment by the King on recommendation of the Minister of Justice. Under the pro-fascist system they served a probationary period of three years before confirmation in office when for all practical purposes they were considered irremovable - a principle reversed under the fascist regime when judges could be transferred for "incompatibility of political opinion."

The Magistrates and Judiciary.

Magistrates fall into the following promotional classes in order of rank:

- (a) Judicial Auditor;
- (b) Judicial assistant;
- (c) Judge;
- (d) Praetor (Pretore);
- (e) Counsellor of Court of Appeal;
- (f) First President of Court of Appeal, etc.

The Public Ministry.

7. The office of the public ministry (Pubblico Ministero) is a department of state representing the executive power in judicial jurisdiction and lies midway between the judicial and administrative systems. It is independent of both and responsible solely to the Minister of Justice, whilst its judicial functions are comparable to that of the Director of Public Prosecutions in Britain or the Attorney General's office in U.S. It also fulfills supervisory duties over a wide field including the carrying of state interests in the administration of justice, the work of the police in the suppression of crime, the work of the officials charged with keeping criminal records, prison services, defense of poor persons, the act of the various branches of the legal profession and questions relating to the incapacitated persons. When officers have the right of audience and intervention in all cases both civil and criminal where public interest or safety of the state are involved. The principal officers of this department attached to the Courts of Justice are as follows:

- (a) Procurator General or deputy before the Court of appeal and assize or deputy (Sostituto del Procuratore Generale)
- (b) Procuratore del Re' (King's Procurator) or deputy (Sostituto) before Tribunal.

Procurators.

EXAMINING

MAGISTRATES

8. The examining magistrates or "Giudice istruttore" is a judicial officer attached to the Criminal Chamber at the Court of appeal and is charged with the formal investigation of offences (including examination of accused and witnesses) coming within the jurisdiction of the Courts of assize and Tribunal. Where there is a case from case to go to trial, this official prepares the papers ("istruttoria") for submission to the public prosecutor and puts in motion the necessary procedure for setting the case down for trial, and ascertaining if third parties are affected thereby (intervention by civil party). During the course of investigation by examining Magistrate, the accused's defender has a right of audience, but cannot interfere with the investigations.

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- (a) Procurator General or deputy before the Court of appeal and assize or deputy (Sostituto del Procuratore Generale)
- (b) Procuratore del Re' (King's Procurator) or deputy (Sostituto del Re' a Tribunale).

EXAMINING

MAGISTRATE

8. The examining magistrates or "Giudice istruttore" is a judicial officer attached to the Criminal Chamber at the seat of each Court of Appeal and is charged with the formal investigation of offences (including examination of accused and witnesses) coming within the jurisdiction of the Courts of assize and Tribunals. Where there is a serious case to go to trial, this official prepares the papers ("istruttoria") for submission to the public prosecutor and puts in motion the necessary procedure for settling the case down for trial, and ascertaining if third parties are affected thereby (interference by civil party). During the course of investigation by examining magistrate, the accused's defender has a right of audience, but cannot interfere with the investigations, other than by recording his observations on legal points.

Legal Practitioners.

2.

- (a) Italian lawyers practicing in and out of Courts are the following:

- (i) Avvocato = barrister, advocate.
- (ii) Procuratore = solicitor, attorney.
- (iii) Patrocinatore = legal practitioner in summary courts.
- (iv) Notaio = Notary combining the functions of notary public official conveyancer and counsellor at law (non-litigious).

To (1) and (ii) is applied the general term of "avvocato", the members of which are now confined to all intents and purposes into one professional body by an Ordinance of 25th October, 1943 i.v. which established unified control of the two branches.

Avvocato.

(i)

The Avvocato performs the function of counsel in judicial matters and assumes the defence of accused persons before the criminal courts.

and

Procuratore.

(ii)

The Procuratore is charged with the prosecution and representation of the party or litigant before the court by virtue of a power of attorney from his clients. The services of a Procuratore may be either voluntary or obligatory. Before the Tribunale and higher courts the services of a Procuratore are obligatory (poor persons being allotted counsel from a panel).

(iii)

The two professions may be exercised simultaneously by the same person having the necessary professional qualifications. The legal status of both branches is regulated by statute, and they are regarded as essential collaborators in the machinery of the administration of justice, e.g. quasi official. The role of the "avvocato" is to intervene between the interested party and the judge in order to (i) clarify the situation; (ii) bring out the facts and truths to be taken into consideration in determining judgment.

In civil matters all so-called advocates may plead before all courts of appeal, Tribunals and Preture in the Kingdom, but the "Procuratore" can only appear before the section of Court of appeal of the judicial district in which he is licensed to practice, or before the Tribunal or Preture of the district to which he is appointed.

In penal matters before the courts of appeal, Assizes and Tribunale, the defence is reserved to the "avvocato" whilst either "avvocato" or "procuratore" may represent the interests of the intervening civil party.

A "procuratore" may defend an accused before the Tribunale and Section of the Court to which he is especially assigned.

There is a class of "unofficial" legal practi-

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In penal matters before the courts of appeal, Assizes and Tribunals, the defense is reserved to the "avvocato" whilst either "avvocato" or "procuratore" may represent the interests of the intervening civil party.

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A "procuratore" may defend an accused before the Tribunal and Section of the Court to which he is especially assigned.

There is a class of "unofficial" legal practitioners called "patrocinatori" who are granted right of audience before the lower courts, e.g. Preture and Conciliatori = communal conciliation magistrates.

The Notaio = notary, occupies an important place amongst the branches of the legal profession in Italy. He is nominated to office, after public examination, on a restrictive basis by Royal decree on recommendation of the Minister of Justice, as and when vacancies in any particular

"patrocinatori."

Notaries and Court
Officials.

Judicial district court.

As a transitory measure to meet the local situation ANS has agreed to the reorganization of the profession on the basis of a council for a district of one or more Tribunali (vide ANSOF letter 4004/L dated 16th October 1943).

The Notary is appointed as a public official for the purposes of

- (a) recording, drafting, contracts, declarations and testaments;
 - (b) attributing authenticity and public faith to these acts;
 - (c) depositing the originals in the archives of his office;
 - (d) issuing certified copies and extracts to interested parties;
 - (e) investing such acts with executive force; and
 - (f) carrying out the formalities of official registration where provided for by law.
- The Court Usher and Bailiffs attached to every tribunal (including that of the Communal Conciliation Magistrature), perform the following duties:
- (a) keeps order in Court and calls on the cases.
 - (b) Serves summonses, citations, notifications and levies execution.
 - (c) Has the right of drawing up all necessary documents in connection with these functions.

The "Ufficiali Giudiziari" are nominated by a decree of the Minister of Justice to Protoni, Tribunali, Corti d'Appello, but the "Ufficiali degli Uffici di Conciliazione" is appointed by the President of the Tribunal.

"UFFICIALI"

"GIUDIZIARIO"

- (f) carrying out the formalities of official registration where provided for by law.
- The Court Usker and "Uscieri" attached to every tribunal (including that of the Communal Conciliation Magistrate), performs the following duties:
- (a) Keeps order in Court and calls on the cases.
 - (b) Serves summonses, citations, notifications and levies execution.
 - (c) Has the right of drawing up all necessary documents in connection with these functions.

The "Ufficiali Giudiziari" are nominated by Decree of the Minister of Justice to Pretori, Tribunali, Corti d'Appello, but the "Uscieri degli Uffizi di Conciliazione" is appointed by the President of the Tribunal.

PART II

PROBLEMS ARISING OUT OF MILITARY OCCUPATION

1) Reopening of Courts.

As stated in the introduction, the first problem is to work out ways and means of reopening the local courts. Conditions will vary according to the provinces, but the following suggestions should be of use:

a) Preture. Each province may contain between ten and twenty preture.

If the preture are opened, it will be advisable not to elect them. The competence of this court is limited enough to prevent any serious interference of justice taking place.

Furthermore, supervision should be organized at once at the level set out in paragraph 6, infra.

If, on the contrary, some or all of the Preture are closed, it is recommended to reopen them as soon as practicable. In any case, especially in houses, areas the difficulty will be the lack of a minimum of the absence of competent magistrates. The Preture is unavailable, Vice Preture can not be easily set; if both are out of action there will exist in the town a number of "Protos" or Vice Preture "magistrate" and retired Preture; all are qualified to sit in Court and can be legally designated by CACs to take up the Preture's place.

b) Tribunale. Generally two are no more than four tribunals are likely to be found in each province. As they are composed of a number of chambers, civil and criminal, and they are interchangeable; it is likely that 100 or 200 will find little difficulty in collecting three of them to form a college for at least one criminal chamber, as far as the

West out ways and means of securing, but conditions will vary according to the province, but the following suggestions should be of use:

- a) Preture. Each province may contain between ten and twenty preture.

If the preture are opened, it will be advisable not to close them. The competence of this court is limited enough to prevent any serious miscarriage of justice taking place.

Furthermore, supervision should be organized at once on the lines set out in paragraph 6, *infra*.

If, on the contrary, some or all of the Preture are closed, it is recommended to reopen them as soon as practicable. In many cases, especially in bombed areas the difficulty will be the lack of personnel and the absence of competent magistrates. A Pretore is unavailable, Vice Pretore can not legally act; if both are out of reach there will exist in the town a number of "Pretore or Vice Pretore onorario" and retired Pretori; all are qualified to sit in Court and can be legally designated by CRO in to take up the Pretore's place.

- b) Tribunale. Generally two and no more than four tribunali are likely to be found in each province. As they are composed of a number of chambers, civil and criminal, and judges are interchangeable; it is likely that LOs or CROs will find little difficulty in collecting three of them to form a college for at least one criminal chamber. As far as the "Pubblico Ministero" is concerned, the "Procuratore" or the Senior "Sostituto" should be the official with whom closest liaison must be kept. All arrests are notified to his office, all local criminal records are in his hands, all penal procedure is initiated by his office. The control of the activities of the Police, the Investigative Magistrate (Giudice Istruttore) and the Courts themselves (Preture e Tribunali) can more easily be effected through the PM's departments.

- c) Corte d'Appello. One for four to sixteen tribunali dispersed over a number of provinces. The reopening of this court will be the responsibility of the Regional CRO and special instructions on policy, personnel, etc. will have to be issued to him. At the apex of the Court of appeal should be formed the "Italian legal advisory

Committee to the CIO", composed of four members. These should include at once the first President of the next Senior President, the Procureur Generale, the Senior Sostituto, the Presidente del Tribunale and the "Procureur del Re". At a later date when conditions and reorganization will allow the "President of the Bar Association" and the "President of the Notarial Council" should also become members. If there are more than one Corte d'Appello in a Region, sub-Committees of the Central Organization should be formed by local SIO to act on the same lines and keep constant liaison with it. The main functions of the committee should be as follows:

- (i) to reopen the Criminal and Civil Chambers of the Court of Assise as soon as instructed to do so by CIO.
- (ii) to reorganize the judicial personnel in their district in accordance with CIO's directives and to supervise their activities.
- (iii) to advise the CIO as to the necessary notifications to Italian judges which may be required at an early date.
- (iv) to ensure that Procedure remains uniform throughout the judicial district of the Court of Appeal and that amendments are put in force at the same time by every Court affected by them.
- (v) to advise CIO on any points of Italian Law.

2) Corte di Assise. The system under which the Court of Assise function in Italy is set forth in Part I. The Organization of Circuits is the responsibility of the Court of Appeal (Procureur Generale and President of Sections).

It should be one of the first problems discussed with the Legal Advisory Committee.

3) Conciliatori. To each type of Court is attached the "Conciliatore" of the Court of which is the "Corte Circillare" with a numerous staff. Their functions are similar to those of the Minister and the Registrar in British or American Courts.

No court can exist without the "Conciliatore" and it is therefore most important that this office should be in position to receive any activity first with. The question of their status will seldom arise as there exist invariably "Tribunale Civile", "Corte d'Appello", "Tribunale Militare", "Tribunale di Commercio" and can study on their work on a part and as

by CLO.

- (ii) to reorganize the judicial personnel in their district in accordance with CLO's directives and to supervise their activities.
- (iii) to advise the CLO as to the necessary modifications to judicial procedure which may be required at an early date.
- (iv) to ensure that procedure remains uniform throughout the judicial district of the Court of Appeal and that amendments are put in force at the same time by every Court affected by them.
- (v) to advise CLO on any points of Italian law.
- d) Corte di Cassazione. The system under which the Court of Cassation in Italy is set forth in Part I. The Organization of Cassation is the responsibility of the Court of Appeal (Procuratore Generale and President of Cassation).

It should be one of the first problems discussed with the Legal Advisory Committee.

- e) Conciliazioni. To each type of Court is attached the "Conciliazioni" as the head of which is the "Cassa Conciliazioni" with a ministerial staff. Their functions are similar to those of the Registrar in British or American Courts.

No court can work without its "Conciliazioni" and it is therefore most important that this office should be in position to manage its activities correctly. The question of personnel will seldom arise as there exist numerous "Conciliazioni" who can carry on with their work or start new ones in case any be. The personnel problem will be to find new offices and to transfer the archives of the former premises have been destroyed. Suggestions as to this point are contained in sub-graph "Buildings."

- f) Conciliazioni. The most inferior form of Conciliazioni with out criminal competence. They should never enter their functions and ought to be a help in settling up the cases before they are brought before the Court.

2) Organization of Justice.

From past experience, there appears to exist no happy medium as far as this problem is concerned. Either the prisons are completely empty (all prisoners having been released by treaty) or full to capacity and overcrowded with serious food shortages resulting.

There are three ways of obtaining prisoners without transgressing existing instructions or infringing the provisions of French law.

- (a) by setting up a small committee to deal with the French and similar prisoners (confine; sentences of the Tribunal de Spéciale or even the Tribunal Militaire).
- (b) by instructing Frenchmen to deal with the prisoners, to grant them conditional liberty on the seriousness of the offence, and to grant conditional liberty to already sentenced offenders. For further information see Appendix A.
- (c) by giving similar directions to Prosecutors General in regard to granting conditional liberty to already sentenced offenders. For further information see Appendix A.

3) Transport and Communications (Lack of).

This essential difficulty is certainly the most universal, as far as the Legal Division is concerned it affects, especially in the States, the following:

- (a) Judicial personnel, who cannot be brought from their own army bases, where they have taken refuge, to their own base.
- (b) Prisoners, who have no means to serve summons or appear in court outside the very small radius of the town they live in.
- (c) Prisoners, removed to jails outside the battle zone, who cannot be brought before the competent courts.
- (d) Prisoners on bicycles, for the same reason cannot proceed with their duties.
- (e) Prisoners, generally transferred to enforce a law of the State of the East.

There exist few roads to the prison and they depend entirely on local conditions. Some suggestions based on previous experience are given in the annex:

- (a) Regimentation of arms and motorcycles or even bicycles. Judicial personnel and prison guards can sometimes be relieved in areas where the armed forces have not remained too long.
- (b) Even good liaison exists between the local army units and

(c) by giving similar directions to Procurators General in regard to granting conditional liberty to already sentenced offenders. For further information see Appendix A.

3) Transport and Communications (Lack of).

This essential difficulty is certainly the most universal, in that the Legal Division is concerned it affects, especially in remote areas, the following:

- (a) Judicial personnel, who cannot be brought from their legal duty houses, where they have taken refuge, to their offices.
- (b) Procurator servers, who have no means to serve summons or citations within the very small radius of the town they live in.
- (c) Prisoners, removed to jails outside the battle area who cannot be brought before the competent courts.
- (d) Judges on Circuit, for the same reason cannot proceed with their duties.
- (e) Prisoners, generally transferred to safer areas distant from the seat of the Court.

There exist few remedies to this problem and they depend entirely on local conditions. Some suggestions based on previous experience are enumerated below:

- (a) Requisitioning of cars and motorcycles or even bicycles. Judicial personnel and process servers can sometimes be stationed in areas where the armed forces have not remained too long.
- (b) When good liaison exists between the local army units and SMOs, lorries and trucks may from time to time be obtained to remove prisoners and archives.
- (c) General passes for judicial officials should be obtained for them, so as to be possible from the competent authorities to enable them to travel by rail or road whenever such services function.
- (d) Facilities should be granted to Judges on Circuit or Pretori to travel with the regular courier.
- (e) As the services of the Post Office will no doubt be disrupted for a certain amount of time, cases should be instructed to accept judicial correspondence from the legal units to be forwarded to HQ for distribution to proper quarters and vice versa.

4) Salaries and Indemnities.

This matter should be investigated at once with available judicial personnel and Finance Officer. All salaries and indemnities should be maintained. FCOs will give necessary instructions to the Treasury Department of the local branch of the Base. It is the duty of its agents and, if required, supply the necessary funds.

5) Legal Competence of Military and Civil Courts under Executive Order and Italian Legislation.

There is no local condition which determines the policy. At the start Allied Courts will try all Prosecution offences until such time as the Civil Courts are in a position to handle them of some of their burden. As to the possible C.I.C. in Military Committee should decide which type of offences under a legal jurisdiction will be reserved to the Allied Courts in any event. It is suggested that all offences against Allied personnel and property and possibly black market crimes should always be tried by Allied Courts. Most of the offences would come within the competence of the local courts when they are in a position to administer justice. As soon as a decision has been reached, it should be notified to all C.I.C. and C. ... On the basis of an order or of a directive. In fact, if any, there is no Military Force and establishment, but still under the control of Italian authorities, the latter should be asked to issue the regulations needed to protect our personnel, material and L. of C.

6) Administration of Civil Courts.

The physical presence of L. of C. at each session of the Court is a responsibility, the best way of ensuring sufficient supervision is by way of the Military Committee or one of its members (preferably the Procurator). However, as given this function will report solely to the C.I.C. on the activities of all the Courts. It must be made responsible for the discharge of justice which is very full to satisfy. At lower levels Procurators should report directly to L. of C. or C.I.C. in the functioning of their Courts. Power of reviewing sentences of Civil Courts being vested in Allied authorities, it must be ensured that all prisoners are given adequate facilities to have in their place to them. General instructions to that effect must be given to the Government of the prison by the Italian authorities.

The policy to be followed by Civil Courts, within the limits of existing or proposed Italian legislation should be the subject matter of regular discussions at the meetings of the Military Committee.

of some of their burden, as soon as possible C.I.C. the Advisory Committee should decide which type of offenses under or for legislation will be reserved to the Allied Courts finally. It is suggested that all offenses against allied personnel and property be passed by Allied Courts. Crimes should always be tried by Allied Courts. Some of the others would come within the competence of the Allied Courts when they are in a position to administer justice. As soon as a decision has been reached, it should be notified to all C.I.C. and C. On by means of an order or at least a directive.

In any case, if any, where Allied Military Review can be established, but still under the control of Italian authorities, the latter should be asked to take the requisite steps to protect our personnel, material and honor.

6) Supervision of Civil Courts.

The physical presence of C.I.C. at each session of the Court, being an impossibility, the best way of ensuring efficient supervision is by way of the Advisory Committee or one of its members (preferably the Procurator). Where is given thus position will report weekly to the C.I.C. on the activities of all the Courts. It must be made responsible for an, in charge of justice which be any Civil to notify. At lower levels Peccorelli should report directly to C.I.C. or C.I.C. on the functioning of their Court. Review of reviewing sentences of Civil Courts being vested in Allied authorities, it must be ensured that all prisoners are given adequate facilities to perform their plans to them. General instructions to first effect must be given to the Government of the prisons by the Italian authorities.

The policy to be followed by Civil Courts, within the scope of existing or amended Italian legislation, should be the subject matter of regular discussions at the meetings of the Advisory Committee.

7) United Temporary Legislative.

The laws should be published by order of the Allied authorities, they may originate from two sources:

- (a) Allied Requirements;
- (b) Local Needs.

They should never affect organic legislation or the substance of any Italian law, but only procedure.

It is certain that Italian judicial authorities will from time to time require from the Allied authorities that certain steps be taken in order to prevent injustice or unnecessary hardship.

Many of these have been already published in weekly and should meet at least some of the contingencies S.I. 3.1.05, are likely to encounter in their respective circumstances:-

See Appendix "B"

8) Appointment of Judicial Personnel

Local conditions will prevail. In regions extensively affected by operations, judicial personnel will be supplied all over the country without any words of transport enabling them to join their posts. A list of members should be compiled by the Advisory Committee at the earliest possible time together with the names of possible candidates. These should be examined personally by the Secretary Staff who unfortunately will have extremely little about them. In any case a change must be made as soon as a potential candidate is found. They cannot do much more until they are all eventually approved by the Political Commission. In the meantime they will have served a useful purpose. Furthermore the percentages of violent offences in the judicial personnel is very small.

9) Re-organization of Council of Ministers

In closely the present legislation affecting these areas has been disrupted. They have been reorganized under the provisions of the former constitution which were also placed in consultation with the local administration by all the Ministers. This reorganization, which appears to be popular there, is out directly and to meet the requirements of the local situation as decided by the Attorney General (122). S.I. 3.1.05, should conform to them if and when they decide to proceed with such reorganization.

10) Publications (under Transport)

In most cases the Police of Justice and the Police will have been destroyed or damaged. Publications should be in the hands of the Prefecture as they require little space.

The definite instructions can be given to the Prefecture of the High Court to be given to the Prefecture; it is a matter of purely local conditions. In certain cases a list of the publications of a court of appeal can even be transferred to another town. (Message to the Prefecture for instance).

conditions. These should be examined promptly by our Security Staff who unfortunately will know extremely little about them. In any case a chance must be taken with competent officials even if their political leanings are not what is sought to have them. They cannot be much longer while they remain under the general supervision of their colleagues and will eventually be removed by the Italian themselves. In the meantime they will have served a useful purpose. Furthermore the percentage of violent Fascists in the judicial personnel is very small.

9) Reorganization, Council of Ministers:

In Sicily the Fascist legislation collecting these bodies has been abrogated. They have been re-organized under the provisions of the former legislative at date governing these associations, with slight modifications by Allied Ordinances. This reorganization, which appears to be popular there, put Sicily and to meet the interests of the legal class is embodied in the attached Order (142). C.I.G. should confirm to them if and when they decide to proceed with such reorganization.

10) Bullaines (under Transport)

In most towns the Palace of Justice and the Prefecture will have been subjected to damage. Prefecture are always sit in the Municipio or the Prefettura as they require little space.

No definite directions can be given as to the transfer of the Higher Courts to suitable premises; it is a point entirely on local conditions. In certain cases the Court of Appeal or Court of Appeal can even be transferred to another town. (Monsieur to be consulted for instance).

11) Protection of Archives:

This should be entrusted entirely to Italian authorities (Police and Carabinieri). In all probability no investigation

In Para. 5, involves will be dispersed all over the Province, generally in small out of the way towns where the risk of bombing is minimized. Criminal records of individuals and files of pending cases should be made available to the Courts as soon as they reopen. It will need serious pressure on the transport officers to obtain these into vehicles and labour to achieve this.

1 NOVEMBER 1943

G.C.H. and A.R.T.

APPENDIX "A"

SUBJECT: RELEASE AND LITERATION OF PRISONERS OF WAR CAPTURED BY OR AWAITING TRIAL IN ITALIAN COURTS.

TO : AME S.I.Os. (through S.C.A.Os.)

1. This letter is in clarification and amplification of previous directives on the above subject.

2. Three classes of liberation exist under the Italian law: provisional liberty, upon trial or pending appeal; conditional liberty after 18 and one half of the sentence of these quarters in the case of previous offenders; and Brazil (pardon), which includes reduction of sentence.

3. Provisional liberty is granted by the Procuratore del Re or by a Judge or court, according to the nature of the proceeding. The power has been extended by order of the AME S.I.O. Military Government to cases in which provisional liberty is not permitted under the Italian Penal Code.

4. Conditional liberty is granted by the Ministry of the Interior at Rome upon recommendation of the Pretore, if imprisonment in a penitentiary jail other than of the Casa di Internamento of the Tribunale of the place of confinement by order of the Allied Military Government, and S.C.A.O. or the place of confinement has power to receive influence on conditional liberty even in cases of permanent under the Italian law, after receiving the opinion of the competent Italian authority. He may exercise his power by a commission of suitable officers appointed by him, which may include an Italian official.

5. Pardon in the Italian law is granted by the King through the Ministry of Pardon and Justice at Rome on application of the prisoner and recommendation of the Procuratore del Re or the place of conviction. In AMCOF, the power resides in the Military Government. In view of the limited power of conditional liberation, there should be little or no appeal from or exercise of the power of pardon. An application which has been granted by the Procuratore del Re for pardon may be determined as one for conditional liberty.

6. Where information is necessary for consideration of an application in any available within the place and it is feasible to obtain it from an authority within territory under Allied or friendly control, it should be requested, together with formal application if appropriate.

7. Petitions for consideration of final release by Italian Courts before occupation will not be entertained by the Allied Military Government. Absent Italian authority may be instructed to provide payments in installments or to extend time for payments.

8. In considering applications for conditional liberty the following information may be useful. Before the release of prisoners or to

part of the sentence of three years of imprisonment or more.

Provisional liberty is granted by the Procuratore del Re or by a judge or court, concerning to the nature of the proceeding. The power has been extended by order of the King to Military Government to crimes in which provisional liberty is not permitted under the Italian Penal Code.

4. Conditional liberty is granted by the Ministry of the Interior at home upon recommendation of the Pretore, if imprisonment in a mandamental jail other than of the District Directorate of the Tribunale of the place of confinement. By order of the Allied Military Government, see S.O. 1.6. at the place of confinement has power to grant release on conditional liberty even in cases not permitted under the Italian law, after receiving the opinion of the competent Italian authority. He may exercise his power by a commission of suitable officers appointed by him, which may include an Italian official.

5. Pardon in the Italian law is granted by the King through the Ministry of Justice at home on application of the prisoner and recommendation of the Procuratore del Re of the place of conviction. In ANGOT, the power resides in the Military Governor. In view of the broad power of conditional liberation, there should be little or no occasion for exercise of the power of pardon. An application which has been processed by the Procuratore del Re for pardon may be recommended as one for conditional liberty.

6. Where information necessary or desirable for consideration of an application is not available within the Province and it is feasible to obtain it from an authority within territory under Allied or friendly control, it should be requested, together with formal opinion if appropriate.

7. Petitions for consideration of cases lodged by Italian Courts before occupation will not be entertained by the Allied Military Government. Consistent Italian authority may be instructed to permit payments in installments or to extend time for payments.

8. In considering applications for conditional liberty the following information may be useful. Before the war less than 1 or 1/5 of the applications were granted. After the war and before the occupation it was the practice to grant every application where the prisoner was eligible, unless a political or war offense was involved.

9. General principles stated before occupation, the application of which becomes appropriate from time to time in particular cases, should be treated as still in effect.

10. The matters of liberation discussed above should not be confused with the power to suspend a sentence to the term of judgment, under Articles 163, 165, 164, - 168 of the Code of Penal Procedure. That power still exists.

11. The labor and pecuniary liability of limiting the matters discussed herein should be imposed on the competent Italian authorities to the maximum possible extent.

12. This instruction is issued under the status of AGC as of this date and is subject to any changes which may take place in that status.

APPENDIX "B"

SUBJECT : TEMPORARY AGREEMENTS TO ITALIAN PENAL PROCEDURE.

TO : THE PRESIDENT OF THE COURT OF APPEAL, MILANO . 2407/1001/L.
FROM : THE CHIEF PENAL COUNCIL, ANCONA, S. Q. 19th DEC. 1943.

1. I have studied with interest your memorandum of 13th August, and as a result of your recommendation, I agree that details, among the provisions of the Italian Penal Code and Code of Penal Procedure, the following forms of procedure will be accepted to meet present emergencies:-

(a) The legal delay between date of service and date of trial is to be reduced to 5 days.

(b) Articles 462 and 463 of the Code of Penal Procedure to be modified so that whenever witnesses or engaged parties are absent or cannot be served by reason of the state of war, the Court may have power to dispense with their presence and to order that the evidence given by them before the examining magistrate should be read in toto.

(c) Article 419 (concerning joint trial of joint defendants, see Article 414, (permitting separate trial of joint defendants) to be amended to permit separate trial of joint defendants when it is impossible to produce all the joint defendants.

(d) The Court, on Presentation to them the right to grant provisional liberty even in cases not forth in Article 453 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances of the case that seem considered do not justify the continuous detention of the accused.

(e) If in any case before it the Court is of the opinion that the minimum sentence for the offence charged is excessive under the circumstances of the particular case, it will forward the matter to the Chief Legal Officer of ANCONA with its recommendations.

Temporary Amendments to Civil and Penal
Procedure.

ART I. The Procuratore della Legge shall have the right to order that an accused whether under arrest or at liberty be brought before the Court without further investigation, as set forth in Articles 502 to 505 of the C.P.P. and he shall not be bound by the provisions specified in Article 502 in connection with legal delays.

ART II The course of prescription in regard to the entries to be effected in the mortgage register is suspended from July 10th until further notice.

ART III The course of prescription in civil, penal and financial actions already started on July 10th is hereby suspended and legal terms extended until further notice.
All other terms in connection with cases of the competence of the Corte di Cassazione, Council of State, Court of Accounts and the High Court of Public Water Supply or any other Court sitting outside Sicily, are hereby suspended until new regulations have been instituted to reorganize such procedure.

ART IV Civil actions already on the roll for which a date of hearing has been fixed after 1st October, 1943 or adjourned to a specific date after October 1st by order of the Court will follow their normal course. The Judge will determine if one or both parties are not represented or their legal representative has failed to appear, that the hearing be adjourned and the parties duly notified of the new date of hearing.

ART V. Civil actions already on the roll for which no date of hearing is fixed or for which a previous adjournment was granted, before October 1st, will be heard in successive sittings starting from October 1st as soon as the Court Register will have been able to notify the parties' legal representatives of the exact date, or, in their absence, the parties personally.

ART VI. Copies of the original summons will have to be served upon at the request of the most diligent party, when the date fixed for the hearing of the case falls after 15th April, 1943 and the civil action therein referred to was not already on the roll.

ART VII. In all actions, civil or penal, when service of summons may legally be effected by post, a duplicate service will be made by judicial process server three days after the date of the posting of the first summons.

actions already started on July 10th is hereby suspended and legal terms extended until further notice.

All other terms in connection with cases of the competence of the Corte di Cassazione, Council of State, Court of Accounts and the High Court of Public Water Supply or any other Court sitting outside Sicily, are hereby suspended until new regulations have been instituted to reorganise such procedure.

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ART V. Civil actions already on the roll for which no date of hearing is fixed or for which a previous adjournment was granted, before October 1st, will be heard in successive sittings starting from October 1st as soon as the Court Registrar will have been able to notify the parties' legal representatives of the exact date, or, in their absence, the parties personally.

ART VI. Copies of the original summons will have to be served again at the request of the most diligent party, when the date fixed for the hearing of the case fell due after 15th April, 1943 and the civil action therein referred to was not already on the roll.

ART VII. In all actions, civil or penal, when service of summons may legally be effected by post, a duplicate service will be made by judicial process server three days after the date of the posting of the first service.

ART VIII. In civil actions when the absence of one or both parties is due to the fact that no summons can be served on them, or if appearance cannot be entered owing to the present new conditions, a special curator may be appointed to represent the absent party or parties under the provisions of Articles 73, 79 and 80 of the Code of Civil Procedure, whenever such absence would be prejudicial to the party or parties concerned.

ART IX. In all cases where the law provides that judicial decisions or other notices be published in the official Gazette or the official Bulletin of the Province, such publication will be made in the local newspaper two days in succession.

ART X. All newly appointed officials will take the following oath:-
 "I swear to observe the law and to fulfil my duties with conscience."

APPENDIX "C"

NOTES ON GROUNDS OF APPEAL

The following is a resume in outline only of the grounds of appeal from the lower to the higher courts conforming with the Supreme Court of Italy, the Court of Cassation--"Corte di Cassazione".

The appeal against a judgment and opposition against a condemnation by default constitute the two main kinds of grounds of appeal in Italian law.

GENERAL PRINCIPLES.1. Procedure to Tribunale.

(i) In all cases of sentence or detention or of fine exceeding L. 2,000, or when the accused is declared to be an habitual or professional delinquent.

(ii) In cases of acquittal for reasons of insufficient proof or of judicial pardon, in the latter case is one punishable by exclusion.

(Appeal by Public Minister).

(iii) The representative of the Public Minister may likewise enter an appeal in all cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

2. Procedure to Corte d'Appello.

(i) Appeals in second instance from Preture.

(ii) On same grounds as (i) above.

(iii) On same grounds as (ii) above.

(iv) By the Procuratore del RE or Procuratore Generale at Court of Appeal on same grounds as above.

3. Corte d'Appello and Corte d'Appello to Corte di Cassazione.

Recourse to the Court of Cassation lies in the following cases:

(i) Disregard of or error in application of the penal laws or other judicial rules of which account must be taken in applying penal laws.

(ii) Exercise by the judge of some power reserved by law to the legislative or administrative departments of State.

(iii) Disregard of regulations of the Code involving nullity, inapplicability or prescription.

- (ii) in cases where the Public Minister may likewise enter an appeal (appeal by Public Minister).
- (iii) The representative of the Public Minister may likewise enter an appeal in all cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

2. Tribunale di Corte d'Appello.

- (i) Appeals in second instance from Pretore.
- (ii) On same grounds as (i) above.
- (iii) On same grounds as (ii) above.
- (iv) By the Procuratore del RE or Procuratore Generale at Court of appeal on same grounds as above.

3. Corte di Cassazione and Corte d'Assise to Corte di Cassazione.

Recourses to the Court of Cassation lies in the following cases:

- (i) Disregard of or error in application of the penal laws or other juridical rules of which account must be taken in applying penal laws.
- (ii) Exercise by the judge of some power reserved by law to the legislative or administrative departments of State.
- (iii) Disregard of regulations of the Code involving nullity, indismissibility or prescription.

Before all courts the accused may appeal against a sentence or judgment fixing the amount of damages awarded or expenses ordered to be reimbursed to third parties; likewise intervening third parties ("parte civile") and the party civilly responsible for payment of any fine imposed upon the accused may impugn the judgment in a like manner.

COURT OF CASSATION

The Corte di Cassazione, the Supreme Court of Italy, has its seat in Rome, a fact which under present circumstances renders it impossible for the Italian Courts functioning under law to have recourse to its permanent jurisdiction or be regulated by its national contribution. Appeals to the Supreme Court are suspended therefore for the time being.

- 2 -

ARRESTO	Arrest or sentence to short imprisonment.
ARROLAMENTO	Recruiting or enrolment of Italian Citizens in foreign forces.
ASSAGGIO	Sample.
ASSICURAZIONE	Assurance. E.g. ... contro i danni == against loss; sulla vita = .. on life.
ASSOLUZIONE	Acquittal.
ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI GIUDIZIARI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
AUDIZIONE	Hearing.
AVVENENIMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Barristers, only concerned in pleading before Court.
AZIONE CIVILE	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.

- 3 -

BANCAROTTA.

Prudent bankruptcy. Vido: "Mallimento" - Arts. 694 and 856 et seq. Com. Code.

ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI GIUDIZIARI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
AUDIZIONE	Hearing.
AVVELENAMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Barristers, only concerned in pleading before Court.
AZIONE CIVILE	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.
- B -	
BANCAROTTA	Prudent bankruptcy. Vide: "Fallimento" - Arts. 694 and 856 et seq. Com. Code.
BANNO	Proclamation. Also banishment, exile.
BARRATTERIA	Cheating, charlatanism, chicanery.
DEMENTICO D'INVENTARIO	Acceptance of deceased's estate.
BENESTARE	Approbation.
BENI	Property in general e.g. beni immobili immobili.
BESTEMIA	Blasphemy - an offence under Art. 724 of C.P.
BIBICO	Person who has remarried.
BOLLO, CAR. DA	Stamped paper.

APPENDIX "C"

NOTES ON GROUNDS OF APPEAL

The following is a resume in outline only of the grounds of appeal from the lower to the higher courts to starting with the Supreme Court of Italy, the Court of Cassation--"Corte di Cassazione".

The appeal against a judgment and opposition against a condemnation by default constitute the two main kinds of grounds of appeal in Italian law.

GROUNDING APPEALS1. Recourse to Tribunale.

- (i) In all cases of sentence of detention or of fine exceeding L. 2,000, or when the accused is declared to have exhibited or professed himself delinquent.
- (ii) In cases of acquittal for reasons of insufficient proof or of judicial error, if the charge is one punishable by reclusion.
- (iii) The representative of the Public Minister may likewise enter an appeal in all cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

2. Tribunale to Corte d'Appello.

- (i) Appeals in second instance from Preture.
- (ii) On same grounds as (i) above.
- (iii) On same grounds as (ii) above.
- (iv) By the Procuratore del Re or Procuratore Generale at Court of Appeal on same grounds as above.

3. Corte d'Appello and Corte d'Appello to Corte di Cassazione.

Recourse to the Court of Cassation lies in the following cases:

- (i) Disregard of or error in application of the penal laws or other judicial visum of which account must be taken in applying penal laws.
- (ii) Exercise by the Judge of some power reserved by law to the legislative or administrative departments of State.
- (iii) Disregard of regulations of the Code involving nullity, invalidity or inapplicability.

Before all courts the accused may appeal against a sentence or judgment for the reasons of error or excess or extends orders to be reconsidered to third

- (ii) In cases of acquittal for reasons of insufficient proof or of judicial pardon, if the charge is one punishable by recidivism.
(appeal by Public Minister).
- (iii) The representative of the Public Minister may likewise enter an appeal in such cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

2. Tribunale to Corte d'Appello.

- (i) Appeals in second instance from Preture.
- (ii) On same grounds as (i) above.
- (iii) On same grounds as (ii) above.
- (iv) By the Procuratore del Re or Procuratore Generale at Court of Appeal on same grounds as above.

3. Corte d'Appello and Corte d'Appello to Corte di Cassazione.

Recourse to the Court of Cassation lies in the following cases:

- (i) Disregard of or error in application of the penal laws or other judicial rulings of which account must be taken in applying penal laws.
- (ii) Exercise by the judge of some power reserved by law to the legislative or administrative departments of State.
- (iii) Disregard of regulations of the Code involving nullity, intransmissibility or prescription.

Before all courts the accused may appeal against a sentence or judgment fixing the amount of damages awarded or expenses ordered to be reimbursed to third parties; likewise intervening third parties ("terzo civile") and the party civilly responsible for payment of any fine imposed upon the accused may impugn the judgment in a like manner.

COURT OF CASSATION

The Corte di Cassazione, the Supreme Court of Italy, has its seat in Rome, a fact which under present circumstances renders it impossible for the Italian Courts functioning under law to have recourse to its permanent jurisdiction or be regulated by its final attributions. Appeals to the Supreme Court are suspended therefore for the time being.

APPENDIX "C" (CONT'D)

Jurisdiction.

Over all Courts both Criminal and Civil and Administrative tribunals. Only exception is the Senate sitting as a judicial assembly to judge members of the legislature.

Composition.

First President, 11 Justices, 4 Presidents and 87 Counsellors. Sectional Senate are composed of bodies of 7 Judges and a plenary Session of all sections.

Competence.

1. Decides only on points of law and not points of fact.
2. Maintains exact observance and uniformity of interpretation of the law.
3. Determines jurisdictional limits and resolves conflicts of competency.
4. Hears appeals in civil matters delivered in second instance by the Courts of Appeal, Tribunaux and Proconsul, and in the case of judgments against which there is no appeal to the ordinary courts, a judgment upheld by a re-sitting of the same court when the second sentence is contested on the same grounds as the first. In the latter case the session is a plenary one.
5. Hears appeals in first instance from the Courts of Justice on points of law, procedure and jurisdiction, but not on amount of sentence.

Judgment.

The Court does not pronounce a judgment in the ordinary sense of the term but orders, i.e., directs the Judges and subordinates the law to the lower courts.

Then the Court of Cassation issues a decision, annulling judgment or sentence or commutation, the following procedure is adopted:

- (1) If a judgment is given, the Court of Cassation sends back the case to the Judge who decided it and the then pronounces the sentence of annulment.
- (2) If it is a sentence of a Court of Appeal which is quashed, the case is sent back to another Section of the same Court or to another neighbouring Court.
- (3) If it is that of a Court of Justice, Tribunal or Proconsul, the judgment is sent back to another Court or Judge of the same rank or another President of the same Court for pronouncement.

2. Maintains exact observance and uniformity of interpretation of the law.
3. Determines jurisdictional limits and resolves conflicts of competency.
4. Hears appeals in civil matters delivered in some measure by the Courts of appeal, Tribunal and Prefect, and in the case of judgments against which there is no appeal to the ordinary courts, or judgments upheld by a revisiting of the same court when the second sentence is contested in the same principle as the first. In the latter case the session is a plenary one.
5. Hears appeals on first instance from the Courts of appeal in matters of law, procedure and jurisdiction, but not on account of sentence.

Judgment.

The Court does not pronounce a judgment in the ordinary sense of the term but orders, and directs the judges to interpret the law to the lower courts.

When the Court of Cassation decides revision, annulment or judgment or communication, the following procedure is adopted:

- (1) If a judgment is annulled, the Court of Cassation sends back the case to the judge who decided it and the case pronounces the sentence of annulment.
- (2) If it is a sentence of a Court of appeal which is quashed, the case is sent back to another section of the same Court or to another neighbouring Court.
- (3) If it is that of a Court of appeal, Tribunal or Prefect, the judgment is sent back to another Court or judge of the same rank or another section of the same Court for pronouncement.

The same principle applies to the decisions of examining magistrates.

- 2 -

ARRESTO	Arrest or sentence to short imprisonment.
ASTOLAMENTO	Recruiting or enrolment of Italian Citizens in foreign forces.
ASSAGIO	Sample.
ASSICURAZIONE	Assurance. E.g. ... contro i incendi == against loss; sulla vita = .. on life.
ASSOLUZIONE	Acquittal.
ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI CIBILIZIARI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
ADIZIONE	Hearing.
AVVELENAMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Barriers, only concerned in pleading before Court.
AZIONE CIVILE	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.

- 3 -

BANCAROTTA. Voluntary bankruptcy. V. also: "Fallimento" - Atti. 694 and 856 et seq. Com. Code.

Proclamazione di morte. Death certificate.

ATTENTATO	Original attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI GIUDIZIARI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
AUDIZIONE	Hearing.
AVVELENAMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Barristers, only concerned in pleading before Court.
AZIONE CIVILE	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.
- B -	
BANCAROTTA	Insolvent bankruptcy. Vide: "Fallimento" - Arts. 694 and 856 et seq. Com. Code.
BANDO	Proclamation. Also banishment, exile.
BARBARFARIA	Cheating, charlatanism, chicanery.
BENEFICIO D'INVENTARIO	Acceptance of deceased's estate.
BENESTARE	Approbation.
BENI	Property in general o.g. beni immobili e mobili.
BENEFICIA	Blasphemy - an offence under Art. 724 of C.P.
BIBBIO	Person who has remarried.
BOLLO, CARTE DA	Stamped paper.

APPENDIX "D"

VOCABULARY OF USUAL TERMS IN ITALIAN

LEG. PROCEDURE.
(3rd and 4th Edition)

- A -

ABBANDONO	Abandon of domestic domicile - grounds for judicial separation.
ABITUALITA	Condition of habitual delinquent.
ABORTO	Abortion.
ABRAZIONE	Erasure.
ACCATTUNAGGIO	Mentality.
ACCERTAMENTO	Verification (of identity).
ACCOMMODARE	Form of commercial undertaking lying between a corporation and a partnership. (Vide: Società).
ACCOMPAGNAMENTO	(Vide: Maritato o accompagnamento).
ADEMPIMENTO	Redemption of a charge or mortgage or execution of a contract.
ADMISSIONE	Bill posting.
ADIMPIATORE	Lessee, landlord.
APPETTO	Id.
ADITTUARIO	Tenant.
AGVOLAZIONE COIPESA OR INOLSA	Act of facilitating a criminal act. (Accessory before the fact).
AGENDA	Fine imposed as the result of a misdemeanor, such as breaking town or traffic regulations, for which no imprisonment sentence can be inflicted (contravvenzione).
AMMONITO	Ammonition.
AMONIZIONE	Police measure - restricted for non.
AMISTA	Amity - Grant of pardon to a class of offenders or for certain types of crime.
AMORARIO	For control laws; e.g. reato amorario = offense against rationing laws.

ACCERTAMENTO	Verification (of identity).
ACCOMANDITA	Form of commercial undertaking lying between a corporation and a partnership. (Vide: Società).
ACCOMPAGNAMENTO	(Vide: Mandato di accompagnamento).
ACQUEDOTTO	Redemption of a charge or mortgage or execution of a contract.
ADDESSIONE	Bill posting.
ADITTATORE	Lessee, landlord.
ADIVITO	Lo . . .
ADITTUARIO	Tenant.
AGGIUVAMENTO COLPITA O COLPITA	Act of facilitating a criminal act. (Accessory before the fact).
AGGIUNTA	Fine imposed as the result of a misdemeanor, such as breaking town or traffic regulations, for which no imprisonment sentence can be inflicted (contravvenzione).
AGGIUNTO	Amendment.
AGGIUNZIONE	Police measure - restricted freedom.
AGGIUNTA	Amnesty - Grant of pardon to a class of offenders or for certain types of crime.
AGGIUNTO	Good control laws; e.g. reato onorario = offense against national law.
AGGIUNTI	Pledge by debtor to creditor of enjoyment of immovable property to satisfy debt = anticrese (Tr.)
AGGIUNTO	Person without nationality (e.g. homeless) and as such subject to Italian jurisdiction.
AGGIUNTO	Dating out work under contract.
AGGIUNTO	Aggiunto di legge.
AGGIUNTO	Aggiunto dei sigilli

BORSEREGIO

Larceny - pickpocket.

BREVETTO

Patent.

BUONA CONDOTTI, CAUTIONE DI CAUTION FOR GOOD CONDUCT

BUONA FIDE

Good Fides.

BUONO

Good. U.S. Buono del tesoro = treasury bond.

CALCE, IN CALCE

A foot of a page.

CALUMIA

Act of falsely implicating an innocent person.

CAMBIO

Bill, Lettera di cambio. E.C. Scadenza della cambiale = date of maturity of bill.

CANCELLERIA

Registrar's Office.

CANCELLIERE

Registrar of Court who takes evidence in long hand. All Courts and magistrates have a registrar or a clerk in attendance.

C.A.P.A.

Deposit to guarantee conclusion of a contract. E.C. Caparra confirmatoria, or caparra penitenziale = deposit to be forfeited in case of non-execution.

CAPOVERSO

Telegraph.

CASCELLARIO CRIMINALE

Individual criminal record files.

CAVUELA

Surety, caution money.

CHITOGRAFIO

(See page 12 for DEFINITION & USE)
Note of hand or promissory note. (For formalities required - Com. Code 1325.)

CHIUSURA

Closure U.S. chiusura del dibattimento = closure of ongoing proceedings or debate.

CITAZIONE

Summons to appear before Court as a witness (not to be confused with the warrant "di comparizione" issuing with persons having to appear before the "giudice istruttore" or examining magistrate before the trial).

CAJCE, IN CAJCE
A list of a page.
Lot of falsely inculcating an innocent person.
CHIEF
Bill, Letter to Cajce, E.C. Bonanza della
cubicle = data of activity of bill.
CAJCE
Registrar's Office.
CAJCE
Registrar of Court who takes evidence in long
hand. All Courts and magistracies have a registrar
or a clerk in attendance.
CAJCE
Deposit to guarantee conclusion of a contract.
E.C. Sereno confirmation or certain penitentiary
= deposit to be forfeited in case of non-execution.
CAJCE
Paragraph.
CAJCE
Individual criminal record files.
CAJCE
Surety, caution money.
(SEE PAGE 15 FOR C.E. 100 & C.E. 101)
CAJCE
Note of bill or promissory note. (for formalities
required - Com. Code 1325.)
CAJCE
Closure E.C. chiusura del dibattimento = closure
of enquiry, proceedings or debate.
CAJCE
Summons to appear before Court as a witness (not to
be confused with the warrant "di comparizioni"
dealing with persons having to appear before the
"giudice istruttore" or examining magistrate before
the trial).
CAJCE
Citizenship.
CAJCE
Chiesa, review.
CAJCE
Comparison of documents - checking.
CAJCE
Collazione, PERIODICO MANIPOLING of objects to danger of public.
CAJCE
Contractor and contract between landlord and tenant
for agricultural lease.
CAJCE
Clark, employee in office.
CAJCE

- 4 -

COMMISSIONE PROVINCIALE	Commission composed of Prefect, Questore, Procuratore del Re, Capo Carabinieri, Capo Milizia who decide that a person be sentenced to amonizione or exilium.
COMPAGNIZIONE:	Companionship, to assist.
COMPARE:	Appearance, to enter as appearance.
COMPETENZA:	Competence, jurisdiction. Eg Competenza per materia, or Competenza per territorio.
COMPUTO (delle pene)	Method of reckoning duration of penal sentences; fixation of legal limitations.
Complesso, nel	In toto
Conciliatore	Concursal conciliation Magistrate
CONCORSO	Complicity
CONDANNA	Sentence of condemnation.
CONFLITTO	Police measure without trial or on call; generally political offence.
CONCERNIZIONE CAUSALE	Carnal knowledge. Rape, violent violence example, ratto.
CONIUGI	Spouses
CONVULSIONE	Convulsion, used with a number of crimes committed by the same individual and within the competence of different courts or if a number of persons are connected with the same crime, but not in the same degree.
CONVULSIONI	Description of a person's physical and characteristics for identification purposes.
CONSAPEVOLE	Conscious, or consapevole del fatto.
CONSERVA	Seizure by bailiff (ufficiale giudiziario)
CONSERVATORE	Retention of transactions in and charges of property.

COMPUTO (delle pene)	Method of reckoning duration of penal sentences; fixation of legal limitations.
Complesso, nel	In toto
Cancellatore	Communal cancellation Magistrate
CONCORSO	Complicity
CONDAMNA	Sentence of condemnation.
CONTINUO	Police measure without trial or in fact; generally political offence.
CONCINZIONE CARNALE	Carnal knowledge. Rape, violent violence carnale, fatto.
CONIUGIO	Spouses
Connessione	Connection, used when a number of crimes committed by the same individual are within the competence of different courts or if a number of persons are connected with the same crime, but not in the same degree.
CONNOTATI	Description of a person's physiognomy and characteristics for identification purposes.
CONSAPEVOLE	Cognizant, of consapevole del fatto.
CONSEGUA	Seizure by Bailiff (Ufficiale giudiziario)
CONSERVATORE	Registrar of transactions in and charges on property.
CONSIGLIO di SARVEGLIANZA	Prison Overseers.
CONSORZIO	Consortium, syndicate, association.
CONSIGLIA MUNICIPALE	Municipal council
CONSEGUENZE	Custom, routine.
CONSIGLIERI TECNICI	Technical advisers.
CONDAGGIO VERBALE delitto di	Offense of transmitting verbal real evidence.
CONTRAVVENZIONE	Misdemeanor or petty offences.

CRISTIANO

05294100-2

muscular, undulating, volcanic, mountain.

CONCLUSION

QUESTIONS

Pharmaceuticals.

SUNTECH CAPITAL MANAGEMENT

There is no evidence of multiple comparisons and the overall p-value is 0.0001.

INTRODUCTION

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1990-1991

form of bond quality, expectation of time limits.

2011-01-08

DOI: 10.1002/for

IDENTIFICATION

should be added by course of record of biological and
invertebrate invertebrate groups, as exception of
various elements.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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DATA COLLECTION

Outcomes of studies on strategy.

CONCLUSION

Information Division has been referred to the judicial authorities.
 11.4.2. The investigation is continuing.

THE UNIVERSITY OF CHICAGO

THEORY

plant-building rounds.

ONLINE

Denial of the possibility of a criminal trial before the Court.

10157

$$\mathbb{P}(\text{first } t \pm \delta t \text{ hit}) = (v_{\text{eff}} \delta t) \cdot \int_{\mathbb{R}^d} \rho(\mathbf{x}) d\mathbf{x}$$

THE

Sumner, J. 1999. *Journal of the American Water Resources Association* 35:1041-1046.

Discussion 14-14

questionnaire, etc.

THESE

[illegible]

ATTENDING DOG

proceedings taken or proceedings in course of proceedings initiated - recorded counted for trial without further investigation.

DISCIPLINA	Control exercised by the provisions of the penal code over the commission of offenses. eg. generally, means of correction.
DISTURBO	Disturbances.
DITTA	Business house
DIVIETO	Prohibition
DOCUMENTO	A public or private writing to which the State attributes value as a means of proof.
DOLO	Dol, fraud.
DOLOSO	Fraudulent. eg. fallimento doloso = fraudulent bankruptcy.
DOMICILIO ELETTO	Choice of jurisdictional domicile.
NOTE	Marital act
ECCEZIONE DI INCOMPETENZA	-3- Exception of incompetence; challenge as to competence of court or magistrate.
ELEMENTI COSTITUTIVI	Elements of a crime.
ELEICO	Elet
EMANCIPATO	Emancipated minor.
ENFITEUSI	A lease of property in perpetuity or for a term of years in return for a canon (canon) rent, and conferring upon the lessee many of the rights of ownership.
ENTE PUBBLICO	Collectivities, associations.
ERARIO	Public treasury.
FEDERALE	Federal.
ERGASTOLO	Reclusion or imprisonment for life.
ESERCIZIO	Interdiction, and time of punishment.
ESPERIMENTO	Rehabilitation of a crime.
ESTRADIZIONE	Extradition.

LEONARD SODIN

of time, improves the overall quality of both

-7-

FICLIO	Child-generated term including both sexes.
FUTTO	Location, testing as flight in case a letting of horse. Fitto in power = location of force.
ILACRAJIZ	"Plantando delicta".
FCAC	Complete jurisdiction.
FURTO	Theft or larceny.
GAFAVIA	Guarantee.
GILARIO	Underwriter of a cheque or bill of exchange. (vicio Furore)
GIUDICE ISTRUZIONE	Examining magistrate, member of the Ministry of Justice.
GIURAMENTO	Oath.
GIURE D'ONORE	Code of honor: recognized by Penal Code.
GRADIA	Parade of guests: gradually = judgment person.
GRILANDSCHI	Instruments used to force open doors or windows.
GODIENNO	Enjoyment.
Guasto	Damage, destruction.
IPONCITA'	Satisfactory, (witness, adequate, apt) suitable.
IPROBATIONE	Opposition or refutation by defense of a statement of facts.
IPURATO	Accused.
IMMENDI FURTO	Non execution, unsatisfactory.
INCANTO	Scam of alligation incanto = public auction.
INDAGINE	Investigation, enquiry.

CAJALILLA	Exhibitor of a cheque or bill of exchange, (vale Pronto)
CERCAÑO	Examining magistrate, member of the Ministry Public
CIENICE USUFRUCTO	Ordn
CIRCUITO	Court of honour recommended by Penal Code.
CUTRI D'ONCHI	Guardian of public buildings = judicial garden.
CRACIA	Intervention used to remove open doors or windows.
CRIMINALE	Asphyxiation.
CODECINO	Damages, destruction.
Guesavo	- I -
HOXIL	Guilty, (idoneo, adequate, apt) Suitable.
DE FIDELITATE	Opposition or reputation by evidence of a statements of facts.
DE FIDELITATE	Accused.
DE FIDELITATE	Non execution, unfulfillment.
DE FIDELITATE	Sale of the public property = public auction.
DE FIDELITATE	Investigation, inquiry.
DE FIDELITATE	Nature of the offense.
DE FIDELITATE	Delay
DE FIDELITATE	Infect, poison to an individual (virus criminalis)
DE FIDELITATE	Induction of infanticide per causa di morte = for reasons of family honor.
DE FIDELITATE	Empt, empty.
DE FIDELITATE	Injured.
DE FIDELITATE	Damages distinct from diffamazione = defamation.
DE FIDELITATE	Action started automatically by the State in criminal matters.
DE FIDELITATE	Verifying with documents.
DE FIDELITATE	Intervention of interventionist law in cases = intervention of third parties.

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INVITO A TESTAR

Summons to produce an object (an exhibit) in connection with examination. Step taken by magistrate before ordering a perquisition.

IPOTECAS

Mortgage.

INDEFINIBILIDAD

Is used in cases when penal action is started cannot be legally withdrawn, even by mutual consent.

ISTANZA

Petition; intervention by the accused, insurance.

INSTRUMENTO COGNOME

OR

SOMMATA

Evaluation given summary or complete of previous and facts connected with a criminal case by an examining Magistrate (Proctor, Judicial Instructor, or Examiners (J.R.)).

LATITUDINARIA

-II-

Statute of a person who voluntarily avoids answering a summons or warrant issued by a magistrate.

LEGITIMACION

Legitimation of parties is.

LITIGIO

At stake or person causing suit by harm or financial personal damage.

LITIGIO DE SUMMA

Complaint's note.

LITIGIO

Suit.

LITIGIO CIVIL

Disposal, dismissal.

LITIGIO

Offense against the liberty of the person or individual identification of personal liberty.

LITIGIO PENAL

Victim's action or complaint (vide notes above).

LITIGIO CIVIL

CIVIL DISPUTE.

vi. persons and facts connected with
a criminal case by an examining
Magistrate (Detention, Judicial Instructions,
or Temporary Habeas Corpus.)

Striking of a person who voluntarily avoids
surveillance or summons or warrant issued by
a Magistrate.

Registration of Magistrate.

Attack on person causing bodily harm,
or, without personal liability of
personnel liberty.

General note.

Host.

Discharge, discharge.

Offense against the liberty of the
person or the liberty limitation of
personnel liberty.

Widow's pension of widows (vide supra
above).

Widow's pension.

Caution, bail security for release.

Intention to cause harm, or, to cause
injury - malicious act
Terrorist, a Summary.

By means of

The exercise of the power of control of a
house of prostitution.

or
GOMMAHIA

INSTITUTION

LEGITIMIZATION

LEZARD

LETTER OF FORTH

LIVRE

LIVRE

LIVRE

LIVRE

MAINTENANCE

MAINTENANCE

MAINTENANCE

MAINTENANCE

MAINTENANCE

MAINTENANCE

MINORI/MINORITÀ

NETEGGIC

MISTURIERIA	(Pronounced "Misturay") see definition for MEZZADRIA.
MESTIERI GIOVANI	Trade exercised by wandering individuals without a known domicile.
MEZZADRIA	Contract for the division of products from an estate between landlord and tenant.
MEZZAIOLO	Pure tenant.
MEZZAI	Legal means.
MILLANTATO	Act of promising to procure some favour from or mediation by a public official in exchange for payment or reward. Millantato del petrocinatore = offer by an advocate to use influence with a judge to favour his client's case.
MINACCIA	Threat
MINORI/MINORENNI	Minors 14 & 16 years.
MOBILI	Movables
MULTA	Fine as imposed by the Courts (preture or Tribunale in lieu of a sentence or) imprisonment or in addition to the sentence.
MUTUO	Lend of money or consumables goods free of interest.
NOCUMENTO	Damage, prejudice, tort.
NOIEGGIO	Charter, hiring. ex contratto di noleggio= charter party.
NORME	Rules of court, of procedure, administrative regulations, also Regole.
NORME PROCESSUALI	Rules of proceedings.

MINACCIA

Threat

MINORI/MINORENNI

Minors 14 & 16 years.

MOBILI

Movables

MULIER

Fine as imposed by the Courts (pretura or Tribunale in lieu of a sentence or) imprisonment or in addition to the sentence.

MUTUO

Loan of money or consumables goods free of interest.

NOCUMENTO

Damage, prejudice, tort.

NOLLEGITIC

Ouster, hiring, ex contratto di noleggio charter party.

NORME

Rules of court, of procedure, administrative regulations, also Regole.

NORME PROCEDURELII

Rules of proceedings.

NOTAIO

Notary, receives all deeds for transfer of real estate; he keeps the original and delivers a copy to the parties (copied); acts as a official liquidator of estates; receives and drafts wills and other official deeds. Appointed by statute, he is submitted to the supervision of the Minister of Justice.

NOVAZIONE

The substitution of a new debt or obligation for an existing one.

NOZZE NUOVE

Remarriage-widow forbidden to remarry until expiration of 300 days after preceding marriage has ceased to exist (civil code article 89)

-10-

-C-

OBBLIGAZIONE CIVILE CIVIL liability resulting from Commission of crime.
 ORIAZIONE
 Adiection of a minor offense or petty misdemeanor by payment of fine before trial or judgment.

OZIOSSO

Idle, person without visible means of support.

-P-

PARIFICAZIONE

To give equal status.

PATROCINAZIONE

Legal advisers practicing in lower courts not called to the bar, no license. General term for all classes of defenders before the court.

PATROCINIO

Defense of a cause, as patrocinio or tutelage defense of poor persons.

PATTO

Agreement, pact

PECULATO

Embezzlement

PECHO

Fishes, sponges.

PERITI

Experts

PERIZIA

Expert's report.

PIGIONE

Rent or locumnet of location.

PIEMONTE

Attachment and seizure of property by bailiff to secure a debt.

POLIZIA GIUDIZIARIA

Police, I/O of criminal investigations.

POTERI

Powers, as if given potestas full powers.

PRATICA, doctore

Mile of documents.

PRATIQUE

Attended clerk, lecturer or practitioner's exercise.

not entered to the bar, as a result of which he is not qualified to appear for all classes of defendants before the court.

PAUROCINI	Defense of a cause, as procedural practice= defense of poor persons.
PATTO	Wife's death, report
PECHILA PO	Population
PEENO	Plunge, courtesan.
PERITI	Experts
PERLZIA	Expert's report.
PIGIONE	Point or contrast of location.
PIGNORERIO	Appraisal and seizure of property by holder to secure a debt.
PODERI	Powers, as a fixed power= full powers.
PRACTICA, dossier	File of documents.
PRATICANTE	Appointed clerk, learner as practicing advocate.
PRESCRIZIONE	Expiration of a right or cause of action by lapse of a period of time fixed by law. -- Statute of limitations.
PRETERINTEN- ZIONALITA	Commission of a crime more serious than that intended by the delinquent.
PROCEDEMENTO	Proceedings in general.
PROCESSO VERBALE	A report of the circumstances of the commission of an offense or of action taken by a public official-police, judicial or administrative officers - in the course of his office.

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PROCURATORE GENERALE

The Attorney General/Corte Di Appello

PROCURATORE CA RE

The Crown & Attorney. Tribunale.

PROSECUTOR

Do the same court work as a solicitor; preparing case, looking documents, attending to all proceedings.

PRIME

Children, progeniture.

PROSQUITO

An accused who has been acquitted.

PROSQUITO ENTO

Acquitted, decision of court or judge releasing or absolving accused of penalties even if evaded.

PROVVEDA ENTI

Provisions of the Code (of the law). Judicial measures generally.

PUBBLICO USTERO

Office of the Crown Attorney; by extension, the State Prosecutor. Whichever he may be, in whatever court.

PUNTERUOLO

A pointed end or instrument used to cause injury.

PUBBLIO

Term of minor in guardianship.

QUIRILA

Complaint in justice eg. querele di falso-complaint for fraud. In the case of certain offenses prosecution need not be in motion by a private person by means of "querele" proceedings.

RAGUNATA

Seditious meeting

RAGIONE

Rights

RAGGIO

Impostor, trickster.

PROVVEDI ENTI

PUBBLICO TRIBUNO

PUNTERUOLO

PUEBLO

QUEPIL

RADUNATA

RACIONE

RACIRO

RAFINA

RASTORTO

RAFFERENZAZIONE

RATIO

releasing or absolving accused of
 statutes even if sentenced.

Provisions of the Code (of the law),
 judicial measures generally.

Office of the Crown Attorney; by
 exclusion, the State Prosecutor,
 whoever he may be, in whatever
 court.

A pointed arm or instrument used
 to cause injury.

Ward or minor in guardianship.

-Q-

Complaint in Justice eg. querela
 di falso-complaint for fraud. In
 the case of certain offenses pros-
 ecution need to act in motion by
 a private person by means of
 "querela" proceedings.

-R-

Raditions meeting

Rights

Impostor, trickster.

Robbery and burglary.

Report by public officials that a
 criminal offence has come to their
 notice.

Order of succession to a deceased's
 estate.

Abduction eg. rapto e fine di
 libidine= carrying of with intention
 of sexual intercourse.

- 12 -

REATI	Crimes in General.
RECIDIVA	Repetition of an offence.
RECLUSIONE	Imprisonment with hard labor for a period.
RESERVO	Obligatory report of commission of an offence to judicial police, pretore or procuratore del Re.
REGRESSO	Rights of holder of a bill against drawer, acceptor, endorser.
REVISIONE	Review
REVOCIA	Revocation
RICHIESA	Petition by complainant requesting that penal proceedings be started against a person.
RICHIEDONE	Challenge (to judges, jurors)
RIDUZIONE	Reduction of amount of seized goods.
RIMBORSO	Reimbursement eg. rifusione delle spese = Reimbursement of expenses.
RISERVO	Resection
RILASCIATO	Deliver eg. rilasciare un documento = Deliver a document.
RILASCO	Release, eg. rilascio di beni mobili = release of seized movables (vide pignoramento)
RIMOZIONE	To remove. Removal, eg. rimozione di oggetti = removal of goods.
RINUNCIA	Abandonment of proceedings by individuals.

REGRESSO	Rights of holder of a bill against drawer, acceptor, endorser.
REVISIONE	Review
REVOCOA	Revocation
RICHIESUA	Exemption by complainant requesting that penal proceedings be started against a person.
RICUSAZIONE	Challenge (to judges, jurors)
RIDUZIONE	Reduction of amount of seized goods.
RIFUSIONE	Reimbursement of expenses of witnesses. Reimbursement of expenses.
RICETTO	Rejection
RILASCIARE	Deliver eg. rilasciare un documento = deliver a document.
RILASCIO	Release, eg. rilascio di beni mobili = release of seized movables (vide pignoramento)
RIMOZIONE	To remove. Removal, eg. rimozione di sigilli = removal of seals.
RINUNCIA	Abandonment of proceedings by individuals.
RINVIO A GIUDIZIO	Commitment to trial before court made by any examining magistrate.
RINVIO	Also: adjournment
RIPARAZIONE FIDUCIARIA	Damages claimed by victim of a judicial error. Del danno; compensation for damages.
RIFARTO	Section, division, department.
RICEVERE UNA CONDANNA	Receive a sentence.

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RIEROCORRE	To proven an action
RISARCIMENTO	Compensation
RISCATTO	Stipulation in which vendor reserves right of repurchase, ed. patto di riscatto.
RISSA	Brawl.
RUBA	Larceny, Raising.
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SAROTACCIO	Counters of mutuo efficacia (vide decessamento)
SACCHETTO	Loathly plunder, pillage.
SACCO	Painter's proof.
SANATORIA	Regularization of a finding of nullity by an examining magistrate.
SCADENZA	Date of maturity of bill of exchange.
SCIOGLIMENTO	Dissolution, annulment
SCIOPERO	Strike.
SCHITTURA	Vide decessamento.
SEBBO	Official escheat or stamp.
SENTENZA IN CONTUMACIA	Final sentences given by default.
SEQUESTRO	Seizure, judicial suggestion.
SEPARATA	Lock out.
SERVIZIO	Essement, servitude.

SAPOTACHIO Substrata of public edifices (vide
 dannersimento)
 SACCHERZIO Looting, plunder, pillage.
 Saffio Printer's proof.
 SAKATOKIA Regularization of a finding of nullity by
 an examining magistrate.
 SCALENZA Date of maturity of bill of exchange.
 SCIONILLERZO Dissolution, annulment
 SCIOPERO Strike.
 SCRITTURA Vide documento.
 SCENO Official receipt or stamp.
 SENTENZE IN Penal sentences given by default.
 CONTINUACIA
 SEQUESTRO Seizure, judicial sequestration.
 SERRATA Lock out.
 SERVITU Easement, servitude.
 SERVITUZAMENTO Living on immoral earnings of a prostitute.
 SIGILLO Seal
 SPOLAZIONE A public official using his position to fur-
 ther private interests (vide calunnia).
 SOSTE AZIONE Orchestration--see sistematiche delle difese=
 organization of the defense.
 SO OIDA Agricultural partnership for raising a breeding
 of cattle.

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SOCIETA.	Corporation eg. Societa per azioni= share corporation; Societa a responsabilita limitata=private limited liability company. Societa in nome collettivo=registered partnership.
SOCIO	Partner, associate.
SOPPRESSIONE	Illegal suppression of a document or human body.
SPESA PROCESSUALE	Costs in the case
SPETTARE, SPETTANTE	Concerning, belonging to, within the competence of.
SPIONAGGIO	Espionage.
STAMPA	Press, newspaper.
STIPENDIO	Salary.
STRAGE	Massacre.
STRANIERO	Alien, foreigner.
STRAPPO Auto Car	Theft with violence.
SUCCESSIONE	TESTATOR'S estate. eg. apertura della successione = probate and administration.
TIRINI	Delays, legal and judicial.
TIRIO, IN	Overleaf
TERZI, TERZOLI DI	Rights of third parties.
TESTI OLIANZI	Testimony eg. Testimonianza falsa=falso testimony.
TESTI OVI	Witnesses.
TITOLO ESSE FVO	Deed containing an exoneratory clause.

SEPTIMANE	Concerning, belonging to, within the competence of.
SPIONAGGIO	Espionage.
STAMP	Press, newspaper.
STIPENDIO	Salaries.
STRAGE	Massacre.
STRANIERO	Alien, foreigner.
STRAPPO	Snatch, to snatch.
SUCCESSIONE	HEREDITY estate, eg. partition, wills succession = probate and administration.
TERMINI	Delays, legal and judicial.
TERZO, IN	Overleaf
TERZO, DINTORNO DI	Rights of third parties.
TESTIMONIANZA	Testimony vs. Testimoniance false-false testimony.
TESTI QUOTIDIANI	Witnesses.
TITOLO ESCLUSIVO	Bill containing an exonerative clause.
TRAFFICO	Prisoner of a bill of exchange (vide girovanto)
TRASCRIZIONE	Entering in public registers of particulars of transactions in regard to property, and mortgages.
TRATTATO DI COMMERCE	Trade slavery.
TRATTATO DI COMMERCE PUBBLICO	Public amusements.
TRUFFA	Embezzlement, fraud.
TRUFFA	Obscene language.

TUTELA	-15- Safeguarding eg. tutela dei diritti pubblici = safeguarding of public laws. (vide tutore)
TUTORE	Tutor, curator.
UBRIACHEZZA	- U - Drunkness, eg. ubriachezza spirituale metaphysical drunkard.
UCCIDERE	Murder
UDIENZA	Audience
UFFICIALE GIUDICIALE	Court bailiff and usher
USCIERI DI CONCILIABONE	Usher in conciliation court.
USUFRUTTO	Usufruct, -the enjoyment of a thing or of the fruit or product of property whilst the title thereto remains in another.
VENDITA AL INCANTO	Sale by public auction
VENDITA A SALI DI PREZZO	Sale by instalments.
VENERIO	Veneruel (vide contestio venerio)
VIFORMAZIONE	Legislation
VIGENTE	In force, eg. la vi ante legge=the law in force.
VILIPENDIO	Treating with contempt the Italian Crown, government or parliament, nation, race, armed forces of the state or judiciary.
VINCOLO	Bond, obligation, lien.

VENIENZA	Audience
UFFICIOLETTA DEL SINDACATO	Court bailiff and usher
USCIERI DI CONCILIATIONE	Usher in conciliation court.
USUFRUTTO	Usufruct, -the enjoyment of a thing or of the fruit or product of property whilst the title thereto remains in another.
VENDITA AL INCANTO	Sale by public auction
VENDITA A SALE DI PREZZO	Sale by instalments.
VENERIO	Venerool (vide contestatio venerool)
VIDIMAZIONE	Legislation
VIGENTE	In force, eg. la vi onto legge=the law in force.
VILIBINDIO	Treating with contempt the Italian Crown, Government or Parliament, nation, flag, armed forces of the state or judiciary.
VINCOLO	Bond, obligation, lien.
VIIENZA CARIBALE	Rape.
VISTO CHE	In consideration that, in view of, whereas.
VITALIZIO	Assegno Vitalizio= life annuity.

ADDITIONS TO PAGE 1

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CELTICO	Venerool eg. Melattie celtice-sittione.
CETO	Class or profession eg. il ceto degli avvocati= the bar.

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