

ACC

10000/142/201

REQUISITION OF
FEB. 1944 - MA

10000/142/201

REQUISITION OF CONVENT SAN DOMENICO MAGGIORE
FEB. 1944 - MAR. 1945

FILE CLOSED 24 MARCH 1945

-20

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

18A

AG/4015/2/L.

/mt.
24 March 1945.

SUBJECT : Court of Assizes in Naples.
TO : H. E. The Minister of Pardon and Justice.

1. Reference III° AP - 14561 of 2 March 1945.
2. From the enclosed report Your Excellency will see that the Primo Presidente differs from the opinion expressed in your letter 2 March 45 in respect of the above.
3. Therefore it is not proposed to take any further action in this connection at least for the time being.

19

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

Incl.

4015/2

LEGALS/L
17A

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
APO 394, U. S. ARMY

R/2395

21 March 1945

SUBJECT: Convent of San Domenico Maggiore

TO : Headquarters, Allied Commission
(Attention: Civil Affairs Section)

16A

1. In reference to your letter AC/4015/2/L dated 12 March 1945 regarding the derequisitioning of the above building for the use of the Court of Assize, I beg to enclose, herewith, a report from 1st Lt. Carl C. Banno who is the officer in charge of the Italian Courts in Naples.

2. It would seem from this report that the First President of the Court of Appeals has obtained funds to repair the unused portion of the Castelcapuano Courthouse, and he feels that it is better to continue with those repairs and operate the Court of Assize therein, and not disturb the rooms in the Convent of San Domenico Maggiore.

3. Therefore, no further action will be taken to de-requisition the above building at the present time. 18

For the Regional Commissioner:

HEADQUARTERS
23 MAR 1945
A. C.

Edmund O. Howell

EDMUND O. HOWELL
Colonel, Inf.
Actg. Executive Officer

Incl.

A report on the above subject by Lt. Carl Banno.

ECH/jjf

CIO	
DCIO	✓
Chief Counsel	
CID	
Italian Section	✓
CL RKS	

24 MAR 1945

17B

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

21 March 1945

SUBJECT: Convent of San Domenico Maggiore.

TO : Executive Officer
Headquarters, Southern Region, A.C.

1. Premises have been visited by undersigned and the First President of the Court of Appeal. It was discovered that half of the space which was formerly used by the Court of Assize is completely destroyed as a result of bombing. The other half is used as barracks, with kitchen and dining facilities, for an American Military Unit. If the premises are derequisitioned immediately, many months of work and great expense would be necessary to restore same to normal court use.

2. The First President of the Court of Appeal has obtained funds from the Comune of Naples to repair a heretofore unused portion of the Castelcapuano Courthouse for the use of the Court of Assize. In this way the said Court will soon be in full operation.

3. The said First President of the Court of Appeal, believes, and we agree with him, that it is better to continue to make the few repairs necessary to Castelcapuano and operate the Court of Assize therein, and to postpone the derequisitioning of S. Domenico Maggiore, until such time as the Military no longer need the said premises.

(s) CARL C. BANNO
(t) CARL C. BANNO
1st Lt. A.C.
Officer i/c Italian Courts

copy please
H

CCB/ga

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

16A

AC/4015/2/L.

WEB/rlp.
12 March 1945.

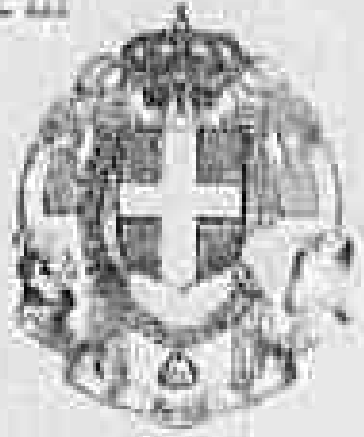
SUBJECT : Convent of San Domenico Maggiore.
TO : Regional Commissioner, SOUTHERN Region.

1. The Minister of Justice has requested the Allied Commission to assist in obtaining the derequisition of part of "Chiostro San Domenico Maggiore" in Naples which has been occupied by 606 Ordinance Battalion since September 1943.
2. This convent was formerly used for many years as a Court of Assize. Since the requisition of the premises by the military authorities it has been impossible for any of the Courts of Assize to be held there.
3. You are, of course, well-aware of the serious congestion with which the courts in Naples are now faced, and you will undoubtedly agree that the present premises are entirely inadequate. In fact, it is understood that the Court of Assize has had to find space in the court-rooms of the tribunale and the Court of Appeal for such sittings as it has been able to hold.
4. In order that the court may be enabled to hold regular sittings and thus dispose of a formidable list of cases which have been awaiting trial for a considerable time, it is suggested that you approach the local military authorities and request them to evacuate the portion of the Chiostro which is required for the Assize Court.

By command of Rear Admiral STONE:

G. W. DeJongh
16
G. W. DEJONGH, Brig.
VP CA Sec, HQ AC

fm



4015/2 9166-402

MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Ordinari
delle Grazie della Statistica e del Casellario*

15A

Ufficio III° A.P.

Roma, 2 marzo 1945

Prot. N° 14561

Risposta al f. N°

Al CA. SOTTOCOMMISSIONE LEGALE AL-
LEATA

Oggetto: Corti d'Assise di Napoli.

R O M A

Il Primo Presidente della Corte d'Appello di Napoli ha segnalato a questo Ministero la necessità che entrambe le Sezioni della Corte d'Assise locale funzionino senza interruzione e contemporaneamente, allo scopo di trattare con il rito della citazione direttissima numerosi processi per rapina ed altri gravi reati, ed eliminare il rilevante arretrato formatosi negli ultimi mesi.

A tale scopo occorre approntare i locali nei quali le due Corti dovranno tenere le udienze e, poichè non ve ne sono disponibili, il Primo Presidente ha chiesto l'intervento del Ministero presso codesta Ca. Sottocommissione perchè voglia interessarsi per la restituzione dell'antica sede del Chiostro di S. Domenico Maggiore nella quale, fino al settembre 1943, le dette Corti hanno funzionato e che tuttora è occupata dalle Truppe Alleate.

Ioichè tale richiesta è pienamente giustificata, si rivolge vive preghiere di volerla prendere in considerazione con la massima benevolenza al fine di agevolare il ripristino del normale funzionamento della giustizia.

LEG. SOTTOCOMMISSIONE

CAO

PULLO

Chief Counsel

John J. ...

per il MINISTRO
(A. Spallanzani)

A. Spallanzani

7 MAR 1945

TRANSLATION

158

MINISTRY OF JUSTICE AND PARDON
General Direction of Penal Affairs
of Pardon, of Statistics and of
records of convictions

Office III° A.P.

File 14561

Rome 2 March 1945

SUBJECT: Court of Assize Naples

TO : Legal Sub Commission

The first President of the Court of Appeal of Naples pointed out to this Ministry the necessity that both Sections of the Court of Assize should function without interruption and at the same time in order to deal by direct summons with numerous rape trials and other grave crimes and to eliminate considerable arrears of work of the last months.

Therefore the premises for the audiences of the two courts should be got ready and as there are no such premises available the first President has asked the Ministry to urge the Sub Commission to take steps for the return of the old seat of the Convent of San Domenico Maggiore, where until 1943 the above courts functioned, and which is still occupied by Allied troops.

Being This request fully justified we beg you to take it into consideration benevolently in order to facilitate the normal resumption of legal court proceedings.

for the MINISTER
(A. Spallanzani)

MAZ. JOURNAL

RAPINA. does not mean "rape" in English, but
"felony" or "theft"

4015

File

14A

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

6 March 1944.

JWC/om
3/6039/L

Subject: Court Buildings.

To : C.L.O., Legal Sub-Commission, Rear Headquarters, A.C.C.

File with Chief Commission

1. Reference is to your letter ACC/4015/L, 26 February, 1944.
2. Report of Major Holt is attached for your information.
3. It is my opinion that no action is necessary.

John W. Chapman
 JOHN W. CHAPMAN,
 Lt. Col., J.A.G.D., 13
 Reg. Legal Officer.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army.

(13A)

MCH/LC

Naples, Italy
3 March 1944.

MEMORANDUM.

SUBJECT : Attached Correspondence with reference to building at
convent S.DOMENICO MAGGIORE and Tribunale Building
CASTELCAPUANO.

TO ; R. L. O. REGION III.

1. Reference is made to para. 2. of the attached letter of the Chief of the Liaison Division to Deputy Executive Commissioner under date of 21 February 1944. This para. refers only to the two rooms formerly occupied as Court rooms by the two sections of the Court of Assize and to the office of Public security. No mention is made of the offices of the Cancelleria, the Archives or the Judges Chambers and Council Rooms. A minimum of six (6) rooms was required for the functioning of the Court of Assize. One of the Court rooms has been completely demolished, the other is now occupied as a dormitory, and the office of Public Security is in use as a mess.

2. Para. 3. of the a/m letter is an accurate statement of fact, to which may be added that the court room fixtures and furnishings vanished after occupation by the troops. It has also been noted that the presence of a wood or coal stove in the remaining court room, now used as a dormitory is in all probability destroying at least in part the painted ceilings of this former chapel.

3. The five court rooms of the Tribunale Building referred to in para. 4. of the a/m letter as being entirely vacant and out of use have been seriously damaged by aerial bombardment, and are in process of being repaired. Two of these court rooms have already been repaired to the extent that they are now being used by the Summary A.M.G. courts. The remaining three will not be ready for occupation for at least fifteen days.

4. The CASTELCAPUANO Court house has a total of nineteen (19) Court rooms inclusive of those now being repaired. The Tribunale and Court of Appeal, Naples, comprising a total of twenty six sections alone exceed the available Court-room accomodation in this building. There are in addition two sections of the Court of

12A

Assize, only one of which is presently functioning, and the Juvenile Section of the Court of Appeal to be provided for.

5. At the present time there are five (5) Summary A.M.G. Courts and a Superior A.M.G. Court occupying court-rooms in CASTELCAPUANO. In addition provision has been made for the accommodation of the increase in prosecution staff and police offices for these Military Courts to the very serious detriment and disadvantage of the Italian Courts.

6. With reference to para. 5. of the a/m letter of the Chief, Liaison Division it is my opinion that while only a portion of the convent building referred to would be in use for Court purposes, the use of the balance of the premises for other purposes would be incompatible with the proposed use.

7. I append hereto copy of my letter of 14 January 1944, on the subject of Court Premises at CASTELCAPUANO, together with a letter of the President of the Tribunale under date of 29 February 1944 on this subject.

M. C. Holt

M.C. HOLT Major
Officer i/c. Italian Courts.
A. C. C. REGION III.

ALLIED

MILITARY GOVERNMENT
HEADQUARTERS REGION III
LEGAL DIVISION

14

MCH/LC

Naples, Italy
14 January 1944.

SUBJECT : Court Premises at CASTELCAPUANO, NAPLES.

TO : Lt. Col. Mc CLAIN, C. L. O. REGION III.

1. The question of providing adequate court room space for the functioning of the Italian Courts in Naples has become a matter of extreme urgency and importance.

2. As you are aware the building formerly occupied by the two sections of the Criminal Court of Assize is now under requisition by P.B.S. and is no longer available for use by that Court; also the part of the Albergo dei Poveri, which is presently occupied by the Juvenile Court has been ordered to be evacuated in favour of the Italian Red Cross.

3. The Court house at CASTELCAPUANO, which is intended for sittings of the (11) sections of the Court of Appeal, and the (15) sections of the Tribunale, is the only remaining building suitable for the purposes of the Courts referred to in para. 2.

4. There are at the present time three Summary A.M. Courts, one Superior A.M. Court, and a U.S. Army Court Martial occupying Court-rooms in this building, together with the dependant offices of these Courts.

5. Under these conditions it is physically impossible to provide the essential space for the Court of Assize and Juvenile Court in the building at CASTELCAPUANO, and it has already become necessary to combine sections of the Tribunale.

6. May immediate steps be taken please to have all of the Military Courts mentioned in para. 4 above, removed to other premises, as the Court rooms presently occupied by them are urgently required for use by the Italian Penal Courts?

M.C. HOLT Major
Officer i/c. Italian Courts.
A. M. G. REGION III.

10A



TRIBUNALE CIVILE E PENALE NAPOLI

N. 470 Prot.

Risposta a nota

OGGETTO: locali giudiziari.

Li 29 febbraio 1941 - Anno X

Al Capo dell'Ufficio Legale presso il Governo Militare
Alleato-regione 5^a e per conoscenza al Primo Presidente
della Corte d'Appello di Napoli.

Questo Tribunale per il numero delle controversie e dei funzionari addetti
vi e' il piu' importante del Regno.

Ne fanno parte 101 magistrati e 102 funzionari di cancelleria e 18 uffici
giudiziari, e un numero rilevante di usci, commessi ed amanuensi, distri-
buiti in nove sezioni civili e sette penali, oltre le tredici sezioni desti-
nate alla istruttoria dei processi penali.

Il vecchio edificio di Castelcapuano era gia' inadatto ed insufficiente al-
le normali esigenze di un cosi' importante ufficio quando la riforma della
procedura civile attuata nell'aprile del 1922 aggravò le non felici condi-
zioni di lavoro rendendo necessaria la creazione di 11 uffici di istruttoria
civili con i relativi gabinetti per i giudici istruttori e per le singole
cancellerie.

Tale stato di cose e' divenuto anche piu' grave per la ¹⁰occupazione di
molti locali danneggiati dai bombardamenti aerei, e per l'occupazione di au-
merose aule da parte delle Corti del Governo Militare Alleato.

Risultano infatti occupati i seguenti locali:

- a) pianterreno-aula della 1^a sezione penale e relativa camera di consiglio.
- b) 2^o piano - aula e camera di consiglio della 1^a sezione civile.
- c) aula dei giudici Pizzuti e Lipari, in continuazione della precedente.
- d) aula del giudice Dinacci, in continuazione delle suddette
- e) aula della cancelleria della 1^a sezione civile.
- f) tre vani gia' occupati dal giudice Conti.
- g) grande aula adiacente alla segreteria della Presidenza.

Conseguenza di tutto cio' e' che nemmeno la prima sezione ~~non~~ abbia locali
propri dove alloggiarsi, e che numerosi giudici debbano svolgere il loro la-
voro istruttorio nelle stesse aule, di cui alcune prive financo di vetri, con
inevitabile disagio e confusione.

La lenta ma graduale ripresa degli affari viene cosi' impedita, e vanu rie-
sce la buona volonta' dei funzionari per il miglioramento del servizio.
Sono consapevole degli sforzi di Cotesta Ufficio Legale per la normalizza-
zione del lavoro giudiziario, e ho manifestato il grato animo mio e dei giu-
dici e funzionari dipendenti.

Ho fiducia che non verra' meno a questa magistratura il valido appoggio
del Governo Militare Alleato, eppero' mentre manifesto la necessita' che non
si proceda ad ulteriore occupazione dei locali, fo istanza che per lo meno
siano restituite l'aula e la camera di consiglio della prima sezione e

l'aula della cancelleria della seconda sezione civile perche' assolu-
tamente necessarie al funzionamento di questo tribunale.

IL CONSIGLIERE DI CASSAZIONE
Presidente del Tribunale

Benigno

4015

B3A

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/19/26/co

NEF/mrd
27 February 1944

SUBJECT: Requisition of Premises Occupied by Military Personnel.

TO : Chief, Legal Subcommittee

See also 26-29

1. With respect to your request for the requisitioning of the building located at 18 Convent San Domenico Maggiore for use by the Court of Assizes, the matter has been taken up by the F.B.S. Liaison Officer who reports as follows:

"The structure in question, which is only one of a number of buildings constituting the convent, is very large. Inspection and inquiry indicate that only three rooms, comprising only a small part of the building, have been previously used for court purposes. One of these is now completely destroyed. Of the remaining two, one is being used as a dormitory and one is a mess.

"Both of the rooms referred to were apparently originally designed as chapels, and neither contains any special court fittings, fixtures or furniture. Their location is such that if they were used for court purposes, it would be necessary for witnesses, parties and others attending the court to walk through portions of the building being used for other purposes."

The Liaison Officer has also been informed that there are now five court rooms in the Tribunale, Naples, which are not being used.

2. Before we proceed further in our efforts to secure the evacuation of Allied troops from the Convent San Domenico Maggiore would you care to investigate the possibilities of utilizing the court rooms in the Tribunale.

FA

(Requisition of Premises Occupied by Military Personnel,
Cont'd)

3. If you still wish to proceed in the matter of the Convent please let us know whether it is your intention that the entire building be used for court purposes and if not, whether the use of the balance of the building for other purposes would be compatible with your requirements.

By Command of Lieutenant General MASON MacFARLANE:

Norman E. Fiske

NORMAN E. FISKE
Colonel, Cavalry
Deputy Executive Commissioner

8

PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GMU/gmf

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26 February 1944.

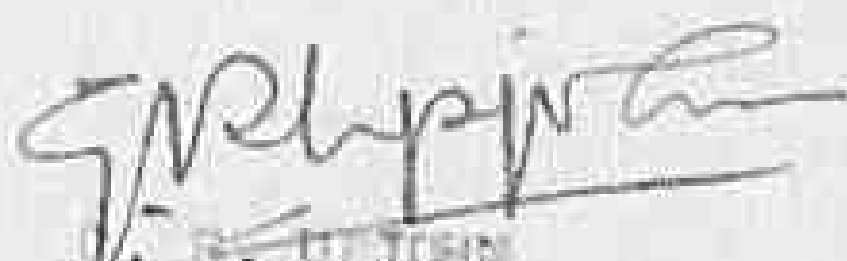
4015
AGC/1105/L

SUBJECT: Court Buildings.

TO : GLO Region 3 (Copy to Major Palmieri).

Ref the Convent San Domenico Maggiore, at present occupied by
606 Ordnance Bn. I enclose copy of letter written by Liaison Officer, AGC.

Please let us have your comments thereon and if you still desire
to proceed with the attempt to remove 606 Ordnance Bn. please give your
reasons for not using the vacant court rooms in the Tribunale.


J. R. DUNN
Colonel
Chief Legal Officer.

7

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

(6A)

ACC/4015/L

22nd February 1944

SUBJECT: Requisitioning of Property of Court Officials.

TO : R.L.O. (thru RC) Region III

Reference your ²²3/6039/L dated 18 February 1944, this question should be taken up by you direct with the local requisitioning authorities.

GERALD R. UPTORN.
Colonel.
Chief Legal Officer.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
Liaison Division
APO 394

RJE/sun

21 February 1944

SUBJECT: Evacuation of Premises Occupied by Military Personnel.
TO : Deputy Executive Commissioner.
FROM : Liaison Division.

1. In accordance with instructions, personal inspection was made this afternoon of the building at Convent SAN DOMENICO NEGRORE referred to in the attached memorandum.

2. The structure, which is only one of a number of buildings constituting the convent, is a very large one. Inspection and inquiry indicate that only three rooms, comprising only a small part of the building, have been previously used for court purposes. One of these is now completely destroyed. Of the remaining two, one is being used as a dormitory, and one as a mess.

3. Both of the rooms referred to were apparently originally designed as chapels, and neither contains any special court fittings, fixtures or furniture. Their location is such that if they were used for court purposes, it would be necessary for witnesses, parties and others attending the court to walk through portions of the building being used for other purposes.

4. I am informed by one of the members of a court now sitting in the TRIBUNALE in Naples, that there are at the present time five court rooms in that building which are entirely vacant and out of use. In this connection, I appreciate fully that the Legal Subcommission must be aware of the availability of this space, and that the request for the Convent San Domenico building is made for good and sufficient reasons.

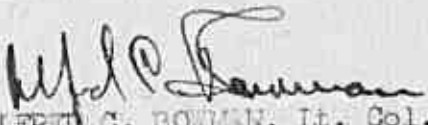
5. It is recommended, however, that before formal request for the evacuation of the convent building is made to ICS, it be ascertained whether the Legal Subcommission actually intends that this entire building be used for court purposes and, if it is determined that only a portion of the premises is to be so used, whether the use of the balance of the building for other purposes would be incompatible with the proposed use.

~~See 29 27 26~~

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6. It is further recommended, that, as standard operating procedure for the future, needs of subcommissions and other submitting requests of this kind be required to do so in writing, formally, setting forth with particularity:

- a. The exact description and location of the premises desired to be obtained, and for what purpose;
- b. The date upon which the place is to be needed;
- c. Reasons why the place in question is better suited for the contemplated purpose than other available space;
- d. Whether the intended use (where only a portion of a building is involved) is compatible with the continued use of the remainder of the building for its present purpose; and,
- e. Such other matter as may be pertinent in individual cases.


ALFRED C. BOWMAN, Lt. Col.
Chief, Liaison Division

BRIGADIER LUSH
COLONEL W. P. JOHN

(EBA)
H. L. V. G.

16 February 1944

Memorandum.

Raise the question regarding the evacuation of the convent San Domenico Maggiore 18 occupied by 606 Ordnance Battalion which shall be required for use as court buildings. This was formerly occupied by two sections of Court of Assizes. The matter to be discussed with Lt. Col. Bowen, Liaison Officer, with PBS.

SEND OVER FORMAL REQUEST

DISCUSSED AT PARIS
18 FEB 1944
LETTER TO PBS
19 FEB 1944

Piazza del Gesù ark

6 Convento di S. Domenico

Declassified E.O. 12958 Section 1.4, and
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

2A

Ref/19/OA

20 February 1944

SUBJECT: Release of Premises Occupied by Military Personnel

TO : C.G., P.B.S.

1. It is requested that ^{that portion of} Convent SAN DOMENICO MAGGIORE, now occupied by 606 Ordnance Battalion, be vacated and made available for use as a Courts Building.

2. This building was formerly occupied by two sections of the Italian Court of Assizes and is now urgently required for this purpose.

M. S. LUSH
Brigadier
Executive Commissioner

2

Copy to: Lt. Col. Bowman
(Liaison Officer)

4015

Legal
21

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
LEGAL DIVISION
APO 394, U.S. Army

15 February 1944

TWC/pv
3/6039/L

Subject: Requisitioning of Property of Court
Officials.
To : Legal Sub-Commission, Allied Control
Commission.

1. Reference to attached file.
2. This would seem to be a matter for the attention of the Liaison Officer and for presentation to requisitioning authorities.
3. It is my thought that requisitioning authority is ignoring the directive regarding military necessity as opposed to military convenience.

1

John W. Chapman
JOHN W. CHAPMAN,
Lt. Col., J.A.G.D.,
Reg. Chief Legal Officer.

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