

ACC

10000/142/12

RETURN OF COURTS OF
SEPT. 1944 - MAY 1945

10000/142/12

RETURN OF COURTS OF APPEAL & TRIBUNALE TO ANCONA
SEPT. 1944 - MAY 1945

98

FILE CLOSED : 17 May 1944



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE ITALIANA

IL COMITATO TERRITORIALE

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

SS/ut.
17 May 1945.

AC/4001/10/1.

SUBJECT : ANCONA Court of Appeal.

TO : Provincial Commissioner (Attn: Senior Legal Officer),
ANCONA.

1. In compliance with repeated requests of the Ministry of Justice this Sub-Commission instructed the Regional Legal Officer for UMBRIA - MARCHE to investigate the possibility of moving the Court of Appeal of ANCONA from Tolentino to its normal seat in the town of ANCONA. A considerable correspondence on this subject was exchanged since Sept. 1944. On 17 Mar 45 the Regional Legal Officer relayed to this Sub-Commission the information received from Capt. ROGGE, RLO ANCONA Province, and dated March 15 according to which the matter of returning the ANCONA Court of Appeals to ANCONA has been officially taken up with 64 Area and I am today advised that it is not possible at this time to allocate accommodations for the personnel of the Court.

The military assure us "that all possible help will be given and accommodations made available as soon as the situation permits".

2. The enclosed copy of a communication of the Ministry Prot. No. 1030/3007 RA of 15 May 45 is passed to you in the expectation that the question of allocating the necessary accommodations may be now reconsidered.

By command of Rear Admiral STONE :

Incl : copy letter Min Justice
No. 1030/3007 dtd 15 May 45.

G. G. HAINES, JR.,
Lt. Col.,
Officer i/c Italian Branch,
For Chief Legal Advisor.

33



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI CIVILI
E DEL NOTARIATO

Ufficio VI
Tel. 1° 1030/ 3007 P.A.

LA COMMISSIONE
ALLEATA - Sotto commis-
sione Legale.

R O M A

Oggetto: Ancona - Ritorno in sede degli uffici
della Corte d'Appello e della Procura Generale del
Regno.

Questo Ministero, in conformità del parere espresso dai Capi della Corte d'Appello di Ancona ed al fine di avviare alla normalizzazione il lavoro giudiziario delle Marche, desidererebbe che gli uffici della stessa Corte d'Appello e della Procura Generale, trasferiti temporaneamente a causa della guerra nel comune di Tolentino (Macerata), ritornassero nella città di Ancona.

Poichè, per quanto è stato pubblicato dalla stampa, la suddetta città non è stata restituita all'amministrazione del Governo Italiano, si prega vivamente codesta Commissione Alleata di vo-

ler disporre, ove nulla osti, il ritorno in sede delle dette magistrature.

Si aggiunge che, in caso di adesione ed ove codesta rispettabile Commissione non ritenesse di provvedere direttamente, le spese occorrenti per il trasferimento di cui sopra potranno essere assunte da questo Ministero.

Si gradirà conoscere le determinazioni che al riguardo saranno adottate.

PEL MINISTRO

C. C. C.

16 MAY 1945

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AND UMBRIA MARCHE REGION (Legal)

SUBJECT : Travelling allowance for personnel of Ancona Court of Appeal.

REF. : RS/511/42

DATE : 30 April 1945

1. Ref tel. conversation this afternoon (Lt. Col. Theckreh - Major Alexander) it is confirmed that authority is sought for paying expenses of the officials of the section of Ancona Court of Appeal incurred on circuit at a rate in excess of the normal indennita' di missione allowed by Italian Law.

2. The PLOs concerned have been to great trouble in making the necessary arrangements for board and lodging of the officials. The best terms that could be got worked out at something like 70 lire per person per night for lodging and approximately 500 lire per person per day for food. The total expenses incurred by the officials at Ancona amounted roughly 15,000 lire. Complete details can be supplied later. The indennita' is of course quite inadequate to cover these expenses.

3. It is felt that as AM has been so active in promoting the circuit sittings of the Court we have some responsibility to see that the officials are not out of pocket.

4. Expenses have already been incurred in connection with the Ancona sittings but HQ has advised that he cannot without authority from HQ AC sanction any payments to the officials in excess of the official indennita'. He has suggested however that the matter be put up as a special case by Legal S/Com. to Finance S/Com.

5. If the request for special consideration is likely to be turned down it will leave us no alternative but to cancel the proposed visit of the Court to Pesaro as it is felt to be unfair to ask the officials to incur the additional expense. This would of course be a great pity in view of the excellent work already done by the travelling section at Ancona and the important benefits which could accrue from the Pesaro sittings. No doubt you will agree that a very strong case for special treatment of these officials can be made out.

For the Regional Commissioner

2. The first consideration is the best possible arrangements for board and lodging of the officials. The best possible that could be got worked out at something like 70 lire per person per night for lodging and approximately 300 lire per person per day for food. The total expenses incurred by the officials at Ancona amounted roughly 15,000 lire. Complete details can be supplied later. The indennita' is of course quite inadequate to cover these expenses.

3. It is felt that as AMG has been so active in promoting the circuit sittings of the Court we have some responsibility to see that the officials are not out of pocket.

4. Expenses have already been incurred in connection with the Ancona sittings but HCO has advised that he cannot without authority from HQ AG sanction any payments to the officials in excess of the official indennita'. He has suggested however that the matter be put up as a special case by Legal S/Com. to Finance S/Com.

5. If the request for special consideration is likely to be turned down it will leave us no alternative but to cancel the proposed visit of the Court to Pesaro as it is felt to be unfair to ask the officials to incur the additional expense. This would of course be a great pity in view of the excellent work already done by the travelling section at Ancona and the important benefits which could accrue from the Pesaro sittings. No doubt you will agree that a very strong case for special treatment of these officials can be made out.

For the Regional Commissioner

R. G. S. ALEXANDER, Major
R.L.O.

(through P.Os) for information

Copies to: FIOs ANCONA
PESARO

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

25A

URGENT

AC/4001/10/L:

ART/10.
1 May 1945

SUBJECT: Court of Appeal, Ancona.
"Sezione Circolante"

TO: H.E., the Minister of Pardon and Justice.

1. Your Excellency will recollect that at the conference held on 9 January 45, it was decided in view of the inaccessibility of the seat of the Court of Appeal that arrangements should be forthwith made for a Section to go on Circuit.

2. Accordingly accommodation was obtained for the personnel of this Section for their first Session at Ancona by the Provincial Legal Officer, but unfortunately the expenses amounting to 370 lire per diem per person have been disallowed and enquiry from the financial authorities elicits the reply that authorization must be given by the Ministry.

3. The next Session of the Section is due to sit at Pesaro on 7 May where similar arrangements have been made, but unless the members of the judicial personnel is assured of recuperation of their expenses, it is doubtful whether they will sit.

4. Your Excellency will doubtless treat this matter as urgent and communicate direct with the Primo Presidente with a copy to this Sub Commission;

A.R. THACKRAH,
Lt. Col.
Italian Branch,
for Chief Legal Advisor.

4001/10

TO : HQ.AC., (for attention of Legal Sub-Commission). 24A
 FROM : HQ. G., Umbria-Marche Region. LEGAL 1/2
 SUBJECT : Expenditure arising out of Transfer of Courts of Ancona.
 REF : R5/511/42.
 TO : 28th April 1945. 23A

1. Ref your AC/4001/10/L dated 17th April 1945, herewith copy reply received from R.F.O. of this Region, to my enquiry.

2. Memorandum of the Ministry is returned herewith. To save time I am sending a copy of it together with copy of this correspondence to P.L.O. Ancona, asking him to instruct the Procuratore Generale del Regno to take the matter up with the Intendente di Finanza.

FOR THE REGIONAL COMMISSIONER:

R. G. S. ALEXANDER,
 Major;
 R.I.O.

RCSA/JRS.

Copy to:-

P.L.O. Ancona, with copy correspondence for necessary action, please.

HEADQUARTERS
AMG/AC
UMBRIA-MARCHE REGION
(Region V)
CMF

24B

REF: R5/512/D/10.

SUBJECT: Expenses of Ancona Court of Appeal.

TO : R.L.O.
H.Q. Umbria-Marche Region.

1. Reference your R5/511/42 dated 24 April 1945.
2. On 24 Nov. 1944, P.F.O. Ancona addressed Intendente di Finanza, Ancona, Procura Generale del Regno, Ancona, and P.L.O., Ancona stating that the obligation in question was contracted by the Italian Government before liberation date, and was therefore properly cancelled under the terms of Executive Memorandum 73. Claim of this nature could only be approved when dealt with as provided by the Executive Memo.
3. Intendente di Finanza, Ancona, is fully conversant with procedure under Exec. Memo 73 for payment of pre-liberation debts.
4. P.F.O. Ancona has requested Procura Generale del Regno, Ancona to contact the Intendente di Finanza. Let him do his.

26 April 1945
E/m.

(Sgd) N.T. Beard, Lt. Colonel
Regional Finance Officer.

COPY

240

TO : R.F.O.
FROM : HQ. AMG UMBRIA MARGHE Region
SUBJECT : Expenses of Ancona Court of Appeal
REF : R5/511/L2
DATE : 24 April 1945

1. Herewith copy HQ.AC letter AC/4001/10/L dated 19 Apr. 45 and of memorandum referred to therein (with translation).

2. May I be informed please what answer I am to make to legal S/Com?

FOR REGIONAL COMMISSIONER:

R.G.S. ALEXANDER
Major,
R.L.C.

hl.

29

APPUNTO PER L'UFFICIO DI COLLEGAMENTO CON LA
COMMISSIONE ALLEATA

Prot. 479/3002 P.R.

=====

Oggetto: Spese per trasferimento degli uffici giudiziari di Ancona.

In data 11 novembre 1943 questo Ministero emise sul cap. 61 ter. del proprio bilancio un ordine di accreditamento di L. 100.000 a favore del Procuratore Generale della Corte di Appello di Ancona per provvedere al pagamento delle spese relative al trasferimento, imposto dagli eventi bellici, degli uffici giudiziari di Ancona nelle sedi provvisorie.

Della detta somma di L. 100.000 vennero prelevate, prima della liberazione delle Marche da parte delle truppe Alleate, soltanto L. 54.000 con le quali furono pagati solo una parte dei trasporti eseguiti.

Successivamente alla liberazione di cui sopra, la Procura Generale di Ancona, dovendo ancora eseguire pagamenti, sempre relativi a spese per il ripetuto trasferimento, per una complessiva somma di L. 44.500, richiese in data 4 ottobre u.s. a S.T. il Prefetto di Ancona, al Governo Militare Alleato - Ufficio finanziario - ed all'Intendenza di Finanza di Ancona i rispettivi nulla osta alla esazione delle lire 46.000, residue della surricordata somma di L. 100.000; ma il Governo Militare Alleato, mentre in un primo tempo, con nota del 21 novembre 1944, aveva concesso il suo nulla osta, a distanza di pochi giorni (nota del 24 novembre 1944) lo revocava.

Poichè i singoli creditori richiedono insistentemente alla Procura

re del Procuratore Generale della Corte di Appello di Ancona per prov-
vedere al pagamento delle spese relative al trasferimento, imposto da
gli eventi bellici, degli uffici giudiziari di Ancona nelle sedi prov-
visorie.

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per il ripetuto trasferimento, per una complessiva somma di L. 44.500,
richiese in data 4 ottobre u.s. a S.E. il Prefetto di Ancona, al Go-
verno Militare Alleato - Ufficio finanziario - ed all'Intendenza di
Finanza di Ancona i rispettivi nulla osta alla esazione delle lire
46.000, residue dalla surricordata somma di L. 100.000; ma il Gover-
no Militare Alleato, mentre in un primo tempo, con nota del 21 novem-
bre 1944, aveva concesso il suo nulla osta, a distanza di pochi gior-
ni (nota del 24 novembre 1944) lo revocava.

Poichè i singoli creditori richiedono insistentemente alla Procura
Generale di Ancona il pagamento dei trasporti effettuati da molto
tempo, si prega vivamente la A.C. di voler disporre perchè sia al più
presto messa a disposizione del suddetto Procuratore Generale la ri-
cordata somma di L. 44.500.

Roma, 16 aprile 1945

IL DIRETTORE GENERALE
degli Aff. Civ. e delle Libere Professioni

Cavallotti

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

23A

AC/4001/10/L.

19 April 1945.

SUBJECT : Expenditure arising out of transfer of Courts of
Ancona.

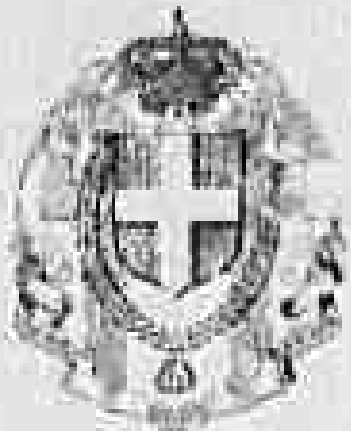
TO : Regional Commissioner (Attn: Regional Legal Officer),
UMBRIA-MARCHE Region.

1. Your attention is drawn to the enclosed memorandum
Prot. No. 479/3007 P.A. of the Ministry.

2. If you are unable to settle the matter with the
Provincial or Regional Finance Officer kindly advise this
Sub-Commission returning the memorandum.

By command of Rear Admiral STONE:

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.



4001/10 186
Ministero di Grazia e Giustizia

Mod. 2

22A

Gabinetto del S. C. d. Ministro

Roma 17 aprile 1945A

Protocollo 1. VC/663

OGGETTO Spese pel trasferimento degli uffici giudiziari
di Ancona.

Alla Commissione Alleata
Sottocommissione Legale

ROMA

*sent to L. C. Lombardi
Ancona*

Si trasmette l'allegato promemoria della Direzione
Generale degli Affari Civili con preghiera di sollecita
risposta.

L'UFFICIALE DI COLLEGAMENTO
(Dr. Giorgio Bonelli)

Bonelli

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlr.
31 March 1945.

AC/4001/10/1.

SUBJECT : Temporary inclusion of the Tribunale of Ravenna and Forlì in
the Court of Appeal District of Ancona.

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

1. Reference your RIX/LA/705/13 of 21 Mar 45.
2. Enclosed please find an extract from minutes of yesterday's meeting with the Minister of Justice concerning the above subject. You will, no doubt, agree that the decision is warranted by the recent developments.

By command of Rear Admiral STONE:

G. C. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl: Extract from Minutes.

1203

218

EXTRACT OF MINUTES OF MEETING HELD ON
30 MARCH 1945.

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1. Temporary inclusion of the Tribunale of Ravenna and
Forlì in the Court of Appeal district, Ancona.

The Minister recommends that if such measure is needed it should be effected by an AMG order; he believes that the establishment of a Section of Court of Appeal at Ravenna and Forlì would be more convenient. Agreed that the matter will be postponed for one month and if by that time Bologna is still in German hands an AMG order will be issued attaching Ravenna and Forlì to Ancona; the Minister will then issue a circular advising the judges that the order has his approval.

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HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WFL/dsh.

21 March 1945.

REF: RDX/LF/705/313

SUBJECT: Temporary inclusion of the Tribunale of Ravenna and Forli
in the Court of Appeal district of Ancona.

TO: Headquarters, Allied Commission, APO 394 (for Deputy Chief
Legal Advisor).

1. Reference your AC/4001/3/L, 17 March 1945, FLO Ravenna re-
quests that the Ravenna Tribunale be attached to the Ancona Court of
Appeal as soon as possible.

2. May the necessary order therefore issue, temporarily attach-
ing both Forli and Ravenna Provinces to the Ancona Court of Appeal.

For the Regional Commissioner:

William H. Levitt
WILLIAM H. LEVITT
Lt. Col., J.A.C.D.
Regional Legal Officer.

LEGAL SUB COMMISSION	
CLO	
SOLO	
Chief Counsel	23
CJO	
Italian Section	
CL RKS	
26 MAR 1945	

DCLA



1) Is this really
necessary. It will take time months
before it gets going.

2) - Then there is also the question of jurisdiction of the 14 -
18.

4001/10

18A

TO :- H.Q. A.C. (For attn. of Legal Sub-Commission).
 FROM :- HQ. AMG/AC Abruzzi-Marche Region.
 SUBJECT :- Italian Courts - Ancona Court of Appeal.
 REF :- AMR/511/42.
 DATE :- 17 March 1945.

Herewith for information copy letter Anc/11/4, dated 13 Mar 45 received from P.L.C. Ancona.

FOR THE REGIONAL COMMISSIONER:

HEADQUARTERS
 20 MAR 1945

R. G. S. ALEXANDER, Major,
 R.L.C.

R. G. S. Alexander

22

5409

/al

C O P Y

18B

Subject: Ancona Court of Appeals.

To: R.L.O. Abruzzi-Marche Region.

From: P.L.O. Ancona.

Ref: Anc/11/4.

Date: 13 March 45.

1. [The matter of returning the Ancona Court of Appeals to Ancona has been officially taken up with 61 Area and I am to day advised that it is not possible at this time to allocate accommodations for the personnel of the Court. The military assure us "that all possible help will be given and accommodations made available as soon as the situation permits".

Therefore as the situation now stands it will be necessary to bring to Ancona and Pesaro one section of this Court to hear pending criminal appeals as previously outlined.

For the Provincial Commissioner:

/s/ W.T.Boone,
Capt.CMF
PLO Ancona.

21

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

17A

AC/4001/Y/L.

/nt.
17 March 1945.

SUBJECT : Temporary inclusion of the Tribunale of Ravenna and
Forlì in the Court of Appeal district of Ancona.
TO : Regional Commissioner (Attn: Regional Legal Officer),
EMILIA Region.

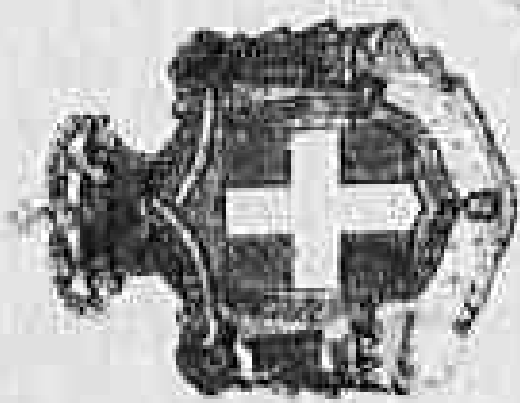
1. Reference your RIX/LE/705/154 of 28 Feb 1945.
2. The Ministry has now advised this Sub-Commission that there is no objection to your proposal to attach temporarily the Tribunale of Ravenna and Forlì to the Court of Appeal of Ancona if the necessity arises.

By command of Rear Admiral STONE:

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

20

Mod. 1348 M.G.



16A

Ministero di Giustizia

UFFICIO SUPERIORE DEL PERSONALE

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UFFICIO III°Protocollo n. 1760/2021/41Risposta a nota 3 marzo 1945 - n. AC/4001/3L

15A

Roma, lì 10 marzo 1945 -

ALLA COMMISSIONE ALLEATA
(Sottocommissione Legale)

R U M A

OGGETTO: Inclusione temporanea dei tribunali di Ravenna e di Forlì nel distretto della Corte di Appello di Ancona od in quello di Firenze.

Con riferimento alla lettera su richiamata, si comunica che nulla osta da parte di questo Ministero perchè i tribunali di Ravenna e di Forlì siano, temporaneamente, aggregati al distretto della Corte di Appello di Ancona.

PEL MINISTRO.

18

Roma, 11 10 marzo 1945 -

ALLA COMMISSIONE ALLEATA

(Sottocommissione Legale)

R U M A

OGGETTO: Inclusione temporanea dei tribunali di Ravenna e di Forlì nel distretto della Corte di Appello di Ancona od in quello di Firenze.

Con riferimento alla lettera su richiamata, si comunica che nulla osta da parte di questo Ministero perchè i tribunali di Ravenna e di Forlì siano, temporaneamente, aggregati al distretto della Corte di Appello di Ancona.

PEL MINISTRO.

A. Mura

15A

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mt.
3 March 1945.

AC/4001/3/L.

SUBJECT : Temporary inclusion of the Tribunale of Ravenna and
Forlì in the Court of Appeal District of Ancona of
Florence.

TO : H.E. The Minister of Pardon and Justice.

1. Enclosed for Your Excellency's consideration a copy of
a communication of Regional Legal Officer EMILIA Region setting
further the results of an enquiry carried out in connection
with the above subject.

2. This Sub-Commission would appreciate receiving Your
Excellency's views.

G. G. HANKFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

18

Incl.

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Ref : RIX/IE/705/154

WHL/dsh.
28 February 1945.

SUBJECT : Temporary Inclusion of the Tribunale of Ravenna and Forli in the Court of Appeal, District of Ancona or Florence.

TO : Deputy Chief Legal Advisor, Legal Subcommittee, Headquarters, Allied Commission, APO 394, (For Italian Branch).

1. Reference your AC/4001/3/1, 15 February 1945, this matter has been discussed with PLOs Forli and Ravenna and the senior Italian judicial officials of the two provinces.

2. The proposal to establish a "sezione distaccata" of the Court of Appeal in Forli Province is not practical at this time. Due to the large number of troops in the Province, it is not possible to find accommodations for either the Court or its personnel. I believe the same conditions prevail at Pesaro, but in any event that city is so far from Forli and Ravenna that the location of the Court there would have little advantage over the alternative proposal to include these Provinces in the Ancona District.

3. As to which of the two districts (Ancona or Florence) is the more suitable, it is recommended that these two Provinces be temporarily included in the Ancona District. While Ancona and Florence are approximately the same distances from Forli and Ravenna, there are better transportation facilities and possibilities to Ancona.

4. It must be realized that, at best, it will be difficult for court officials, lawyers and litigants to travel between Ancona, Forli and Ravenna. But the inclusion should nevertheless be of some benefit, and we will do all possible to facilitate travel where it is urgent.

For the Regional Commissioner:

WHL/dsh.
WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional legal officer.

ERG II SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
2 MAR 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

13A

ES/mt.
15 February 1945.

AC/4001/3/L.

SUBJECT : Temporary inclusion of the Tribunale of Ravenna and
Forlì in the Court of Appeal district of Ancona or
Florence.

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

1. Enclosed please find a reply to the Memorandum of the President of the Ravenna Tribunale submitted by you³/re SWFt visit with this Sub-Commission.

2. Kindly advise this Sub-Commission which of the two Courts of Appeals would be more suitable.

By command of Rear Admiral STONE:

Incl: Copy of letter 1760g/00676
of Ministry Justice.

P.S. - Capt BOONE has just been in & suggest
the possible creation of a "sezione distaccata" of Court
of Appeal of Ancona at Cesena, Pesaro or Cattolica to
deal with the Forlì and Ravenna cases. May I have your views?

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch
for Chief Legal Advisor.

Mod 1348 MG.

40013

12A

Ministero di Grazia e Giustizia

UFFICIO SUPERIORE DEL PERSONALE

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UFFICIO III°Protocollo n. 17606/00676 8A

Risposta a nota 22 gennaio 1945 AC/4001/3L.

Roma, lì 6 febbraio 1945 -

ALLA COMMISSIONE ALLEATA
(Sottocommissione Legale)

- R O M A -

OGGETTO: Temporanea aggregazione dei tribunali di Ravenna e di Forlì alla Corte di Appello di Ancona o Firenze.

Con riferimento alla lettera su richiamata con la quale è stato trasmesso per il parere un rapporto del Presidente del Tribunale di Ravenna concernente la temporanea aggregazione di quel tribunale e del limitrofo tribunale di Forlì alla Corte d'Appello di Firenze od a quella di Ancona, date le difficoltà derivanti dalle operazioni militari in corso che impediscono ai detti uffici di far capo alla Corte di Bologna, da cui dipendono, questo Ministero non ha obiezioni da fare in merito alla proposta stessa.

Non essendo in possesso di elementi sufficienti e sicuri circa le attuali condizioni dei trasporti nelle regioni suddette, vedrà codesta Cn. Commissione se sia più opportuno aggregare i detti tribunali alla Corte di Firenze od a quella di Ancona, preferendo quella che presenta minori difficoltà di comunicazioni.

Roma, lì 6 febbraio 1945 -

ALLA COMMISSIONE ALLEATA

(Sottocommissione Legale)

- R O M A -

OSSERVO: Temporanea aggregazione dei tribunali di Ravenna e di Forlì alla Corte di Appello di Ancona o Firenze.

Con riferimento alla lettera su richiamata con la quale è stato trasmesso per il parere un rapporto del Presidente del Tribunale di Ravenna concernente la temporanea aggregazione di quel tribunale e del limitrofo tribunale di Forlì alla Corte d'Appello di Firenze od a quella di Ancona, date le difficoltà derivanti dalle operazioni militari in corso che impediscono ai detti uffici di far capo alla Corte di Bologna, da cui dipendono, questo Ministero non ha obiezioni da fare in merito alla proposta stessa.

Non essendo in possesso di elementi sufficienti e sicuri circa le attuali condizioni dei trasporti nelle regioni suddette, vedrà codesta Cn. Commissione se sia più opportuno aggregare i detti tribunali alla Corte di Firenze od a quella di Ancona, preferendo quella che presenta minori difficoltà di comunicazioni.

Si rimane in attesa di conoscere quale provvedimento sarà adottato.

LEG. MINIST. 1945	
CIO	
DCIO	
Chief Counsel	

Let. 1945

1945

PEL MINISTRO

W. H. H. H.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4001/10/L

OGH/mt.
24 January 1945.

SUBJECT : Court of Appeal Ancona.

TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHE Region

Ref. your RS/50110 of 12/12/44 and 12/12/45.

1. GAMBASSA has resigned and it will take two weeks to appoint his successor in view of the complicated system of epuration.

2. LIBONATI has refused to go and Michele Giuliano, a Counsellor of Cassation of excellent repute will be appointed in his stead.

3. It is hoped that he will take up his post before February 15. You must realize that the difficulties you meet at Ancona are also experienced in other Courts of Appeal and the situation to be met in Northern Italy must always be borne in mind.

Copy to: AC/4034/L.

D. G. WARRINGTON,
Lt. Col.,
Officer i/c Liaison Branch,
for Chief Legal Advisor.

NR

14

11A

10 A

4001/10/2

SUBJECT : Court of Appeal of Ancona.

TO : H.E. The Minister of Grace and Justice.

The enclosed report from Provincial Legal Officer Ancona will certainly be of interest to Your Excellency.

C. G. MARSHALL,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

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108

ANNEXATION ISSUED TO

I feel as you do that under the circumstances his (President C. M. M. M. M.) removal cannot be objected to but yet, Higher Headquarters should understand that his removal will delay the execution of the program which I have been working on for the Court of Appeals and the Courts of Assizes. There is always the delay of a replacement reporting for duty and secondly, becoming familiar with the work of the Court and the problems confronting it.

It is not possible to return the Court of Appeals to Ancona at this time. Housing conditions in Ancona are very limited and the Army has taken a very strong position about the assignment of accommodations for civilians. It was only with the greatest of difficulty that I was able to bring back to Ancona the Pretura and Tribunale Courts and obtain accommodations for the judicial personnel of these Courts. These accommodations are far from satisfactory and as a result these Officials are living under exceedingly uncomfortable conditions. The space normally occupied by the Court of Appeals is now and for the past 25 months has been used as a school over my protests. In my opinion this Court can function until spring at Tolentino. The number of pending criminal cases has been reduced from approximately 500 to about 130.

As you know, I have been working on program to put one section of the Court on a circuit basis to hold audiences in Ancona, Jesi, Senigallia, Fano, Pesaro and Urbino. I felt that communications in the Provinces of Macerata and Ascoli Piceno have improved to the point where litigants and lawyers can attend audiences at Tolentino. Only in the two northern provinces are communications such as to require the creation of a circuit section. The same difficulties regarding communications would be present if the Courts were located in Ancona except for the lawyers and litigants residing in that city.

The work conditions of the Court are much more satisfactory in Tolentino than they would be in Ancona. The housing conditions for the personnel of the Court are very satisfactory in Tolentino and would be most unsatisfactory in Ancona. In this connection, we must bear in mind that on the whole, the personnel of the Court of Appeals are rather advanced in years and are men who are physically unable to labor, with good results, under difficult conditions.

4001/10

(9A)

TO : HQ. ALL. COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Ancona Court of Appeal

REF. : R5/511/42

DATE : 22 Jan. '45

Ref our previous correspondence re above I annex for your information an excerpt from a recent report received from P.L.O. Ancona as to removal of President CAMASSA and as to the question of the return of the Court of Appeal from Tolentino to Ancona.

LEGAL SUB-COMMISSION

CIO

DEFO

Chief Counsel

CIO

Italian Subject

CL RK3

23 JAN 1945

For the Regional Commissioner

R. G. S. Alexander
R. G. S. ALEXANDER, Major
R.L.O.

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8A:

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4001/3/L.

/rlp.
22 January 1945.

SUBJECT : Temporary Attachment of Tribunale of Ravenna to Court of Appeal of
Ancona and Florence.

TO : H.E., the Minister of Pardon and Justice.

The enclosed memorandum from the President of the Tribunale of Ravenna
is forwarded for Your Excellency's opinion on the matter above referred.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl, Memo dtd 29 Dec 44.

Aug 22 1945
10/3

Royal Tribunal of Ravenna
Subject: Court of Appeals 4001/3

~~11/11~~
11A

Ravenna 29 DEC. '44

TO: PROVINCIAL LEGAL OFFICER:

RAVENNA

The problem which formed the subject of our (talk) conversation yesterday could be presented thusly:

If, because of military operations, the courts of Ravenna & Forlì should not be able to have recourse to the Court of Appeals of Bologna, it is convenient that the administration of justice be entrusted to that court in the immediate vicinity.

which of the two possible solutions is preferable: (a) temporary institution of an ^{independent} court of appeals, under which depend the Courts of Ravenna & Forlì; (b) aggregate these two ~~to a~~ ^{under a nearby court.}

To the first query, an emphatic affirmative, because the detachment of the said courts from their Court of Appeals could not last for any length of time without some difficulty or prejudice in the administration of justice.

In regards to the possible solutions of the
 item it is well to consider that it is
 so ~~for~~ possible to proceed with cases of
 Appeals nature, on sentences determined by
 the Court of Ravenna, because all necessary
 documents & information is located in
 the ~~the~~ Court Registry at Bologna. The same
~~is said~~ applies to the five (5) cases pending
 for the Court of Assizes.

Regarding any new cases it is foreseen
 that these cannot come to the attention
 of the Court of Appeals & that of Assizes
 for two (2) or three (3) months.

The necessity to communicate with the
 Procura Generale & the Sezione Istruttoria near
 the Court of Appeals, regarding prisoners await-
 ing trial may arise very soon, ~~in order~~
~~that~~ it is best that we act on this as soon
 as possible. A similar necessity may arise
 for cases & the needs regarding the prison
 of Courts, this is located in Court of Appeals
 (building), & in order to function, it depends
 on the Prima Presidenza & the Procura
Generale, & various attributions of Legal
 Character ~~more and more~~ & more, administration
 which is done by specialized personnel in
 the legal office.

subn. Of the two courts of Ancona & Florence it is preferable to choose the location offering the best communication facilities.

(SIGNED) MASTROBUONO

7

HEADQUARTERS ALLIED COMMISSION
APO 194
LEGAL SUB-COMMISSION

6A

AC/4001/3/L.

GGH/ap.
9 January 1949.

SUBJECT : Court of Appeal Ancona.

TO : Regional Commissioner, Abruzzi-Marche Region
(Attn: Regional Legal Officer).

1. Further to this Sub-Commission's letter AC/4001/3/L of 6 Jan 45, the Minister stated this morning that though the seat of a C. of Appeal had to be established by Royal Decree, there was no legislation actually prohibiting the creation of travelling circuit sections. This possibility had never been considered at any time and therefore no procedure had been devised for this purpose.

He was of opinion that if the First President of the Court of Appeal decided that such sections were necessary especially in territory under AMG, there would be no question as to the validity of the decisions rendered by the travelling Courts.

2. It is understood that such sections have already functioned satisfactorily in Region V. *before you took over*

By command of Rear Admiral STONE:

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G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

5A

AI/4001/Y/L

mt.
6 January 1945.

SUBJECT : Court of Appeal, Ancona.
TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHE Region.

1. With reference to your LAR/511/12/MNO/O of 28 Dec. 44 would you please explain more fully the reference in para 2 to "travelling circuit sections". You are no doubt aware that such travelling courts are unknown to the Italian judicial system and their decisions would be null and void because of lack of geographical jurisdiction.

Such jurisdiction can only be extended or transferred by Royal Decree. However Pretori can travel in their "mandamento" at fixed places on dates and the Court of Assizes is divided in circuits, where counsellors of the Court of Appeal proceed generally three times a year.

2. The Court of Assizes in each "circolo" may hold sessions away from the seat of the local tribunal by decision of the "Primo Presidente".

By command of Rear Admiral STONE:

G. S. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

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NR

HEADQUARTERS ALLIED COMMISSION
LMO 394
LEGAL SUB-COMMISSION

2 January 1945.

AC/1039/L.

SUBJECT : Transfer of the Court of Appeal from
TOLENTINO to ANCONA.

TO : H. H. The Minister of Pardon & Justice.

1. Following Your Excellency's request that the transfer of the Court of Appeal from TOLENTINO to ANCONA should be effected at an early date, an extract from a letter of Regional Legal Officer, Abruzzi-Marche Region appears hereunder for your information :-

"2. The question of the return of the Court of Appeal from TOLENTINO to ANCONA has been fully discussed within the last few weeks with the Primo Presidente.

Complete accord has been reached with him as to the advisability of postponing the return for the present. The accommodation problem is much more acute in ANCONA than in TOLENTINO and the Area Commander is very strongly opposed for this reason to the immediate return of the Court. To solve or at least mitigate the great difficulty of communications in the two provinces of ANCONA and PESARO URBINO it is proposed to institute early in the New Year a circuit section of the Court which will travel round the larger towns in these two provinces whilst the remaining section will continue at TOLENTINO to deal with the work of MACERATA and ASCOLI provinces. It is believed that this arrangement will provide the best immediate solution. It is thought possible that Area H.Q. will move fairly soon from ANCONA to PESARO and if this happens it may well alter the position considerably and allow of an earlier return move to ANCONA."

2. It is therefore hoped that the required transfer may take place in the course of a few weeks.

G. G. HANNAFORD.
Lieutenant-Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

GCH/wcw.

Copy to : AC/1031/3/L.

File 4001/3/L

(original in 4039 Vol. 18. File 257A)

3A

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM: H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT: Court of Appeal of Ancona

REF. : AMR/511/12/ANC/O

DATE : 28 December 1944

4039

1. Ref. your AC/4039/L dated 23 Dec. '44 I do not know if there is a special reason for the proposed transfer of President LIBONATI from Naples to be First President of above Court but as matters stand at present I do not think such a transfer would be in the best interests of the Court. President CAMASSO was appointed to the position of Primo Presidente as recently as 30 Oct. '44 and has since given every reason for satisfaction in the discharge of his duties. I feel strongly that it would be a mistake to make another change in this key appointment just as President CAMASSO is settling down and while he is continuing to do a first rate job. I would be much obliged if you would represent this strongly to the Ministry.

2. The question of the return of the Court of Appeal from Tolentino to Ancona has been fully discussed within the last few weeks with the Primo Presidente.

Complete accord has been reached with him as to the advisability of postponing the return for the present. The accommodation problem is much more acute in Ancona than in Tolentino and the Area Commander is very strongly opposed for this reason to the immediate return of the Court. To solve or at least mitigate the great difficulty of communications in the two Provinces of Ancona and Pesaro Urbino it is proposed to institute early in the New Year a circuit section of the Court which will travel round the larger towns in these two Provinces whilst the remaining section will continue at Tolentino to deal with the work of Macerata and Ascoli Provinces. It is believed that this arrangement will provide the best immediate solution. It is thought possible that Area H.Q. will move fairly soon from Ancona to Pesaro and if this happens it may well alter the position considerably and allow of an earlier return move to Ancona.

For the Regional Commissioner

(sgd.) R.G.S. ALEXANDER, Major,
R.L.O.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

2A
ART/pa.
21 Sept 44.

ACC/4039/L.

SUBJECT : Courts in Ancona Province.
TO : H.E. The Minister of Pardon and Justice.

1. Further to the information given to Your Excellency at the conference on Tuesday last, it is now learned from the Regional Legal Officer that the District of the Appeal Court of Ancona is lacking a First President and that moreover in the towns of the Province six Pretori are urgently required to fill vacant seats.

2. It is felt that, even if amongst the magistrates in function there is one who has the necessary service and qualifications, the appointment to the First President should be filled from outside the province rather than by a local promotion, since none of the serving magistrates are considered suitable. It is reported that a strong, active personality is required at Ancona.

3. Would Your Excellency kindly give this matter your early attention so that our legal officer may be assured that assistance is forthcoming.

Deep
A. R. THACKRAH,
Lt;Colonel,
Italian Branch,
for Chief Legal Officer.

SUBJECT : Italian Courts

TO : GLO HQ AGC

FROM : REGION V

R5/511/12/ANC

14 Sep. 44

1. The Germans moved the Ancona Court of Appeal and Tribunale to Tolentino and Montecarotto respectively at the end of 1943.
2. Owing to their situation, cases have piled up and the Courts are still unable to function properly.
3. I have spoken with AMB 8th Army, who are agreeable for the return of the Courts. Wing Commander Beard is going to write to Army recommending this suggestion.
4. The difficulty lies with 61 Area at Ancona, who have removed the Civil Government outside the town.
5. I have visited both the Court of Appeal and the Tribunale. Neither Court shows any inclination to work. I am of the opinion that more work will be done if they can be under supervision at Ancona. I have told them of the necessity for hard work.
6. It is requested that AGC will write to AMI asking for authority for the return of these two Courts. I am convinced after a visit to each of these two courts that no real progress will be made until the Courts return to Ancona.

For the Regional Commissioner

John Willis
J. L. WILLIS
Lt. Colonel,
RLO

HEADQUARTERS
15 SEP 1944
A. C. C.

→	CLIO	-
	DELO	
	Chief Counsel	
	CLIO	
→	Italian in An	-
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Refer to Osimo.

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