

ACC

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REGIONAL REP  
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REGIONAL REPORTS, REGION III, SCAO'S REPORTS & SLO'S REPORTS  
OCT. 1943 - SEPT. 1944

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

(57)

I-2000

3 September 1944

SUBJECT: Report on the work of the Legal Division, Region 3  
for the month of August 1944.

TO : CLO, Legal Sub-Commission, ACC, HQ.

1. In continuation of the practice of my predecessor Major G.A. SAMLET, Acting Regional Legal Officer, who was transferred to a forward Region on 25 August 1944, I submit a report of the work of the Legal Division for Region 3, for the month of August 1944.

2. The source of some of the information that is herewith submitted is of course Major Samlet and the officers now under my command. It will be appreciated that this synopsis of the legal division's activities is prepared without my having any direct knowledge of some of the matters therein set forth.

3. STAFF. There is attached as Appendix "A" a list of officers serving in Region 3, under the Acting Regional Legal Officer as at 25 August 1944. Appendix "A(1)" is the roster of legal officers for the Southern Region up to and including 31 August 1944.

4. TRIBUNALS. On 1 August several changes were made at the Tribunale NAPLES. Arraignment court was abolished. Summary Military Courts except for the Port Military Court were eliminated, and Superior Courts were reduced to one. It was decided to retain the Central Prosecutions Office at the Tribunale. Certain matters concerning it, particularly as regards the civilian staff had given rise to some anxiety. As a result of an investigation it was discovered that many prisoners had been released from prison by forged release warrants. Statements have been obtained

from the liberated prisoners incriminating a number of individuals. Some of the civilians involved have been arrested. It is expected that others will be taken into custody in the near future. During the month of August more than 60 civilian employees were dismissed because of the reduction in work.

5. During the period of this report approximately 250 cases were referred to the Italian Courts daily. Only those cases involving a notable amount of theft of Allied property, or cases deemed of substantial importance to the war effort, were retained for trial before AMG Superior Courts. All pending cases, some of which had been awaiting trial for months were assigned for trial, and adjudicated.

6. There are attached as appendices "B" and "C" tables showing the number of cases tried in AMG Courts in Naples Commune during the period under review.

7. ITALIAN COURTS. A special section of the Tribunale at Naples has been created to deal exclusively with cases involving property and interests of the Allies. Two sections of the Pretura of Naples have been established to deal with the same type of cases where allied interests and property are concerned.

8. Continual liaison has been maintained with the Presidents of all Courts and the representatives of the Judiciary. I have myself met all the principal judges and other officials in Naples and have emphatically directed their attention to the very great importance which the Allies attach to the punishment of offenders against their interests. It has been stressed that exemplary and deterrent sentences must be imposed as they discourage further crimes of a similar nature. I have explained to all of them that where the success of the Allied war effort is involved the claims of the individual to lenient and reformative treatment must yield before the urgent and absolute necessity which exists of ensuring that the efforts of the armed forces are not impeded in any way. A system of weekly returns has been inaugurated which will enable me to keep my fingers on the pulse of the Italian Judiciary and to see exactly how they are acting both in the volume of work they dispose of and in the sentences they impose.

Major D./.. Little left on Wednesday 30 August 1944 for Bari. He will be accompanied thither by Major Boyd-Carpenter and together with Capt. German will thoroughly examine the position there and conduct a "clean-up" which it is hoped will put an end to the causes of complaints which have recently been

made by responsible officers. He spent two days in my office before his departure. I made him thoroughly acquainted with the prevailing unsatisfactory conditions and gave him a series of instructions in regard to their elimination. I myself propose to begin a tour of the Southern Region at the earliest possible date. It is unfortunate that the Italian Courts are in vacation and will apparently remain so for the whole of this month but I do not for this reason intend to postpone my inspections.

9. A survey of a number of eviction cases has been made. This survey has led to the preparation of a Prefect's Decree as yet unsigned to deal with war time evictions. I indicated to the Prefect the lines along which I thought his Decree should proceed. The Decree will be published in the course of the next day or two.

10. The many court room, office space and supply rooms used in the Tribunale of Castelcapuano by the Allies for court work were restored to the Italian Courts, for their exclusive use, with the exception of four small rooms still used for the AMG Central Prosecutor's Office.

11. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts and the various types of offenders tried, during the period under review.

12. Luigi Piscitelli et alias. This division is in receipt of a letter dated 29 August 1944 from Legal Sub-Commission requesting the division to return for further consideration the proceedings against Piscitelli, Tagliavini and Mosca. The records in this division do not disclose that a new petition has been submitted here. Under secret classification the entire record in this case has been sent to the Chief Legal Officer according to instructions.

13. LEGISLATION. Paragraph 1 of a Regional Order No. 16 dated 28 February 1944 (which relates to the salaries of teachers "di ruolo" employed by the Allied Forces) has been repealed by Regional Order No. 64 issued on 9 August 1944.

For the Regional Commissioner:

*L.F. Dawson*  
L.F. DAWSON,  
Lt. Colonel, G.L.,  
Regional Legal Officer.

LJE/mo

## APPENDIX "A"

RETURN OF OFFICERS AS OF 25 AUGUST 1944  
REGION 3

|                   |     |
|-------------------|-----|
| Major G.A. SAMLET | (B) |
| Major R.J. ROLFE  | (B) |
| Capt. E.T. WERR   | (A) |
| Capt. A.E. GOLD   | (A) |
| Lt. B.D. CARR     | (A) |
| Lt. C.C. BASHO    | (A) |

|                             |
|-----------------------------|
| Actg Reg Legal Officer      |
| Judicial Officer            |
| Prosecuting Officer         |
| Judicial Officer            |
| " "                         |
| Officer i/c Italian Courts. |

## APPENDIX A(1)

RETURN OF OFFICERS AS AT 31 AUGUST 1944  
SOUTHERN REGION

|                           |     |                                        |
|---------------------------|-----|----------------------------------------|
| Lt. Colonel L.F. DAWSON   | (B) | Regional Legal Officer                 |
| Capt. R.T. KERR           | (A) | Legal Officer, and Assistant to R.L.O. |
| Capt. A.E. GOLD           | (A) | Legal Officer                          |
| Major R.J. HOLFE          | (B) | " "                                    |
| Major D.C. LITTLE         | (A) | " "                                    |
| Lt. E.D. CANN             | (A) | Prosecuting Officer and Officer i/c    |
|                           |     | Central Prosecutions Office.           |
| Lt. C.C. BARNES           | (A) | Officer i/c Italian Courts, Naples     |
|                           |     | Zone.                                  |
| Major J.A. Boyd CARPENTER | (B) | Legal Officer FOGGIA ZONE              |
| Capt. A.C.J. GERMAN       | (B) | " " BARI "                             |

It is intended to post Major Rolfe to the Foggia Zone and to station Major Boyd Carpenter and Captain German in Bari. The period set-up will be set forth in the report for September 1944.

*final*

## APPENDIX "B"

## REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF AUGUST 1944.

## A. CASES TRIED AND FINDINGS.

| Province<br>of | Summary Court |        | Superior Court |        | General Court |        | TOTALS     |        | Total<br>Cases. |
|----------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|-----------------|
|                | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |                 |
| Naples         | 9             | 1135   | -              | 45     | 2             | 7      | 11         | 1187   |                 |
| Avellino       | 3             | 15     | -              | 7      | -             | -      | 3          | 22     |                 |
| TOTALS         | 12            | 1150   | -              | 52     | 2             | 7      | 14         | 1209   |                 |

## APPENDIX "C"

REPORT ON ALLIED MILITARY COURT FOR THE MONTH OF AUGUST 1944.  
B. CONVICTIONS.

| Province of | Curfew and violation | Theft & Poss. of Arms & Al. Prop. | Black Loot-Poss. of Arms & Viol. pass Code | Viol. I. Penal | Others | TOTAL |
|-------------|----------------------|-----------------------------------|--------------------------------------------|----------------|--------|-------|
| Naples      | -                    | 985                               | 132                                        | -              | 70     | 1187  |
| Avellino    | -                    | 14                                | 3                                          | -              | 5      | 22    |
| TOTALS      | -                    | 999                               | 135                                        | -              | 75     | 1209  |

A. J. Brown

Signature (Rank) (Official Designation)

W. Col. R. O.

100  
1007

Appendix "D"RETURN of Penal Cases in the month of August 1944.

Total number of persons arrested by Italian Police N° 1752  
(1423 have been arrested for offences committed against the  
Allied Forces.

| TRIAL              | CONVICTIONS | ACQUITTALS | TOTAL    |
|--------------------|-------------|------------|----------|
| By Tribunale Court | 683         | 49         | 732      |
| " Pretura "        | 1307        | 339        | 1646     |
| " Court of Appeal  | 126         | 42         | 168      |
| " Juvenile Court   | 13          | ---        | 12       |
| " Court of Assize  | ---         | ---        | ---      |
| <br>TOTALS         | <br>2128    | <br>430    | <br>2558 |

Summary of offences dealt with by above Courts:

## TRIBUNALE

- 208 Black Market, sentences ranged from 100 lire fine to 1 year and four months imprisonment.  
167 Aggravated theft, sentences ranged from 1 month imprisonment to 5 years imprisonment and 5000 lire fine.  
175 Buying stolen goods, sentences ranged from 300 lire fine to 4 months imprisonment  
82 Possession of property of the Allied Forces, sentences ranged from 300 lire fine to 1 year imprisonment and 3000 lire fine.  
21 Theft against the Allied Forces, sentences ranged from 20 days imprisonment to 1 year imprisonment and 300 lire fine.

## PRETURA

- 423 Black Market, sentences ranged from 100 lire fine to 4 months imprisonment and 2500 lire fine  
79 Begging, sentences ranged from 5 days to 1 month imprisonment.  
36 Contravention, sentences ranged from 40 to 500 lire fine  
22 Selling without license, sentence ranged from 200 lire fine to 20 days in prison and 1000 lire fine.

106 traffic violation, sentences ranged from 100 to 3000  
lire fine  
508 Curfew, sentences ranged from 50 to 3000 lire fine.

#### COURT OF APPEAL

48 Theft, sentence ranged from 3 months imprisonment and 300  
lire fine to 2 years imprisonment and 6000 lire fine  
44 Black market, sentences ranged from 200 lire fine to 3  
months imprisonment and 3000 lire fine.  
22 Buying stolen goods, sentences ranged from 15 days  
imprisonment to 2 years imprisonment and 10,000 lire fine.

#### JUVENILE COURTS

5 Stealing Allied Forces property, sentences ranged from 10  
days imprisonment and 100 lire fine to 30 days imprison-  
ment and 300 lire fine.  
3 Aggravated theft, sentences ranged from 1 year in a Riforma-  
tory to 8 months imprisonment and 800 lire fine.  
2 Thefts, sentences: Judicial pardon.  
1 Procl. 2 Art. 2 M. 25 sentence: judicial pardon.

*This is report  
for reference*

(56)

4648/30

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

L-2000

4 August 1944

SUBJECT: Report on the work of the Legal Division, Region 3,  
for the period from 20 to 31 July 44.

TO : CLO, Legal Sub-Commission, ACC.

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1. STAFF. There is attached as Appendix "A" a list of officers serving in Region 3 under the Regional Legal Officer as at 31 July 44. This list, for the first time, includes all officers within the Region regarded as legal officers.

2. Opportunity was taken, during the visit to Region 3 of the Chief Judicial Officer, to discuss with him at some length the question of legal personnel in the Region. Certain proposals were made and, with one exception (and that not an important one), those proposals have been accepted by ACC and, since the end of the period under review, the necessary orders have been cut.

3. The organization proposed for the future includes the abolition of provincial legal officers and the concentration of the whole of the legal staff on Regional Headquarters. In view of the reduction of staff it is considered undesirable, for the present at any rate, to designate more officers than is absolutely essential to specific assignments. Accordingly the only specific assignments will be (1) the Acting Regional Legal Officer; (2) the Judicial Officer who, in addition to his present duties in connexion with reviews, will be responsible for the conduct of the Central Prosecutions Office in NAPLES; and (3) the Liaison Officer to the Italian Courts. The remaining four legal officers assigned to the Region will form a pool at Regional Headquarters to carry out such duties as may be given to them including the manning of AMG Courts in NAPLES Commune.

4. The proposals outlined in para 3 above were put into force as regards NAPLES Commune on 26 July.

5. MILITARY COURTS. There is attached as Appendices "B" and "C" tables showing the number of cases tried in AMG Courts in NAPLES Commune during the period under review.

6. Authority has now been received from the Legal Sub-Commission for all cases which would hitherto have been regarded as Summary Court cases, to be referred to the Italian Courts for trial. Full advantage is now being taken of this authority. It is anticipated that it will in future be possible to abolish Summary Courts entirely except for arraignment purposes.

7. The swing over to the Italian Courts referred to above and the transfer to the same Courts of certain cases awaiting trial for offences committed outside the Commune of NAPLES has enabled something to be done to clear up the number of cases awaiting trial. A reorganization of the calendars in the Commune of NAPLES has done more so that, as at 31 July, the number of cases awaiting trial were Summary Court 111, Superior Court 21, and General Court 5. It is hoped that the Superior Court calendar will be brought up to date early in August.

8. It has been decided to retain the Central Prosecutions Office in NAPLES as it is of proved value. Certain matter connected with it, particularly as regards the staff, have however given rise to some anxiety. The matter has been under consideration for some time and certain steps have been taken. It is anticipated that the situation at the Central Prosecution Office will be cleared up early in August.

9. Steps have been taken to determine the appointment of certain British Town Majors as Summary Court officers outside NAPLES Commune.

10. Having regard to the wording of Executive Memorandum No.7 orders have been made by the Regional Commissioner appointing Superior Courts and Summary Courts in NAPLES Commune. The order relating to Superior Courts appoints as sole Superior Courts all judicial officers in the Region who have been authorised by the CLO as sole Superior Courts. The order relating to Summary Courts appoints all legal officers, the Commissioner for the Commune of NAPLES, and one officer "borrowed" from FBS.

11. A new panel for a General Court has been approved by ACC. This panel permits the Regional Commissioner to appoint to Groups B and C officers not named in the panel.

12. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts in the whole of July and the various types of offenders tried.

13. Pending the settlement of the problems relating to personnel, referred to in paragraph 2 above, an appointment of a Liaison Officer to the First President of the Court of Appeal has not yet been made. It has now been settled that Lieut. C.C.BANNO will be appointed to this position.

14. In SALERNO Province the position of the Italian Courts has considerably improved. Arrears are being kept down and more room has been made available to the Tribunale. It is also expected that more judges, already promised by the Italian Government, will arrive in August.

15. LEGISLATION. Regional Order No.30, dated 24 March 44, which required the Italian Courts to sit for longer hours, has been repealed.

16. GENERAL. A return has been sent to the Executive Commissioner, ACC, stating that no person is detained under Article VII of Proclamation No.2 in that part of Region 3 which became Italian Government Territory on 20 July 44.

17. The Black Market Control Section has been abolished owing to the impossibility of finding personnel to man it and the difficulty of obtaining proper co-operation with other authorities attempting the same work.

For the Regional Commissioner:

*G.A. Bannett*

G.A. BANNETT,  
Major, G.L.,  
Actg Reg Legal Officer.

GAB/mo

## APPENDIX -A"

Return of Officers as at 31 July 1944

|                            |     |                                                     |     |
|----------------------------|-----|-----------------------------------------------------|-----|
| Major G.A. BARNETT         | (B) | Acting Reg. Legal Officer.                          |     |
| Major M.C. HOLT            | (B) | Officer i/c Italian Courts.                         |     |
| Major G.S. PARLIN          | (A) | <del>Legal</del> <del>Judicial</del> Officer        |     |
| Major G.L. GILSHENAN       | (B) | " "                                                 |     |
| Major R.J. ROLFE           | (B) | " "                                                 | 521 |
| Capt. E.H. BLACKLOCK       | (B) | " "                                                 |     |
| Capt. B.T. KERR            | (A) | Reviewing Officer - Central<br>Prosecuting Officer. |     |
| Lieut. Col. G.G.T. AINSLIE | (B) | P.L.O. Benevento                                    |     |
| Capt. A.E. GOLD            | (A) | P.L.O. Avellino                                     |     |
| Lieut. C.C. BARKO          | (A) | P.L.O. Salerno.                                     |     |

## APPENDIX "B"

## REGION III

Report on Allied Military Courts for the month of July from 20th to 31th, 1944.  
A. CASES TRIED AND FINDINGS.

| Province of | Summary Court |        | Superior Court |        | General Court |        | TOTALS     |        |
|-------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|
|             | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |
| Naples      | 12            | 356    | 40             |        |               |        | 12         | 396    |
| Avellino    | 2             | 8      |                |        |               |        | 2          | 8      |
| Benevento   |               |        |                |        |               |        |            |        |
| TOTALS      | 14            | 364    | 40             |        |               |        | 14         | 404    |

APPENDIX "C"

REGION III

Report on Allied Military Court for the Month of July from 20th to 31st, 1944.

B. CONVICTION.

| Province of | Curfew & Violat. | Theft & Poss. of Allied Prop. | Black Market | Loot- ing | Poss. of arms | Viol/ It. P. Code | Others | TOTALS |
|-------------|------------------|-------------------------------|--------------|-----------|---------------|-------------------|--------|--------|
| Province of |                  |                               |              |           |               |                   |        |        |
| Naples      | 160              | 161                           |              |           |               |                   | 75     | 396    |
| Avellino    |                  | 8                             |              |           |               |                   |        | 8      |
| Benevento   |                  |                               |              |           |               |                   | 75     | 404    |
| TOTALS      | 160              | 169                           |              |           |               |                   |        |        |

.....  
Signature (Rank) (Official Designation)

## APPENDIX "B"

Return of PENAL CASES in NAPLES from 1st July to 31 July 1944.

Total Number of persons arrested by Italian Police N° 2485

| TRIALS            | CONVICTIONS | ACQUITTALS | TOTAL |
|-------------------|-------------|------------|-------|
| By Tribunal Court | 1643        | 286        | 1929  |
| " Juvenile "      | 143         | 22         | 165   |
| " Court of Appeal | 495         | 199        | 694   |
| " Court of Assize | 13          | 6          | 19    |
| " Pretura Court   | 2446        | 529        | 2975  |
|                   |             |            | 118   |
| TOTALS            | 4740        | 1042       | 5782  |

## Summary of offences dealt with by above Courts:

## TRIBUNALE

- 898 Black Market, sentences ranged from 100 lire fine to 1 year in prison and 4000 lire fine.
- 442 Aggravated theft, sentences ranged from 15 days in prison and 500 lire fine to 6 years imp. and 6000 lire fine.
- 126 Gambling, sentences ranged from 500 lire fine to 9 months in prison and 4000 lire fine.
- 47 Buying stolen goods, sentences ranged from 15 days in prison to 10 months in prison and 1000 lire fine.

## JUVENILE Court

- 61 Black market, sentences Judicial pardon.
- 30 Aggravated theft sentences ranged from judicial pardon to 10 months imprisonment and 1000 lire fine.
- 11 Theft, sentences ranged from Judicial pardon to 1 year in reformatory.
- 4 Procuring, sentence: Judicial pardon.

## COURT OF APPEAL

- 312 Black Market, sentences ranged from 150 lire fine to 9 months in prison and 3000 lire fine.
- 86 Aggravated theft, sentences ranged from 2 months in prison and 500 lire fine to 3 years, 6 months in prison and 3000 lire fine.

- 37 Theft, sentences ranged from 2 months in prison to 7 years imp. and 3000 lire fine.

#### COURT OF ASSIZE

- 4 Homicide, sentences ranged from 1 year to 10 years and 3 months in prison.  
 4 Concussion, sentences ranged from 4 to 5 years in prison.  
 3 Wounding by knife, sentences ranged from 6 months in prison and 1000 lire fine to 6 years, 6 months in prison and 2000 lire fine.  
 2 Cutting face, sentences ranged from 4 years to 6 years in prison.

#### PRETURA COURTS.

- 688 Curfew, sentences ranged from 50 to 2000 lire fine.  
 191 Traffic violation, sentences ranged from 50 to 2000 lire fine.  
 882 Black Market, sentences ranged from 300 lire fine to 6 months in prison and 2000 lire fine.  
 105 Begging, sentences ranged from 5 days to 1 month in prison.  
 119 Procuring, sentences ranged from 15 days to 40 days in prison.  
 71 Contraventions (Public Safety) sentences ranged from 30 lire fine to 3 months in prison and 1000 lire fine.  
 68 Omitting to return pawn, sentences ranged from 100 to 2500 lire fine  
 84 Selling without license, sentences ranged from 50 lire fine to 1 month in prison and 2000 lire fine.

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

I-2000

31 July 1944

SUBJECT: Report on the work of the Legal Division, Region 3,  
from 1 to 19 July 44.

TO : CIO, Legal Sub-Commission, ACC.

1. STAFF. There is attached as Appendix "A" a list<sup>6</sup> of officers serving in Region 3 under the Regional Legal Officer as at 19 July 44. This duty does not show the officers whose sole duty it is to man the Military Courts.
2. There was no change in personnel during the period under review.
3. MILITARY COURTS. There is attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during the period under review.
4. The change of policy referred to in paragraph 5 of my report of 4 July 44 has caused a substantial reduction in the number of new cases coming for trial in the Commune of NAPLES (apart from those to be tried in the Port Court). The number of new cases a day at the end of the period under review was 20 for Summary Courts and 2 for Superior Courts. These figures must however be taken with some caution because it is understood a substantial change is being effected in the personnel of the military police and this may momentarily have reduced the number of arrests and charges.
5. The full effect of the abolition of the Summary Court Record Books is now being felt in making reviews at Regional Headquarters. There is no doubt whatever that the use of forms 2, 4 and 6 (almost entirely the last) enables a case to be reviewed in a proper manner but the time taken is considerably longer than before. In consequence of this

and pressure of other work reviews have tended to fall behind.

6. A full report was sent to ACC on the BENEVENTO shooting incident referred to in paragraph 11 of my report of 4 July. Counting this case a General Military Court has sat on 2 occasions during the period under review.

7. Major CURRIE, the Town Major at NOLA, sat as a Summary Military Court there during the period under review for the trial of cases in which the military were interested. To judge by the amount of fines he handed over after 19 July he easily made the Court pay for itself. This is the only occasion on which any of the British Town Majors referred to in previous reports have sat.

8. An Administrative Instruction has been issued requiring the judge of each Summary Military Court to report each week to the Provincial Legal Officer giving full particulars, with reasons, of each suspended sentence given by him. It is hoped, by this means, to reduce substantially the number of suspended sentences.

9. Authority has been received from ACC for the principal witness in a spy case to use in the trial the "alias" by which he was known to the accused.

10. As this report is the last periodical report which will be put forward in respect of Region 3 while the whole of it was under Allied Military Government it is felt that the figures shown in Appendices "D" and "E" may be of interest. These show the whole of the cases tried by AMG Courts in Region 3 from 22 December 44 when Region 3 became independent of 5 Army to 19 July 44.

11. ITALIAN COURTS. The usual figures relating to the Italian Courts will be supplied at the end of July.

12. The Court of Appeal at CAMPOBASSO has been reopened. The reopening was marred by an unfortunate motor accident in which a substitute judge was killed while he was returning from CAMPOBASSO to NAPLES.

13. The Italian Courts appear to be carrying well the additional load of cases thrown on them by the transfer from AMG Courts of many types of offences affecting the military. In one case at least the Italian Courts have proved substantially more expeditious than the Military ones.

14. REGIONAL ORDERS. The following Regional Order has been made during the period under review -

R.O. 62 - Curfew.

15. The following Administrative Orders have been made during the period under review -

A.O. 10 - Restriction on certain Traffic

A.O. 11 - Amendment of paragraph (x) of Article 2, of Administrative Order No. 3 (Epurazione)-

A.O. 12 - S. Carlo Theatre

A.O. 13 - Rules integrating and activating A.O. 3

A.O. 14 - Appointment of a Special Commissioner of the Istituto Caserio Zootechnico per il Mezzogiorno in Caserta

A.O. 15 - Salary etc. of a Prefect.

16. GENERAL. Administrative Order No. 10, referred to above, produced a comment from the Legal Sub-Commission, ACC, that the Order was unnecessary in view of General Order No. 24 and that it was open to objection on legal grounds. A considered reply was sent to this comment and there the matter now rests.

17. The Hemp Control Officer Region 3 was advised on the legal effect of certain notices issued by him without consultation with this Division. He was informed that a person infringing the notices could be prosecuted under Section 44 of Article II of Proclamation No. 2 but a conviction could not be followed by an order of forfeiture under Section 4 of Article V of Proclamation No. 4.

18. The Executive Officer, Region 3, has been advised on the legal points arising in connexion with the wrongful seizure and sale of a horse by an AMG officer.

19. The Regional Agricultural Officer, Region 3, has been advised that the Italian law does not make provision

to deal with employees of a Consorzio Agrario who ferment political trouble at work. Such a state of affairs could not have arisen in fascist times. It was suggested the matter might be dealt with under para (40) of Art.II of Proc. No.2.

For the Regional Commissioner:

GAB/mo

G.A. BARILET  
Major, G.L.,  
Actg Reg Legal Officer.

Appendix "A"Return of officers as at 19 July 1944

|                              |                               |
|------------------------------|-------------------------------|
| Major G.A. BARNET (B)        | Acting Regional Legal Officer |
| Major M.C. HOLT (B)          | Officer i/c Italian Courts    |
| Captain E.T. KERR (A)        | Judicial Officer              |
| 2nd Lieut. L.A. SABATINO (A) | Prosecutor to General Court.  |

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|                               |               |
|-------------------------------|---------------|
| Major G.S. PARLIN (A)         | PLO NAPLES    |
| Captain A.E. GOLD (A)         | PLO AVELLINO  |
| Lieut.Col. G.G.T. AINSLIE (B) | PLO BENEVENTO |
| Lieut. C.C. SANO (A)          | PLO SALERNO.  |

## APPENDIX "B"

## REGION III

Report on Allied Military Courts for the month of July up to 1944.  
A. CASES TRIED AND FINDINGS.

| Province of | Summary Court |        | Superior Court |        | General Court |        | Totals     |        |
|-------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|
|             | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |
| Naples      | 9             | 945    | 3              | 35     | -             | 1      | 12         | 981    |
| Avellino    | 5             | 89     | 1              | 5      |               |        | 6          | 94     |
| Benevento   | 2             | 38     |                |        |               |        | 2          | 38     |
| TOTALS      | 16            | 1072   | 4              | 40     |               | 1      | 20         | 1113   |

## APPENDIX "C"

## REGION III

Report on Allied Military Courts for the month of July up to 19th.  
B. Conviction.

| Province of | Curfew & Violat. | Theft & Poss. of Allied Prop. | Black Market | Loot-ing | Poss. of arms | Viol. It. P. Code | Others | TOTALS |
|-------------|------------------|-------------------------------|--------------|----------|---------------|-------------------|--------|--------|
| Naples      | 148              | 659                           | 6            |          | 16            |                   | 152    | 981    |
| Avellino    | 6                | 83                            | 2            |          | 1             |                   | 2      | 94     |
| Benevento   | 3                | 19                            |              |          | 2             |                   | 14     | 38     |
| TOTALS      | 157              | 761                           | 8            |          | 19            |                   | 168    | 1113   |

.....  
Signature (Rank) (Official Designation)

## APPENDIX "D"

## REGION III

Report on Allied Military Courts from 22/12/1943 to 19/7/1944.  
A. Cases tried and findings.

| Province of | Summary Court |        | Superior Court |        | General Court |        | Totals     |        |
|-------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|
|             | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |
| Naples      | 1779          | 22172  | 6              | 157    | 10            | 1785   | 22329      |        |
| Avellino    | 118           | 1018   | 12             | 57     |               | 130    | 1175       |        |
| Benevento   | 20            | 543    | 23             | 37     |               | 43     | 580        |        |
| Salerno     | 1             | 8      |                |        |               | 1      | 8          |        |
| TOTALS      | 1918          | 23741  | 41             | 251    | 10            | 1959   | 24092      |        |

23741

41

10

24092

24092

1959

24092

## APPENDIX "E"

## REGION III

Report on Allied Military Courts from 22/12/1943 to 19/7/1944.  
B. Convictions.

| Province of | Curfew & Violat. | Theft & Poss. of Allied Prop. | Black Market | Loot- ing | Poss. of arms | Viol. It. P. Code | Others | TOTALS |
|-------------|------------------|-------------------------------|--------------|-----------|---------------|-------------------|--------|--------|
| Naples      | 5339             | 13400                         | 404          | 20        | 1386          | 30                | 1750   | 22329  |
| Avellino    | 241              | 635                           | 77           | 17        | 88            |                   | 117    | 1175   |
| Benevento   | 142              | 261                           | 20           |           | 69            | 45                | 43     | 580    |
| Salerno     |                  | 4                             | 1            | 1         |               |                   | 2      | 8      |
| TOTALS      | 5722             | 14300                         | 502          | 38        | 1543          | 75                | 1912   | 24092  |

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Signature (Rank) Official Designation)

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

L-2000

4 July 1944

Subject: Report on the work of the Legal Division, Region 3,  
for the month of June 1944.

To : CLO, Legal Sub-Commission, ACC.

1. STAFF. There is attached as Appendix "A" a list of officers serving in Region 3 under the Regional Legal Officer as at 30 June 1944. This list does not show the officers whose sole duty it is to man the Military Courts.

2. On 20 June Colonel JOHN W. CHAPMAN who had been Regional Legal Officer since 8 February 1944, was appointed Acting Regional Commissioner. Major G.A. BAMLET was appointed Acting Regional Legal Officer in his place.

3. MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during June and the various types of offences tried.

4. The outstanding feature of the past month has been the continued and severe reduction in the officers available, to man the Military Courts in NAPLES Province. A couple of months ago there were some 25; to-day there are 7, including in both figures certain officers which have been "scrounged" from other organizations. The number of officers on Regional Headquarters has been reduced from 7 to 4. The number in the other three Provinces remains unchanged at one a-piece.

5. The state of affairs outlined in paragraph 4 has caused a substantial change of policy. Hitherto all offences against Proclamations, General Orders and Regional Orders have

been tried by Military Courts. Now instructions have been given that all offences involving prostitution, violation of curfew, speeding, wrongful possession etc. of Allied goods worth less than 10.000 lire, and offences against certain Regional Orders, are to be tried by the Italian Courts unless, in the opinion of a judicial officer or a public safety officer, the case is sufficiently serious to warrant it being sent direct to a Superior Military Court. There are also excluded from transfer any case involving an offence against Article I of Proclamation No.2 (whether charged or not) and any case involving a second charge which is not included in the transfer. The Italian judicial authorities have been asked to consult with the Provincial Legal Officer concerned before throwing out any case on the grounds of lack of jurisdiction.

6. It is too early to gauge the full effect of the instructions referred to in paragraph 5. It is estimated that the transfer to the Italian Courts of wrongful possession etc. cases will reduce the business of the Military Courts (other than the Port Summary Court) by 80 %. At present two Summary Courts (other than the Port Court) are sitting in NAPLES CITY each day and they are coping quite comfortably with the number of cases. Outside NAPLES CITY Summary Courts are manned by Provincial Officers except at RESINA where a "loaned" judicial officer is still available. Until the end of the month the Court at NOLA was similar manned but this Court has now been closed.

7. The Port Court, to which reference has been made, is a Summary Military Court which was established in the Port area of NAPLES in October 1943, to try certain offences occurring in the Dock area. Later its jurisdiction was extended to cover all offences (subject, of course, to the maximum penalties which can be inflicted by a Summary Court) but, in practice, it deals mainly with petty pilfering and minor breaches of port regulations including, as one misprint put it, breaches of the "sanity regulations". The Port Court tries, on the average 100 cases a day. It has been manned throughout by officers from PBS. Owing to changes in personnel it was threatened with extinction at the end of June but, again thanks to the co-operation of PBS, its continuance is assured. This is a most satisfactory state of affairs as it is somewhat doubtful whether the Italian Courts could carry an additional load of this magnitude.

8. The situation of the Superior Courts in NAPLES Province gives rise to some disquietude. Only three officers, all of them approved to sit as sole Superior Judges, are now available to sit regularly and two of them have had to be diverted from time to time to sit on General Courts one of them practically whole time. In consequence arrears are beginning to mount up. The Provincial Legal Officer is sitting part time as a Superior Court judge and it is hoped that soon he will be assisted, also part time, by two officers from Regional Headquarters.

9. General Courts have sat on 5 occasions during the month. Here again the position is not satisfactory owing to the difficulty of finding officers, especially legal officers, who can be spared from other duties. Owing to changes of personnel the existing panel of officers has almost broken down and it will be necessary to apply for a new panel as soon as the list of the officers who are to remain with Region 3, is settled. The calender of cases awaiting trial by a General Court does not decrease notwithstanding that more than one General Court has been sitting and that certain cases, previously allocated to a General Court, have been transferred to a Superior Court.

10. In short the position of Superior and General Courts in this Region is such the cases cannot be tried at a proper rate without sufficient officers to do it. Every attempt will be made to clear the calendars but much of the attempt will be only a make-shift.

11. Two interesting General Court cases arose during the month. The first concerned certain killings near BENEVENTO. Considerable pressure was brought on this Region to try the accused although at the time the pressure was brought it was not known who had done what. This case is still proceeding. It is proposed to submit a full report on the case when it is complete.

12. The other case referred to in paragraph 11 concerned an affray between Italians and Allied soldiers near CAPUA. Thanks to the excellent co-operation of all concerned the accused were brought to trial before a General Court within 8 days of the offence. The Court consisted of a Judicial officer from ACC, a Judicial officer from Naples Province and

an officer, also a lawyer, from the Division concerned. This headquarters provided the prosecutor. The contrast in smoothness of working between this case and the one referred to in paragraph 11, was most noticeable.

13. The principle established in the case referred to in paragraph 12 of appointing an officer of the combat troops as a member of a General Military Court is one which might well be adopted again at least where combat troops are interested in the case.

14. During the past month the Chief Legal Officer has ruled, on review, that an Allied Military Court has no power to award costs against an allied soldier who was the principle witness for the prosecution. The same ruling laid down that an Allied Military Court might punish a member of the Allied forces for contempt of Court.

15. The Legal Sub-Commission has also ruled that a person charged with espionage cannot be tried by an Allied Military Court in the absence of the principal witness against him, when such witness was not to be produced on security grounds.

16. The proposal to move the Military Courts in NAPLES from the TRIBUNALE to the ALBERGO DEI POVERI is in abeyance owing to the reduction of the number of courts now sitting and the uncertainty about the future. Five court rooms in the TRIBUNALE have been handed back to the Italian authorities.

17. A proposal was received from PBS that a special summary court should be set up at BAGNOLI to deal with pilfering from a replacement depot there. This proposal was agreed to subject to PBS providing the officer to form the Court. PBS has not so far followed up the matter.

18. A ruling has been given, on review, that the acquisition of a blue seal dollar as change on the purchase of goods is not an offence within Section 1 of Article I of Proclamation 10. The repayment of the blue seal dollar which had been confiscated, was ordered to be made in AMG currency.

19. The Regional Labour Officer has been advised that the withholding of Social insurance moneys, deducted by an employer, was an offence within paragraph (d) of Article V of General Order No.2. He was also advised that a breach of a provision in a contract between the employer and the Army could not be enforced by criminal proceedings in either an AMG Court or an Italian Court.

20. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts in June and the various types of offenders tried.

21. The turn over of cases from AMG Courts to the Italian Courts has already been dealt with. It is too early to say what the effect of the change over will be on the Italian Courts. A Section of the Pretore Court of NAPLES has been detached to sit at VIA MEDINA for the trial of curfew and traffic offences. This Section has been functioning for the last month and has been doing its work well.

22. Additional Italian Courts have been opened during the past month. The Court of Appeal at CAMPOBASSO is to be opened early in July.

23. The Bar Association of NAPLES meets for a general election early in July. A previous meeting did not produce a quorum.

24. Requests have been received from time to time to alter the regulations governing the examinations for avvocati. These requests have been refused and the applicants referred to the Bar Association.

25. LEGISLATION. One of the first acts of the new acting Regional Commissioner was to repeal Regional Order No.18 which dealt with prostitution and cognate offences.

26. During June Regional Orders were made on the following subjects -

R.O. 55 Repeal of R.O. and 46 which dealt with the reorganization of local government. These Orders were superseded by an Italian RDL on the same subject.

R.O. 56 and 58. Restriction on sale of certain wines and spirits.

R.O. 57. Conferring on Italian Criminal Courts jurisdiction to try offences created by certain Regional Orders.

R.O. 59. Dissolution of UNPA is a Fascist organization.

R.O. 60. Repeal of R.O. 18.

R.O. 61. Curfew.

27. Administrative Orders have been made on the following subjects -

A.O. 7 Appointment of certain Questori

A.O. 8 Reorganization of ECA

A.O. 9 Extension of term of Ispettorato Superiore del Genio Civile.

28. Certain difficulties have occurred in the distribution of Regional Orders and Administrative Orders. It has now been agreed that this Division shall suggest to the Adjutant the distribution of such Orders. The need of an Official Regional Gazette has been badly felt but it seems rather late in the day to press for such a thing now.

29. GENERAL. The Commission appointed to investigate prisons by Regional Order No.31 has been suspended owing to the transfer of the only allied officer on it. It has however not be dissolved and can be revived again if such a course be considered advisable.

30. An application for consent to form a limited Company was referred to the Industry and Commerce Sub-Commission, ACC. It has been returned by them to the applicants for further and better particulars.

31. The Controller of Property has been advised that it is not his duty to take custody of a villa and its contents which was occupied by a British officer under an agreement dated 1 March 1944, the officer being in Italy and fully able to appoint his own agent.

32. A full and somewhat pungent report was submitted to the Regional Commissioner in reply to an allegation that the interference of AMG is responsible for the inability to curb pilferage and black market activities in the Port of Naples. This allegation was strongly denied.

33. A report by PBS showed that much of the wine and spirits on sale in Naples contained dangerous quantities of methyl alcohol. A Regional Order (R.O. 56) was made to put an end to this state of affairs.

34. A report was forwarded to the CLO calling attention to various apparent breaches of International Law in connexion with requisitioning.

35. The Administrative Instruction that no eviction order was to be put into effect without the consent of the Provincial Legal Officer was abrogated so far as dwelling-houses were concerned on the application to Region 3 of an Italian Decree covering much the same ground. The Instruction remains in effect so far as regards agricultural land pending the application to Region 3 of further new Italian legislation.

36. An application for the acquisition of land for a French Military cemetery was forwarded to the CLO with the expression of opinion that the Italian Government should make some cession of the desired lands in order to ensure continuity of possession.

37. A complimentary letter has been received from the Central Director of Prisons expressing satisfaction on the method of handling juvenile offenders by means of indeterminate detention. He stated this method, apparently unknown in Italy, produced gratifying results. An amendment was, at the Director's request, made in the period of detention.

For the Regional Commissioner:

*G.A. Ramlet*  
G.A. RAMLET,  
Major, G.L.  
Acting Reg. Legal Officer.

GAB/mo

Appendix "A"Return of officers as at 30 June 1944.

|                             |                               |
|-----------------------------|-------------------------------|
| Major G.A. BAMLET (B)       | Acting Regional Legal Officer |
| Major M.C. HOLT (B)         | Officer i/c Italian Courts    |
| Captain E.T.KERR (A)        | Judicial Officer              |
| 2nd Lieut.L.A. SABATINO (A) | Prosecutor to General Court   |

|                              |               |
|------------------------------|---------------|
| Major G.S. PARLIN (A)        | PLO NAPLES    |
| Captain A.E. GOLD (A)        | PLO AVELLINO  |
| Lieut.Col. G.G.T.AINSLIE (B) | PLO BENEVENTO |
| Lieut. C.C. BANNO (A)        | PLO SALERNO.  |

## APPENDIX "B"

## REGION III

Report on Allied Military Courts for the Month of June 1944.  
A. CASES TRIED AND FINDINGS.

| Pro ce of | Summary Court |        | Superior Court |        | General Court |        | Totals     |        | Total |
|-----------|---------------|--------|----------------|--------|---------------|--------|------------|--------|-------|
|           | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |       |
| Naples    | 27            | 1017   | 6              | 35     | 5             |        | 33         | 1057   |       |
| Avellino  | 5             | 147    |                | 6      |               |        | 5          | 153    |       |
| Benevento | 3             | 60     |                | 9      |               |        | 3          | 77     |       |
| TOTALS    | 35            | 1232   | 6              | 50     | 5             |        | 41         | 1287   |       |

## APPENDIX "C"

## REGION III

REPORT ON ALLIED MILITARY COURT FOR THE MONTH OF JUNE 1944.  
B. CONVICTION.

| Province of | Curfew & Violat. | Theft & Poss. of All. | Black Prop. | Loot- Market | Poss. of Arms & Viol. pass | Viol. It. P. Code | Others | TOTALS |
|-------------|------------------|-----------------------|-------------|--------------|----------------------------|-------------------|--------|--------|
| Naples      | 73               | 679                   | 12          | 59           | 234                        |                   |        | 1057   |
| Avellino    | 16               | 111                   | 5           | 13           | 8                          |                   |        | 153    |
| Benevento   | 8                | 49                    |             | 15           | 5                          |                   |        | 77     |
| TOTALS      | 97               | 839                   | 17          | 87           | 267                        |                   |        | 1287   |

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Signature (Rank) (Official Designation)

Appendix "D"RETURN OF PENAL CASES IN NAPLES FROM 1st JUNE TO 30 JUNE 1944.

Total Number of persons arrested by Italian Police 1338

| TRIALS             | CONVICTIONS | ACQUITTALS | TOTAL |
|--------------------|-------------|------------|-------|
| By Tribunale Court | 1346        | 229        | 1575  |
| " Juvenile "       | 150         | 19         | 169   |
| " Court of Appeal  | 420         | 99         | 519   |
| " Court of Assize  | 3           | 2          | 5     |
| " Pretura Court    | 3599        | 465        | 4064  |
| TOTALS             | 5518        | 814        | 6332  |

Summary of offences dealt with the above Courts:

TRIBUNALE

- 879 Black Market, sentences ranged from 100 lire fine to 5 years in prison
- 287 Aggravated theft, sentences ranged from 20 days in prison and 300 lire fine to 5 years in prison and 2000 lire fine
- 55 Buying stolen goods, sentences ranged from 30 days in prison to 6 months in prison and 100 lire fine.
- 24 Gambling, sentences ranged from 300 lire fine to 3 months in prison and 1.000 lire fine.

JUVENILE COURT

- 58 Black Market, sentences ranged from Judicial pardon to 10 days in prison and 500 lire fine
- 53 Aggravated theft, sentences ranged from Judicial pardon to 15 days in prison and 300 lire fine
- 11 Procuring sentences judicial pardon.

COURT OF APPEAL

- 282 Black Market, sentences ranged from 300 lire fine to 8 months in prison and 2.000 lire fine.
- 52 Aggravated theft, sentences ranged from 5 months in prison and 600 lire fine to 3 years in prison and 6.000 lire fine.
- 38 Theft, sentences ranged from 6 months in prison and 1.000 lire fine to 4 years, 6 months in prison and 4.500 lire fine.

- 15 Buying stolen goods, sentences ranged 1 month in prison and 3000 lire fine to 2 years in prison.

COURT OF ASSIZE.

- 1 Homicide sentence 2 years in prison
- 1 Menace by arm and theft sentence 5 years, 5 months and 20 days in prison and 7107 lire fine
- 1 Injury by arm, sentence 1 year in prison.

PRETURA COURT.

- 1423 Curfew, sentences ranged from 50 to 2.000 lire fine
- 520 Traffic, sentences ranged from 50 to 2.000 lire fine
- 1063 Black Market, sentences ranged from 150 lire fine to 5 months in prison and 2.000 lire fine.
- 87 Contravention (public Security) sentences ranged from 20 to 1.500 lire fine
- 94 Procuring, sentences ranged from 20 days to 9 months in prison.
- 104 Selling without license, sentences ranged from 50 lire fine to 1 month in prison and 2.000 lire fine.
- 53 Begging, sentences ranged from 5 days to 1 month and 20 days in prison.
- 36 Omitting to be vaccinated, sentences ranged from 50 to 500 lire fine.

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

L-2000

4 June 1944

Subject: Report on the work of the Legal Division,  
Region 3, for the month of May 1944.

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

1. STAFF. There is attached as Appendix "A" a list of officers serving in Region 3 under the Regional Legal Officer as at 31 May 1944. This list does not include the officers who man the Military Courts.

2. Lieutenant B.D. Cahn of this Division has been appointed Director of the Black Market Control Section. He will continue to operate under the general control of this Division and will act as special prosecutor as regards black market cases and cognate offences. Lieutenant Cahn's previous experience well fits him for this appointment.

3. There has been no change during May in the personnel of the enlisted men assigned to this Division.

4. MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during May and the various types of offences tried.

5. The reduction of the number of legal personnel available for use in the Region has caused a reorganization of the AMG Courts in the Province of Naples. It has now been arranged that outside Naples City Provincial officers will sit as Summary Court judges and they will be assisted by two legal officers who will perambulate the Northern and Southern Divisions of the Province. These two legal officers will also act as Superior Court judges outside the City of Naples.

1970

Within the City of Naples the number of AMG Courts will depend on the number of officers available. It is proposed to retain the Central Prosecutor's Office at the Tribunale with an Italian Staff under an Allied Officer.

6. Decrees have now been made by the Prefects of Naples, Avellino, and Benevento conferring jurisdiction on the Italian Courts to try offences relating to curfew and speeding. An Administrative Instruction has been issued directing that these offences and offences against the Italian law relating to prostitution shall be tried entirely by the Italian Courts.

7. There is under consideration a Regional Order which will confer jurisdiction on the Italian Courts to try various minor offences against Regional Orders which have hitherto been issued.

8. Orders have now been issued appointing seven British Officers as judges of Summary Military Courts. It has been arranged with 57 Area that, in the first instance, these officers shall only try cases which are urgent from the military point of view e.g. because military witnesses are likely to be moved.

9. In continuation of paragraph 9 of my report of 3 May it should be mentioned that the trial before a Superior Court of a director and two managers of the Manifatture Cotoniere Meridionali on black market offences resulted in a sentence of five years imprisonment on all three defendants. Although no mention was made during the trial of the defendants previous political activities, the trial became known in Naples as the trial of the three fascists.

10. The rota of officers available to sit on a General Court is causing some difficulty. The latest rota consists of 12 officers all of whom, with two exceptions, were when the rota was prepared assigned to Region 3. It has not proved practicable to make use of the officers on this rota for the trial of a case at Avellino and authority had to be obtained for the setting up of a special court there. It is proposed to submit a revised list of names on a much extended basis.

11. An instruction has been issued to all AMG Court Officers stressing the need of increasing the severity of sentences particularly in black market cases and cases involving possession of Allied property.

12. The situation referred to in paragraphs 6 and 7 of my report of 3 May has greatly improved. A conference was held early in May with representatives of the various arresting authorities. It appeared that criticisms and accusations against the arresting authorities had been met and corrected prior to the conference.

13. In reference to paragraph 11 of my report of 3 May, a report was called for by the C.L.O. into my action in transferring to the Italian Military Tribunal the trial of four carabinieri who were charged before an AMG Court with the killing of an Allied soldier. On the submission of the report my action was upheld.

14. ACC has ruled that where an offence against a proclamation was committed by a civilian and he was subsequently, but before trial, called up for the Italian Army, the fact that the alleged offence was committed when the accused was a civilian, does not constitute a reason for AMG Courts not exercising jurisdiction.

15. Arrangements are in hand for the requisitioning of part of the Albergo dei Poveri, Naples, for the use of AMG Courts. This will permit the Tribunale to be handed over entirely to the Italian Courts and so enable further Courts to sit for the trial of offences hitherto coming before AMG Courts.

16. An Administrative Instruction has been issued supplementing the Consolidated Instructions for Allied Military Courts which came into effect on 15 May.

17. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts in April and the various types of offenders tried.

18. Regional Order No. 30 (which requires the Italian

Courts to be open for longer hours) produced a long winded protest from one of the judges. A suitable reply was sent to him.

19. GENERAL. This Division has advised the PLO Benevento on certain questions arising out of General Order No.23. The principle difficulty concerned certain transfers which, in accordance with the practice laid down by the then S.L.O. of AMG 5th Army, were executed by the parties and then forwarded to this headquarters for endorsement of consent thereon. I advised that, having regard to the wording of Proclamation No.5 and General Order No.23, such consent might be, and still remain, invalid, and that if I were a purchaser under such a transfer I should press for a deed of confirmation. I added that, in my opinion, the point was primarily one for the Italian Court to determine.

20. This Division has continued to act as liaison between ACC and Doctor Santoro on the drafting and translation of the General Order relating to Defascistation .

21. At the request of the Regional Executive Officer this Division drafted an Administrative Instruction relating to the granting of relief.

22. The action taken by the C.L.O. with reference to paragraph 24 of my report of 3 May in requiring the reversal of my opinion on the rights of unsecured creditors against the Controller of Property was complied with. A further question arising out of this ruling is still under consideration by A.C.O.

23. An attorney at law of Syracuse, N.Y., was furnished with the names and addresses of the heirs at law of an American citizen who died there.

24. The question has been taken up of reviving the publication of the Foglio Annunzi Legali in each Province. A decision on the matter has not yet been reached.

25. This Division has undertaken the printing and supply of Court Forms required by Region 4, 5th Army Field and 5th Army CAS.

26. The Regional Labour Officer has been advised that nothing in any Regional Order relieves a labour union of the obligation to obtain a permit to hold a public meeting.

27. The Senior Legal Officer, 8th Army, was advised that it was not the duty of AMG to adjudicate in disputes as to the ownership of land. It was suggested to him that where the ownership of a brickworks which the Army desired to requisition, was in dispute, the requisition notice should be served on both claimants, telling each of them at the same time that a similar notice had been served on the other of them.

28. The following Regional Orders have been made during May -

- R.O. 29 Distribution of Milk
- R.O. 32 Restriction on sale etc. of sweetmeats
- R.O. 33 Removal of an official of Consorzi Riuniti di Bonifica della Campania
- R.O. 34 Removal of officials of Società Editrice Meridionale
- R.O. 35 Dissolution of certain fascist organizations
- R.O. 47 Curfew
- R.O. 48 Appointment of Director of Regional Labour Office
- R.O. 49 Appointment of Special Commissioner of Consorzio Interprovinciale per la Raccolta e Salatura delle Pelli Bovine e Equine
- R.O. 50 Removal of Official of Consorzio Auto-trasporti Napoletani
- R.O. 51 Construction of R.O. No. 33 and amplification of that Order and R.O. No. 43 which relates to the same Consorzio
- R.O. 52 Repeal of R.O. 13 and 36 (which relate to the price of petroleum products)
- R.O. 53 Interpretation of R.O. 34.

These Orders were drafted in this Division.

29. At the suggestion of ACC a new category of Order has been adopted. These will be known as Administrative Orders and will cover matters dealt with by e.g. R.O. 33, 34, 48, 49, 50, 51 and 53 mentioned above. These Orders will be drafted by this Division. No such Order has yet been issued though certain drafts are under consideration.

For the Regional Commissioner:

*John W. Chapman*  
JOHN W. CHAPMAN,  
Colonel, JAGD,  
Reg. Legal Officer.

GAB/mo

# APPENDIX "A"

Officers on strength of Legal Division,  
Region 3, as at 31 May 1944.

Regional Legal Officer  
General Counsel  
Asst. Genl. Counsel and Prosecutor  
to General Military Court

Judicial Officer  
Officer i/c Italian Courts  
Assistant Officer i/c  
Italian Courts

Provincial Legal Officer, Naples  
" " " Avellino  
" " " Benevento  
" " " Salerno

Colonel J.W. Chapman (A)  
Major G.A. Bamlet (B)

2nd Lieut. L.A. Sabatino (A)

Capt. E.T. Kerr (A)  
Major M.C. Holt (B)

Major E.L. Palmieri (A)

Colonel Weber, J.K. (A)  
Capt. A.E. Gold (A)  
Major G.G.T. Ainslie (B)  
1st Lieut. C.C. Bannò (A)

## APPENDIX " B "

Region No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MAY 1944  
A. CASES TRIED AND FINDINGS.

| Province<br>of | Summary Court |        | Superior Court |        | General Court |        | TOTALS     |        | Total |
|----------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|-------|
|                | Not Guilty    | Guilty | Not Guilty     | Guilty | Not guilty    | Guilty | Not guilty | Guilty |       |
| Naples         | 98            | 2659   |                | 106    |               | 5      | 98         | 2770   |       |
| Avellino       | 5             | 144    |                |        |               |        | 5          | 144    |       |
| Benavento      | 4             | 53     |                |        |               |        | 4          | 53     |       |
| TOTALS         | 107           | 2856   |                | 106    |               | 5      | 107        | 2967   |       |

## APPENDIX "C"

REGION No. 3

REPORT ON ALLIED MILITARY COURT FOR THE MONTH OF MAY 1944.  
B. CONVICTION.

| Province of | Curfew and<br>violations of | Theft and Poss.<br>of Allied Prop. | Black Loot-<br>Marketing | Poss. of<br>Arms and<br>viol. pass | Viol. It.<br>P. Code | Others | Totals |
|-------------|-----------------------------|------------------------------------|--------------------------|------------------------------------|----------------------|--------|--------|
| Naples      | 183                         | 1635                               | 21                       | 241                                | 579                  |        | 2659   |
| Avellino    | 31                          | 84                                 | 11                       | 13                                 | 5                    |        | 144    |
| Benevento   | 21                          | 23                                 |                          | 7                                  | 2                    |        | 53     |
| TOTALS      | 235                         | 1742                               | 32                       | 261                                | 586                  |        | 2856   |

.....  
Signature ( Rank ) ( Official Designation )

106 cases were tried in Superior Court  
in General Court

APPENDIX DRETURN OF JUDICIAL CASES IN NAPLES from 1 May to 31 May 1944

|                                                   |             |            |       |
|---------------------------------------------------|-------------|------------|-------|
| Total Number of person arrested by Italian Police |             |            | 856   |
| TRIALS                                            | CONVICTIONS | ACQUITTALS | TOTAL |
| By Pretura Courts                                 | 1212        | 239        | 1451  |
| " Tribunale "                                     | 1812        | 201        | 2013  |
| " Juvenile "                                      | 260         | 58         | 318   |
| " Court of Assize                                 | 35          | 1          | 36    |
| " Court of Appeal                                 | 530         | 96         | 626   |
|                                                   | =====       | =====      | ===== |
| TOTALS                                            | 3849        | 595        | 4444  |

## Summary of offences dealt with by above Courts

PRETURA

- 712 Black market, sentences ranged from 150 lire fine to 8 months in prison and 5000 lire fine.
- 123 Begging, sentences ranged from 5 days to 4 months in prison.
- 37 Procuring, sentences ranged from 500 lire fine to 2 years in prison and 12,000 lire fine
- 25 Omitting to return pawn, sentences ranged from 200 lire fine to 3 months in prison.
- 24 Theft, sentences ranged from 150 lire fine to 1 year in prison and 3000 lire fine
- 67 Selling without license, sentenced ranged from 100 lire fine to 8 months in prison.

1135

TRIBUNALI

- 1135 Black market, sentences ranged from 300 lire fine to 9 months in prison and 8000 lire fine
- 179 Aggravated theft, sentence ranged from 20 days in prison and 500 lire fine to 4 years in prison and 4000 lire fine.
- 134 Gambling, sentences ranged from 500 lire fine to 8 months in prison and 3000 lire fine
- 103 Theft, sentences ranged from 20 days in prison to 2 years in prison and 10,000 lire fine
- 28 Buying stolen goods, sentences ranged from 1 month in prison and 500 lire fine to 18 months in prison.

JUVENILE COURTS

- 117 Black market, sentences: Judicial pardon
- 99 Aggravated theft, sentences ranged from judicial pardon to 4 months in prison and 600 lire fine.

19 theft, sentences : judicial pardon

#### COURT OF APPEAL

- 370 Black Market, sentences ranged from 200 lire fine to 1 year, 6 months in prison and 3,000 lire fine
- 48 Theft, sentences ranged from 15 days in prison to 8 years and 8 months in prison.
- 45 Aggravated theft sentences ranged from 1 month in prison and 300 lire fine to 4 years in prison and 5,000 lire fine
- 17 Gambling sentences ranged from 5 days in prison and 50 lire fine to 9 months in prison and 12,000 lire fine

#### COURT OF ASSIZE

- 4 Homicide, sentences ranged from 4 years and 5 months in prison to 16 years and 3 months in prison
- 27 Looting, sentences 1 year and 28 days in prison
- 2 Extortion, sentence: 7 years and 1 month in prison and 12,000 lire fine
- 1 Deformation by knife, sentence 4 months in prison.

4043/3 File. 52

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

L-2000

3 May 1944.

Subject: Report on the work of the Legal Division, Region 3,  
for the month of April 1944.

To : The Chief Legal Officer, Legal Sub-Commission, HQ, ACC.

1. STAFF. There is attached as Appendix "A" a list of officers serving in Region 3 under the Regional Legal Officer as at 30 ~~March~~<sup>April</sup> 1944. This list does not include the officers who man the Military Courts.

2. There has been no change in the personnel of the enlisted men assigned to the Division during the month. Having a second enlisted man in the Division at Regional Headquarters has afforded a much needed relief.

3. MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during ~~March~~<sup>April</sup> and the various types of offences tried.

4. There has been no substantial change in the position of the various AMG courts in the past month. The arrangements referred to in my Report dated 4 April 1944 continue and are working satisfactorily.

5. The proposal, referred to in paragraph 6 of my report of 4 April, to utilise British Town Majors as Summary Court judges has progressed a stage further. Towards the end of the month seven British officers attended a one-day course of instruction on the subject. They were shown the Summary Courts in Naples in operation and sat in them as spectators. In the afternoon they were put through an intensive course at Regional Headquarters. Steps are now being taken to have these officers

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appointed as Summary Court judges.

6. In continuation of paragraph 10 of my Report of 4 April, more and more evidence is being received that certain of the military police are continuing to arrest people who have not committed any offence at all. Most of the trouble arises under Regional Order No.18 (which relates to Prostitution) but it is not confined to that. There was a particularly glaring case in which four persons were arrested and charged with killing a U.S. soldier. The only evidence offered by the arresting authority was that these four persons were part of a crowd which had collected at the incident. In that particular case the President of the General Court administered a rebuke, in open court, to the arresting authority, and reported the matter to me. This case is being followed up.

7. Another type of case which is causing disquiet among the Italian population relates to shops which have been placed "off limits" or "out of bounds" by the military authorities. It is a common practice, where an allied soldier is found in a shop which is off limits, for the military police to tell the soldier to "get out" and to arrest the owner of the shop or his salesman, no further action being taken against the soldier. In such a case, too, the stock of the shop-keeper has been confiscated, a thing which the military police have no power to do.

8. I should add, in reference to paragraphs 6 and 7 above, that a conference is being arranged by the Public Safety Division to try to iron out some of the problems relating to prostitution.

9. The investigation referred to in paragraph 21 of my Report of 4 April has resulted in the trial before a Superior Court of a director and two managers of the Manifatture Cotoniere Meridionali on charges relating to black market offences. Although the hearing has continued for nine days, it is not yet finished. By my direction this case was brought directly before the Superior Court.

10. The President of the General Military Court reported to me that an Italian advocate who had undertaken the defence

of a person accused before the Court, failed to put in an appearance on the last day of the trial, thereby necessitating the appointment of an Allied officer to represent the accused. In view of his conduct I suspended the advocate from practising before AMG Courts. This order was, by agreement with the President of the Court, subsequently revoked after it had been in operation 13 days.

11. An Order has been made transferring to the Italian Military Tribunal the trial of four carabinieri who were charged before an AMG Court with the killing of an Allied soldier. The evidence produced was so slender that it appeared unlikely that the AMG Court would convict.

12. An Administrative Instruction has been issued directing that confiscated fire arms are to be delivered to the Provincial Police Officer who may hand over such arms to the police-authorities for use by them.

13. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts during April and the various types of offenders tried.

14. The Commission to investigate jails, referred to in paragraph 14, of my Report of 4 April, continues to function. The actual number of persons discharged in only small but the mere investigations by the Commission is having a salutary effect.

15. The reorganization of the Italian Bar in Naples continues to hang fire. The Provisional Committee appears to be wanting to do anything except its proper job and that as slowly as possible. The Committee has been seen and told firmly to mend its ways. If it does not do so, more drastic action may have to be taken. In Benevento, on the other hand, the reorganization of the Bar is complete and the Provisional Committee has arranged for an election of the Bar Committee to be held early in May.

16. The attention of this Division was called to the fact that some Italian Courts appeared to be making orders of ejectment against tenants without having heard the parties. To prevent an abuse of this nature an Administrative Instruction

has been issued providing that no order of ejectment shall be made except after a proper hearing and then only subject to a review by and the approval of the Provincial Legal Officer.

17. GENERAL ORDER. In consequence of a conference between ACC and Region 3 this Division drafted a General Order relating to Defascistation. This draft was subsequently discussed with the Legal Sub-Commission, ACC, and this Division revised the draft in the light of the discussion. It is understood this matter will now be taken over by the Legal Sub-Commission.

18. REGIONAL ORDERS. During April Regional Orders on the following matters have been issued -

- R.O. 23 - Distribution of medical stores
- R.O. 36 - Fixing price of Automotive Lubricant
- R.O. 37 - Additional rations for certain workers
- R.O. 38 - Establishing a public transportation agency
- R.O. 39 - Permits for mechanically propelled vehicles and motor fuel ration cards
- R.O. 41 - Interpretation of Regional Orders
- R.O. 42 - Charges for transportation by road
- R.O. 43 - Removal of the Director of the Consorzi Riuniti di Bonifica della Campania
- R.O. 44 } Prohibiting certain contracts relating to
- R.O. 45 } Posts and Telegraphs
- R.O. 46 - Amending R.O.22 by extending till 31 May the date for the appointment of certain local government bodies.

In addition several other orders have been drafted including a revised edition of R.O. 37 referred to above.

19. PROVINCIAL ORDER. By arrangement with the Legal Officer, Naples Province, this Division has drafted an Order for publication in that Province enabling Regulations relating to Pleasure Craft issued by the Navy to be enforced in AMG Courts.

20. GENERAL SECTION. A complete reorganization of the files of the Division has been carried out during the past month. The old filing system (if it could be so called) had broken down completely and the only way out of the resulting chaos was to start a new one. It is hoped the new one will prove more successful.

21. This Division has advised the Regional Executive Officer on the Italian law relating to the cruelty to animals (See Art.727 of the Italian Code).

22. There has been forwarded to the Legal Sub-Commission ACC a report which showed that the French army authorities habitually sold to Italians surplus rations issued by the American or British army. Having regard to the danger any civilian runs of being charged with wrongful possession of allied property, it was felt the matter should be considered by higher headquarters.

23. This Division has advised the Regional Director of Economics and Supply that, having regard to the broad powers of R.D.L. 27 December 1940, the Prefect could carry out a reorganization of the Sezione Provinciale Alimentazione.

24. The Controller of Property has been advised that the rights of an unsecured creditor in Italy are substantially the same as in England, and that there was not legal objection to creditors instituting actions against him, in his quality of controller, in order to establish claims against debtors whose property was under his control.

25. The Olivetti Typewriter Co. has been advised that AMG cannot make an order requiring persons to return to the Company typewriters held on loan or on unpaid account.

For the Regional Commissioner:

*John W. Chapman*  
JOHN W. CHAPMAN,  
Lt.Col., JAGD ,  
Reg.Legal Officer.

GAB/mo

appendix "A".

Officers on strength of Legal Division,  
Region 3, as at 30 April 1944.

|                                                               |                             |
|---------------------------------------------------------------|-----------------------------|
| Regional Legal Officer                                        | Lieut.Col.J.W. Chapman (A)  |
| General Counsel                                               | Major G.A. Bamlet (B)       |
| Asst.Genl.Counsel and Prosecutor<br>to General Military Court | 2nd Lieut.L.A. Sabatino (A) |
| Judicial Officer                                              | Capt. E.T. Kerr (A)         |
| Assistant Judicial Officer                                    | 1st Lieut.B.D. Cahn (A)     |
| Officer i/c Italian Courts                                    | Major M.C. Holt (B)         |
| Assistant Officers i/c<br>Italian Courts                      | ( Major L. Palmieri (A)     |
|                                                               | ( 1st Lieut. R.Gaziano(A)   |
| Provincial Legal Officer, Naples                              | Colonel J.K. Weber (A)      |
| " " " Avellino                                                | Capt. A.R. Gold (A)         |
| " " " Benevento                                               | Major G.G.T. Ainslie (B)    |
| " " " Salerno                                                 | 1st Lieut. H.A. Grant (A)   |

## APPENDIX "B"

Region No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF APRIL 1944.  
A. CASES TRIED AND FINDINGS.

| Province<br>of | Summary Court |        | Superior Court |        | General Court |        | Totals     |        | Total<br>Cases |
|----------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|----------------|
|                | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |                |
| Naples         | 69            | 2674   |                |        |               |        | 69         | 2674   |                |
| Benevento      |               | 78     |                |        |               |        |            | 78     |                |
| Avellino       | 9             | 187    |                | 3      |               |        | 9          | 190    |                |
| TOTALS         | 78            | 2939   |                | 3      |               |        | 78         | 2942   |                |

Appendix "C"REGION No.3

## REPORT ON ALLIED MILITARY COURT FOR THE MONTH OF APRIL 1944.

## B. CONVICTION

| Province of | Curfew and<br>Violations | Theft and Poss.<br>of Allied Prop. | Black Market | Looting | Poss. of<br>Arms & A. | Viol. It.<br>P. Code | Others | TOTAL |
|-------------|--------------------------|------------------------------------|--------------|---------|-----------------------|----------------------|--------|-------|
| Naples      | 150                      | 1,876                              |              |         | 230                   | 10                   | 408    | 2,674 |
| Benevento   | 35                       | 20                                 |              |         | 11                    |                      | 12     | 78    |
| Avellino    | 55                       | 195                                |              |         | 25                    |                      | 7      | 190   |
| Totals      | 240                      | 1,991                              | 8            | 8       | 266                   | 10                   | 427    | 2,942 |

.....  
 Signature (Rank) (Official Designation).

Appendix "D"RETURN OF PENAL CASES IN NAPLES 1 April to 30 April 1944.

Total Number of persons arrested by Italian Police 287

| <u>TRIALS</u>     | <u>CONVICTIONS</u> | <u>ACQUITTALS</u> | <u>TOTAL</u> |
|-------------------|--------------------|-------------------|--------------|
| By Pretura Courts | 791                | 273               | 1064         |
| " Tribunale "     | 1495               | 178               | 1673         |
| " Juvenile "      | 207                | 46                | 253          |
| " Court of Appeal | 373                | 84                | 457          |
| " " " Assize      | 7                  | 5                 | 12           |
| <br>TOTALS :      | <br>2873           | <br>586           | <br>3459     |

Summary of offences dealt with by above Courts.

PRETURA

- 333 Black market, sentences ranged from 100 lire fine to 8 months in prison and 5.000 lire fine.
- 151 Procuring, sentences ranged from 500 lire fine to 1 year and 8 months in prison and 4.000 lire fine
- 71 Begging, sentences from 5 days to 2 months in prison.
- 53 Accosting, sentences from 10 days to 8 months in prison and 3.000 lire fine;
- 44 Selling without licence, sentences ranged from 50 lire fine to 40 days in prison
- 14 Theft, sentences ranged from 150 lire fine to 8 months in prison and 2.000 lire fine
- 26 Omitting to return pawn, sentences ranged from 200 lire fine to 1 month in prison.

TRIBUNALI

- 995 Black market, sentences ranged from Judicial pardon to 1 year in prison and 2.000 lire fine
- 128 Theft, sentences ranged from Judicial pardons to 2 years in prison and 2.000 lire fine.
- 123 Aggravated theft, sentences ranged from Judicial pardon to 2 years in prison and 3.000 lire fine
- 97 Gambling, sentences ranged from 500 lire fine to 6 months in prison.
- 43 Buying stolen goods, sentences ranged from 10 days in prison and 500 lire fine to 6 months in prison and 800 lire fine.
- 21 Using abusive language, sentences ranged from 3 to 6 months in prison.

JUVENILE COURTS.

- 89 Black market, sentences: Judicial pardon
- 18 Theft, sentences Judicial pardons 1 sentenced to 1 year in a reformatory
- 78 Aggravated theft, sentences Judicial pardons (3 sentenced to 1 year in a reformatory)
- 5 Injury by arms, sentences Judicial pardons.
- 4 Begging, sentences Judicial pardons.

COURT OF APPEAL

- 253 Black market, sentences ranged from 300 lire fine to 4 years and 6 months in prison and 5000 lire fine
- 21 Theft, sentences ranged from 10 days in prison to 6 years in prison and 3.000 lire fine
- 23 Aggravated theft, sentences ranged from 3 months to 3 years in prison
- 13 Buying stolen goods, sentences ranged from 1 month in prison and 100 lire fine to 1 year and 1.000 lire fine

COURT OF ASSIZE.

- 1 Homicide, sentence 22 years in prison.

- 1 Abortion, sentence 5 years and 6 months in prison.
- 3 Aggravated theft, sentences from 7 months in prison and 100 lire fine to 2 years in prison and 200 lire fine.
- 1 Injury by arms, sentence 3 years 6 months and 20 days in prison.
- 1 Homicide without intention to kill, sentence 4 years in prison and costs.

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4043/3 (51)  
HEADQUARTERS  
REGION 3, ALLIED CONTROL COMMISSION  
LEGAL DIVISION  
APO 394, U.S. Army

4 April 1944

CAB/mo  
3/6002/L

Subject: Report on the work of the Legal Division,  
Region III, for the month of March 1944.

To : The Chief Legal Officer, Legal  
Sub-Commission, HQ. ACC.

1. STAFF. There is attached as Appendix "A" a list of officers serving in Region III under the Regional Legal Officer as at 31 March 1944. This list does not include the officers who man the Military Courts.

2. The problem of enlisted men referred to in paragraph 3 of my report dated 3 March remained unsolved until almost the end of the month. On 28 March two enlisted men were assigned to this Division, of these one has started work at this headquarters, and the other has been posted to Avellino to assist the Provincial Legal Officer there.

3. MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by Allied Military Courts during March and the various types of offences tried.

4. Thanks to the assistance of ACC in assigning to Region III spare legal officers from other Regions, the problem, referred to in paragraph 5 of my report of 3 March, of finding sufficient personnel to man the Military Courts in the City of Naples is at an end. There are now sitting daily in the City of Naples

3 Superior Courts and 8 Summary Courts each with its own prosecutor working under a centralised prosecutor's office located at the Tribunale and under the direction of an experienced officer. In addition a Superior Court and a Summary Court have been established on a permanent basis for the Northern Division of Naples Province and an officer sits as a permanent circuit Summary Court for the Southern Division of Naples Province. This officer has now been authorised to sit as a sole judge of a Superior Court.

5. The arrangements outlined in paragraph 4 have proved sufficient flexible to send a "flying squad" consisting of a Summary Court judge and a prosecutor to any place in Naples Province where difficulties in connexion with Summary Courts have arisen.

6. The proposal, referred to in paragraph 7 of my report of 3 March, to utilise British Town Majors as Summary Court judges in places where AMG officers are not readily available, has not yet materialised because the Commander 57 Area has been advised that such an arrangement would only be legal if AMG were to sign a written statement that it was unable to cope with the situation. It is not known on what authority this advice is based.

7. A General Military Court has sat for the trial of 4 cases during March.

8. A proposal that a General Military Court should include "laymen" as well as lawyers has not worked out well owing to the difficulty in finding "laymen" who can be spared from other duties.

9. Much evidence came to the notice of this Division that the provisions of Proclamation 4, Article IV, Section 2(b), which allows an accused to be represented before an AMG Court by a "friend", was being abused by unqualified persons who were virtually practising as lawyers. A directive has been issued by the Regional Commissioner to put a stop to this.

(49)

10. A report was made to the Regional Commissioner calling attention to the lack of cooperation between arresting agencies and AMG Courts. Persons are held in jail for long periods before arrest reports are sent to the Prosecutor's office; arrest reports are so lacking in essential facts that charges cannot be prepared; and property seized in connexion with offences and which is evidence, is not protected against loss and is not produced in court. In some cases unwarranted brutality is shown by arresting agents and in others the police seem to think that the Court should convict merely because they had thrown the accused in jail. A series of conferences with the arresting authorities was recommended. A particular instance of some of those matters was referred to in a report which was received from the President of the General Court, on a case then before him.

11. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried in the Italian Courts during March and the various types of offenders tried. This shows a marked improvement over the corresponding figures for previous months.

12. In the early part of January a Regional Order was issued providing for the removal from office of certain classes of Fascists. This Order came into force on 26 February. Its effect on the Italian Courts would have been so serious that the officer i/c Italian Courts attached to this Division, on his own responsibility, gave orders that so far as the Italian Courts were concerned, certain key personnel were to be temporarily reinstated. His action was subsequently upheld by the Regional Commissioner but only pending the making of a new Order on the subject.

13. Early in March a very valuable report on the state of the Italian Courts in Region 3 was presented to the Regional Commissioner by Major Palmieri who had been attached to Region 3 for the purpose of investigating and making such a report. Steps have been taken to remedy the state of affairs disclosed by this report.

14. In order to expedite the hearing of trials of persons detained in jail for an alleged offence against Italian law and to reduce the number of persons in jail awaiting trial, two Regional Orders (Nos. 30 and 31) have been made. Regional Order No. 30 requires all Italian Courts to sit at least six hours a day and, in Courts having both criminal and civil jurisdiction, to devote approximately three-fourths of their time to criminal trials. Calendars are to be so arranged that no judge is ever without work to do. Regional Order No. 31 appoints a Lieutenant Colonel of AMG, a Councillor of the Court of Appeal and a substitute Procurator General as a Commission to investigate the state of the jails within Region 3 and to report to the Regional Commissioner thereon. The Order empowers the Commission (a) to order the release of any person who has been in jail for more than 30 days and who has had a formal charge made against him, if the Commission is of the opinion he has been in jail for a period not less than the sentence he would have received for the crime of which he is charged, and (b) to order the release of any person who has been in jail for more than 30 days without a formal charge made against him. An order under (a) requires confirmation by a judicial officer appointed by the Regional Commissioner; an Order under (b) does not require confirmation. The Commission has no power to order the release of persons detained by the Allied Forces, AMG or ACC on a charge of infringing any Proclamation regulation or order issued by AMG or ACC.

15. Provisional Committees have been appointed to carry out the reorganization of the Bar Association in accordance with the Regional Order dated 25 January. The Provisional Committee for Naples showed signs of wanting to increase its membership instead of getting on with its job and had to be told firmly that it had been appointed by the Regional Commissioner and no increase in numbers was permissible.

16. A report on certain irregularities occurring in the Isle of Capri owing to the intervention of the

then CAO in the case of a person who had been convicted by the Pretura was forwarded to ACG, on 9 March 1944, with recommendations.

17. Investigation has shown that, in some cases, the Italian Courts, apparently without authority, were issuing orders of eviction without having heard the parties. In order to prevent a continuance of such a state of affairs an instruction has been given to the Italian Courts that no order of eviction is to take effect until it is approved by the Provincial Legal Officer.

18. REGIONAL ORDERS. During March Regional Orders have been issued on the following matters -

Regional Order No.17. Motor Licences and Petrol Ration Cards.

Regional Order No.18. Restriction of Prostitution.

Regional Order No.19. Authorizing free travel except in the zones of the Armies.

Regional Order No.20. Permitting the use of "ammunizione" and "confino" except for political offences or activity.

Regional Order No.21. Permitting the re-opening of theatres.

Regional Order No.22. Revising communal and provincial local government.

Regional Order No.24. Sanitation.

Regional Order No.25. Establishment of Mail Services in Province of Avellino and parts of Province of Naples.

Regional Order No.26. Fixing of Prices and action against the Black Market.

Regional Order No.27. Removing the directors of Manifatture Cotoniere Meridionali and appointing a new management.

(46)

Regional Order No.28 - Arrest of certain directors of MCM.

Regional Order No.30 - Expedition of trials in Italian Courts.

Regional Order No.31 - Appointment of Commission to investigate jails.

19. Of the Orders mentioned above No.15 caused the greatest discussion. It was practically forced on the Regional Commissioner by the Military Commanders in and around Naples. After conferences with ACC the Order was allowed to continue subject to an instruction that offences against the Order should only be tried in AMG Courts.

20. Regional Orders No.20 and 22 follow Orders made in Sicily on the same subjects.

21. Regional Orders Nos. 27 and 28 resulted from an investigation carried out by an officer of this Division in conjunction with the Labour Division into the affairs of MCM. This investigation is proceeding.

22. PROVINCIAL ORDERS. By arrangement with the Legal Officer, Naples Province, this Division has drafted two Orders for publication in that Province, one of them enabling Fishing Regulations issued by the Navy to be enforced in AMG Courts, and the other setting up a scheme for the distribution of milk supplied by AMG.

23. A draft decree relating to the notification of fever to be issued by the Prefect of Naples Province was drafted by this Division.

24. GENERAL SECTION. In accordance with the verbal instruction of the Chief Legal Officer work has been suspended on consents to transfer of land pending the receipt of a General Order abolishing the necessity for such consent. This instruction afforded a considerable relief to the work of this Division.

25. A draft Regional Order to extend the Italian Law of 24 July 1936 No. 1692, as extended and amended by RDI 16 June 1938 No. 1280, applying to hotels, pensions and inns was submitted to AOC for approval. In reply AOC stated the Italian Government proposed to make a decree dealing with several points on the law of landlord and tenant and suggested that, if the decree covered the same ground as the proposed Regional Order, it should be extended to Region 3 by endorsement. AOC was informed the decree did not cover the same matters as the proposed Regional Order.

26. This Division has advised that there is no objection from a legal point of view to the formation of an Association of Building Proprietors whose principal object would be a concerted effort to obtain a repeal or substantial modification of the Italian law freezing rents.

27. At the request to this Division the Regional Commissioner wrote, on 10 March, to the Commanding General's 5th Army & PBS and to Commander 57 Area suggesting that the attention of troops should be called to the fact that it is a serious offence for Italians to accept allied property and suggesting the making of an order to prohibit soldiers from selling or giving away goods issued to them from army stores or purchased by them from MAFI or PX stores. An order on these lines has been made by PBS.

28. This Division advised that the imposition of a tax on the sale of fish to defray the cost of a Central Fish Agency to control the price of fish was not an infringement of Articles 43 and 49 of the Annex to the Hague Convention as those Articles only relate to "taxes etc. payable to the State". In the present instance the tax was payable to the Comune.

29. The Regional Controller of Property has been advised that the powers of the Esattore to attach and sell moveables in properties on which tax is overdue, and to initiate proceedings to sell immoveables, are not affected by the fact that the property concerned is in

in the custody of the Controller.

30. An Administrative Instruction has been issued defining a prostitute, as a woman who offers her person for illicit purpose for hire.

31. The Regional Controller of Property asked whether he could safely hand over the property of an English Company to the representative in Italy of the Company who was appointed in 1933. He was advised that although the appointment of the representative might be defective in English law, he could safely do so as the representative had acted since 1933 without being challenged.

32. The Regional Commissioner was advised, on the facts of a particular case, that the ringleaders of a strike at an AMG Labour Office to bring about better living conditions might be prosecuted under Proclamation 2 Article II paragraph (32) but that Regional Order No.15 might afford a defence to any prosecution. It was a matter of policy whether spokesmen for labourers who present grievances should be prosecuted at all.

33. At the request of the military a notice has been issued warning civilians that persons who harbour deserters or soldiers absent without leave will be prosecuted under Proclamation No.2, Article II, paragraph (45).

*J. Sabaudat*  
Major for

JOHN W. CHAPMAN,  
Lt.Col., J.A.S.D.,  
Reg. Legal Officer.

Appendix "A"

Officers on strength of Legal Division,  
Region 3, as at 31 March 1944.

|                                                                          |                               |
|--------------------------------------------------------------------------|-------------------------------|
| Regional Legal Officer                                                   | Lieut. Col. J.W. Chapman (A)  |
| General Counsel                                                          | Major G.A. Bamlet (B)         |
| Assistant General Counsel and<br>Prosecutor to General<br>Military Court | 2nd Lieut. L. A. Sabatino (A) |
| Judicial Officer                                                         | Captain E.D. Kerr (A)         |
| Assistant Judicial Officer                                               | 1st Lieut. E.D. Cahn (A) (B)  |
| Officer i/c Italian Court                                                | Major M.C. Holt (B)           |
| Assistant Officer i/c Italian Courts                                     | 1st Lieut. R. Casiano (A)     |
| Provincial Legal Officer, Naples                                         | Colonel C.K. Weber (A)        |
| " " " Avellino                                                           | Capt. A.R. Gold (A)           |
| " " " Benevento                                                          | Major G.C.T. Ainslie (B)      |
| " " " Salerno                                                            | 1st Lieut. J.J. Vogel (B).    |

Appendix "B"REGION No. 3

## REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MARCH 1944.

## A. CASES TRIED AND FINDINGS.

| Province<br>of | Summary Court |        | Superior Court |        | General Court |        | Totals     | Total  |
|----------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|
|                | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |
| Naples         | 166           | 4484   |                |        |               |        | 166        | 4484   |
| Avellino       | 3             | 143    | 9              | 21     |               |        | 12         | 164    |
| Benevento      | 7             | 72     |                |        |               |        | 7          | 72     |
| TOTALS         | 176           | 4699   | 9              | 21     |               |        | 185        | 4720   |

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## Appendix "C"

## REGION NO. 3

## REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MARCH 1944.

## B. CONVICTIONS.

| Province of | Curfew and | Theft and Poss. | Black  | Loot-Poss. of | Viol. It. | Others | TOTAL |
|-------------|------------|-----------------|--------|---------------|-----------|--------|-------|
|             | Violations | of Allied Prop. | Market | Arms & A.     | P. Code   |        |       |
| Naples      | 718        | 3013            | 176    | 17            | 346       | 214    | 4484  |
| Avellino    | 28         | 57              | 13     |               | 14        | 52     | 164   |
| Benevento   | 6          | 41              |        |               | 8         | 13     | 72    |
| Totals      | 752        | 3111            | 189    | 17            | 368       | 270    | 4720  |

Signature (Rank) (Official Designation.)

(4)

(40)

Appendix "D"

RETURN OF PENAL CASES - Naples from 1 March to 31 March 1944

Total Number of persons arrested by Italian Police 272

| <u>TRIALS</u>     | <u>CONVICTIONS</u> | <u>ACQUITTALS</u> | <u>TOTAL</u> |
|-------------------|--------------------|-------------------|--------------|
| By Pretura Courts | 697                | 338               | 1035         |
| " Tribunale "     | 1099               | 181               | 1280         |
| " Juvenile "      | 50                 | 7                 | 57           |
| " Court of App.   | 342                | 103               | 445          |
| " " " Assise      | ===                | ===               | ===          |
| <br>TOTALS        | <br>2188           | <br>629           | <br>2817     |

An increase in cases tried over last month of 1223 cases.

Summary of offences dealt with by above Courts.

PRETURA

|     |                                                                                             |
|-----|---------------------------------------------------------------------------------------------|
| 116 | Accosting, Sentences ranged from 9 days in prison to 8 months in prison and 1000 lire fine. |
| 34  | Unlicensed brothel, sentences from 500 lire fine to 8 months in prison and 3000 lire fine.  |
| 83  | Black market, sentences from 50 lire fine to 7 months in prison and 3000 lire fine.         |
| 55  | Begging, from 5 days in prison to 3 months in prison                                        |
| 190 | Procuring, sentences from 15 days to 4 months in prison and 2000 lire fine.                 |
| 9   | Theft, sentences from 2 months to 7 years and 6 months in prison .                          |
| 18  | Selling without license, sentences from 100 to 500 lire fine.                               |
| 29  | Omission to return pawn, sentences from 300 lire fine to 3 months in prison                 |
| 38  | Assault or using abusive language, sentences from 5 days to 6 months and 25 days in prison. |

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TRIBUNALE

- 666 Black Market, sentences from 100 lire fine to 1 year in prison and 9000 lire fine.
- 71 Theft, sentences from 4 months to 5 years in prison.
- 189 Aggravated theft, sentences from 1 month to 3 years in prison and 3500 lire fine.
- 21 Gambling, sentences from 500 lire fine to 4 months in prison
- 33 Accosting, sentences from 20 days in prison to 6 months in prison and 500 lire fine.
- 35 Buying stolen goods, sentences from 200 lire fine to 5 months in prison
- 18 Using abusive language, sentences from 500 lire fine to 6 months in prison.

JUVENILE

- 24 Black Market, Judicial pardon
- 9 Theft, Judicial pardon
- 9 Aggravated theft, Judicial pardon
- 1 Homicide, sentence 4 years in prison
- 2 Begging, Judicial pardon.

COURT OF APPEAL .

- 203 Black Market, sentences from 100 lire fine to 5 months in prison and 5000 lire fine
- 51 Theft, sentences from 200 lire fine to 5 years and 1 month in prison and 3200 lire fine.
- 27 Aggravated theft, sentences from 2 months in prison to 5 years 2 months and 20 days in prison and 2000 lire fine.
- 22 Gambling, sentences from 300 lire fine to 4 months in prison and 500 lire fine.
- 10 Buying stolen goods, sentences from 2 months in prison and 500 lire fine to 1 year in prison and 1000 lire fine.

THE COURT OF ASSIZE has been trying only a homicide case which is expected to last for another week.

BEST COPY POSSIBLE

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

GAB/mo  
3/6002/L

3 March 1944

MEMORANDUM for the Chief Legal Officer,  
Legal Sub-Commission, HQ. ACC.

Subject: Report on the work of the Legal Division  
Region III, for the month of February

1. STAFF. I became Regional Chief Legal Officer (now Regional Legal Officer) on 8 February 1944. Colonel Riley no claim transferred to ACC.

2. There is attached as Appendix "A" a list serving in Region III under the Regional Legal Court 29 February 1944. This list does not include the who man the Military Courts.

3. One of the biggest problems of the past been that of enlisted men. At the beginning of the number of enlisted men assigned or attached to Division was five - a chief clerk and two other. Regional HQ, a clerk to the Officer i/c Italian and an interpreter who was used in Court in the important cases. Now the number of enlisted men the chief clerk. Now is this the whole story, for ing the office one morning I found that one of the at Regional HQ and the interpreter had been removed witho notice. Actually at that time the interpreter was engaged in a capital charge before a General Military Court from whose president I received a well merited rebuke for the way the Court had been treated. Unfortunately I was not able to do anything about it. On 29 February a report was

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5 MAR 1944  
A. C. C.

MEMORANDUM for the Chief Legal Officer,  
Legal Sub-Commission, HQ. ACC.

Subject: Report on the work of the Legal Division  
Region III, for the month of February

1. STAFF. I became Regional Chief Legal Officer (now Regional Legal Officer) on 8 February 1944. Colonel Riley Mc Clain transferred to ACC.
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3. One of the biggest problems of the past has been that of enlisted men. At the beginning of the year the number of enlisted men assigned or attached to the Division was five - a chief clerk and two others. Regional HQ, a clerk to the Officer in Charge Italian and an interpreter who was used in Court in the most important cases. Now the number of enlisted men in the chief clerk. Now is this the whole story, for in the office one morning I found that one of the clerks at Regional HQ and the interpreter had been removed without notice. Actually at that time the interpreter was engaged in a capital charge before a General Military Court from whose president I received a well merited rebuke for the way the Court had been treated. Unfortunately I was not able to do anything about it. On 29 February a report was submitted to the Regional Commissioner asking for two more enlisted men.

4. MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during February and the various types of offences tried.

5. It was hoped that the problem of finding sufficient personnel to man the Military Courts in the City of Naples referred to in paragraph 4 of my predecessor's report of 2 February 1944 would have been solved by now as far as regards Summary Courts. Arrangements were made with the Commanding General PBS for 14 officers to be "loaned" to Naples Province; seven of these were to sit as Judges in Summary Courts and seven were to act as prosecutors. The officers in question reported for duty and were put through a week's intensive training by the Provincial Legal Officer, Naples, but on the day they were to start functioning on their new duties they were withdrawn by PBS almost without warning. After the expenditure of a considerable amount of time and energy on the new scheme it has broken down entirely and we are no further on. The problem of the Courts in Naples is being considered anew.

6. Towards the end of the month my attention was called to the fact that there were a considerable number of cases outstanding in Pozzuoli (Naples). I was able to arrange within a few days for a special Summary Court with a prosecutor to sit there until the arrears were cleared off. This would not have been possible in January.

7. In addition to the arrangements mentioned in paragraph 5, the Commander 57 Base Area has asked for Summary Courts to be appointed in places where there is no AMG Court sitting, in the cases in which military personnel are involved as witnesses. After discussion it was agreed that British Town Majors should be appointed as Summary Courts. A legal question has arisen whether this procedure is in order. This is in process of being cleared up.

8. The directive recently issued by AGO that

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8. The directive recently issued by AGC that

Superior Courts shall normally consist of two persons, one of whom is a judicial officer, will obviously throw a greater burden on an already overstressed personnel. The question of applying for authority for certain judicial officers to sit alone as superior Courts is under consideration.

9. By the same directive the power of appointing General Courts was taken from the Regional Commissioner. Hitherto in this region it has been the practice, so far as possible, for a permanent General Court to be established "for the trial of all persons who may be brought before it" (cf. AMGOT Plan etc., 2nd Edit., at p. 129) and for cases to be referred to the Court as and when they arose. It is now understood that the practice of ACC is to appoint a General Court only for the trial of specified persons. It is feared that this procedure will lead to an increase in paper work.

10. In one instance a General Court was appointed consisting of five persons. This proved advantageous as it was not necessary to obtain a new Order when one member of the Court suddenly ceased to be available.

11. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried in the Italian Courts during February and the various types of offenders tried.

12. The Italian Corti d'Appello at Avellino and Reveneto have been reopened during the period under review.

13. The directive requiring the removal or suspension of certain classes of Fascists is raising a difficult problem for the Italian Courts. Many of the persons concerned have spent many years in the service, often in quite a minor position, of the Italian Courts and it will be very difficult to replace them. In addition the directive is working great hardship against the persons concerned and their families; many of them are starving.

9. By the same directive the power of appointing General Courts was taken from the Regional Commissioner. Hitherto in this Region it has been the practice, so far as possible, for a permanent General Court to be established "for the trial of all persons who may be brought before it" (cf. AMCOF Plan etc., 2nd Edit., at p. 129) and for cases to be referred to the Court as and when they arose. It is now understood that the practice of ACC is to appoint a General Court only for the trial of specified persons. It is feared that this procedure will lead to an increase in paper work.

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14. GENERAL SECTION. Among the points on which advice etc. has been given are the following -

15. Requisitioning. My predecessor advised that the powers given to the Allied Forces are not wide enough to enable them to requisition vehicles for the purpose of selling them to the Company operating the telephone system of Naples. The most that could be done was for the vehicles to be requisitioned for the use of the army and lent to the Company, but in such event the vehicles would remain the property of the Army.

16. Enforcement of regulations by the Admiral 1/c Western Italy. In the course of discussion of certain regulations which were drafted in this Division to control travel by sea, fishing, and the use of craft other than fishing craft, my predecessor advised that AMG Courts had no jurisdiction to enforce regulations issued by the Admiral except under paragraph (44) of Article II of Proclamation No. 2 (willfully disobeying an order) or to order the forfeiture, under Section 4 of Article V of Proclamation No. 4, of a craft used in contravention of such regulations. Subsequently I advised the Naval Officer concerned that, having regard to the complexities created by the return of Southern Italy to the Italian Government, the simplest method of issuing the regulations - they were urgently required - was for the Admiral to issue them on his own authority. This has now been done and a Provincial Order for the Province of Naples enabling breaches of the regulations occurring in the Province to be tried by AMG Courts is in course of preparation.

17. Fixing of Prices. My predecessor advised that having regard to the wording of Article II of Proclamation No. 8 prices could not be fixed by an Italian agency set up under a decree issued by the Prefect. They could only be fixed by an order of AMG but there was nothing to prevent AMG from acting on the advice of the Italian agency.

18. Transfers of land. Consideration of applications for consent to transfers of land continue to mount. They are

property of the Army.

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18. Transfers of land. Consideration of applications for consent to transfers of land continue to monopolise almost all of one of my officer's time. They are

now coming in at the rate of about 50 or 60 a week. During February 9 applications were granted, 17 refused, and 1 was withdrawn. In one case there was a dispute between two purchasers. The Provincial Legal Officer concerned was informed that AMG would take no part in the dispute. It is understood that an Order is about to be made abelishing the necessity for consent. The making of this Order is eagerly awaited.

19. Alternative Accommodation. A Town Major in Naples asked whether AMG could authorize a landlord to determine the lease of a shop which was in fact not being used by the lessee, so that he might resume possession of it and use it for the purpose of his business which was previously carried on in a shop which had been requisitioned by the army. I advised that AMG could not authorize this.

20. Black Market. Comulations have been held with the Regional Director of Economics and Supply and the Regional Director of Public Safety with a view to curbing the Black Market activities in Region III. As a first step a decree has been made by the Prefect rendering illegal the manufacture or sale of fancy cakes, chocolates, candles, etc. An Order in the lines of General Order No. 5 (revised) issued initially is under consideration.

21. Hours of Work. A Regional Order has been made altering the hours of work to 2135-0400 for the greater part of Region III and to 1900-0400 for the remainder with effect from 0100 hours on 5 February. This Order is in the course of being printed.

JOHN W. CHAPMAN,  
Lt. Col., J.A.C.D.,  
Regional Legal Officer.

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21. Hours of Curfew. A Regional Order has been made altering the hours of curfew to 2030-0400 for the greater part of Region III and to 1900-0400 for the remainder with effect from 0100 hours on 5 February. This order is in the course of being printed.

JOHN W. CHAMMAN,  
Lt. Col., J.A.C.D.,  
Regional Legal Officer.

Appendix "A"

Officers on strength of Legal Division, Region III, as at 29 Feb. 1944

|                               |                                     |
|-------------------------------|-------------------------------------|
| Regional Legal Officer        | Lieutenant Colonel J.W. Chapman (A) |
| General Counsel               | Major G.A. Benlet (B)               |
| Assistant General Counsel and | 2nd Lieut. L.S. Sabatino (A)        |
| Prosecutor to General         |                                     |
| Military Court                |                                     |
| Judicial Officer              | Captain S.C. Blair (A)              |
| Assistant Judicial Officer    | Captain E.T. Kerr (A)               |
| Assistant Judicial Officer    | 1st Lieut. B.D. Gahn (A)            |
| Officer i/c Italian Courts    | Major M.C. Holt (B)                 |
| Attached to Officer i/c       | Major G.L. Palmieri (A)             |
| Italian Courts for            |                                     |
| special duties                |                                     |
| Assistant Officer i/c         | 1st Lieut. R. Gaziano (A)           |
| Italian Courts                |                                     |
| Provincial Legal Officer,     | Colonel J.E. Weber (A)              |
| Naples.                       |                                     |
| Loaned to Provincial Legal    | 2nd Lieut. G.C. Baurio (A)          |
| Officer, Naples.              |                                     |
| Provincial Legal Officer,     | Captain A.R. Gold (A)               |
| Avellino                      |                                     |
| Provincial Legal Officer,     | Major J.C.F. Annalis (B)            |
| Benevento                     |                                     |
| Not yet reported for duty     | 1st Lieut. J.J. Vogel (A)           |

|                                                                                                                                                                               |                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Assistant General Counsel and<br>Prosecutor to General<br>Military Court                                                                                                      | Captain E.C. Blair (A)<br>Captain E.T. Kerr (A)<br>1st Lieut. B.D. Cahn (A)<br>Major M.C. Holt (B)<br>Major B.L. Palmieri (A) |
| Judicial Officer<br>Assistant Judicial Officer<br>Assistant Judicial Officer<br>Officer i/c Italian Courts<br>Attached to Officer i/c<br>Italian Courts for<br>special duties | 1st Lieut. R. Gaziano (A)                                                                                                     |
| Assistant Officer i/c<br>Italian Courts                                                                                                                                       | Colonel J.E. Weber (A)                                                                                                        |
| Provincial Legal Officer,<br>Naples.                                                                                                                                          | 2nd Lieut. G.S. Baurio (A)                                                                                                    |
| Loaned to Provincial Legal<br>Officer, Naples.                                                                                                                                | Captain A.R. Gold (A)                                                                                                         |
| Provincial Legal Officer,<br>Avellino                                                                                                                                         | Major G.G.F. Ainslie (B)                                                                                                      |
| Provincial Legal Officer,<br>Benevento                                                                                                                                        | 1st Lieut. J.J. Vogel (A)                                                                                                     |
| Not yet reported for duty                                                                                                                                                     |                                                                                                                               |

## REGION No. 3

## REPORT OF ALLIED MILITARY COURTS FOR THE MONTH OF FEBRUARY

## A. Cases Tried and Findings.

| Province<br>of | Summary Court |        | Superior Court |        | General Court |        | Totals     |        | Grand Total |
|----------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|-------------|
|                | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |             |
| Naples         | 360           | 3643   |                | 4      |               |        | 360        | 3647   |             |
| Avellino       | 5             | 122    |                |        |               |        | 5          | 122    |             |
| Benevento      | 2             | 71     |                |        |               |        | 2          | 71     |             |
| TOTALS         | 367           | 3836   |                | 4      |               |        | 367        | 3840   |             |

REGION No. 3

MILITARY COURTS FOR THE MONTH OF FEBRUARY  
and Findings.

| Superior Court | General Court | Totals     |        |
|----------------|---------------|------------|--------|
| Not Guilty     | Guilty        | Not Guilty | Guilty |
| 4              |               | 360        | 13647  |
|                |               | 5          | 122    |
|                |               | 2          | 71     |
| 4              |               | 367        | 3840   |

Appendix "C"REGION No. 3REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF FEB  
B. CONVICTIONS.

| Province<br>of | Curfew<br>and<br>Violations | Theft and<br>Poss. of<br>Allied Prop. | Black<br>Market | Looting | Poss. of<br>Arms and<br>Ammunition | Violat.<br>of Ital.<br>Penal Code | Others | TOTAL |
|----------------|-----------------------------|---------------------------------------|-----------------|---------|------------------------------------|-----------------------------------|--------|-------|
| Naples         | 938                         | 2344                                  | 51              |         | 389                                |                                   | 5      |       |
| Avellino       | 54                          | 62                                    | 2               |         | 4                                  |                                   |        |       |
| Benevento      | 14                          | 52                                    |                 |         | 5                                  |                                   |        |       |
| TOTALS         | 1006                        | 2458                                  | 53              |         | 398                                |                                   | 5      |       |

.....  
Signature

(Rank)

(Off)

Appendix "C"REGION No.3

ALLIED MILITARY COURTS FOR THE MONTH OF FEB  
CTIONS.

| Theft and<br>Poss. of<br>Allied Prop. | Black<br>Market | Looting | Poss. of<br>Arms and<br>Ammunition | Violat.<br>of Ital.<br>Penal Code | Others | TOTAL |
|---------------------------------------|-----------------|---------|------------------------------------|-----------------------------------|--------|-------|
| 2344                                  | 51              |         | 309                                |                                   | 5      | 3647  |
| 62                                    | 2               |         | 4                                  |                                   |        | 122   |
| 52                                    |                 |         | 5                                  |                                   |        | 71    |
| 2458                                  | 53              |         | 313                                |                                   | 5      | 3840  |

.....  
Signature

(Rank)

(Official Designation)

AppendixRETURN OF PENAL CASES, Naples from 1 to 29 February 1944.

Total Number of persons arrested 373

TRIALS

|                  | <u>Convictions</u> | <u>Acquittals</u> | <u>Total</u> |
|------------------|--------------------|-------------------|--------------|
| By Pretura Court | 402                | 113               | 515          |
| " Tribunale "    | 633                | 138               | 771          |
| " Juvenile "     | 15                 | 3                 | 18           |
| " Court of App.  | 239                | 51                | 290          |
| <b>TOTALS</b>    | <b>1289</b>        | <b>305</b>        | <b>1594</b>  |

Summary of offences dealt with the above CourtsPRETURA

- 66 Soliciting, sentences ranged from 100 lire fine to 7 months imprisonment and 3000 lire fine.
- 35 Unlicensed brothels, sentences from 6 to 8 months imprisonment and 700 lire fine were imposed
- 56 Black Market, sentences from 100 lire fine up to 6 months imprisonment and 1000 lire fine.
- 24 Begging, sentences from 5 to 20 days
- 15 Assault, sentences from 500 lire fine imprisonment and 500 lire fine.
- 10 Infringing sanitary laws, sentences 300 lire fine
- 12 Using abusive language, sentences fine up to 5 months imprisonment.

|                  | <u>Convictions</u> | <u>Acquittals</u> | <u>Total</u> |
|------------------|--------------------|-------------------|--------------|
| By Pretura Court | 402                | 113               | 515          |
| " Tribunali "    | 633                | 138               | 771          |
| " Juvenile "     | 15                 | 3                 | 18           |
| " Court of App.  | 239                | 51                | 290          |
| <b>TOTALS</b>    | <b>1289</b>        | <b>305</b>        | <b>1594</b>  |

### Summary of offences dealt with the above Courts

#### PRETURA

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- 35 Unlicensed brothels, sentences from 6 to 8 months imprisonment and 700 lire fine were imposed
- 56 Black Market, sentences from 100 lire fine up to 6 months imprisonment and 1000 lire fine.
- 24 Begging, sentences from 5 to 20 days
- 15 Assault, sentences from 500 lire fine imprisonment and 500 lire fine.
- 10 Infringing sanitary laws, sentences 300 lire fine
- 12 Using abusive language, sentences 1. fine up to 6 months imprisonment.

- 23 Blackout offences, sentences from 50 lire fine up to 20 days imprisonment.
- 10 Omission to pay taxes, sentences from 50 to 1953 lire fine.
- 34 Omission to return pawn, sentences from 100 lire fine up to 1 month imprisonment.
- 10 Theft, sentences from 15 days imprisonment and 200 lire fine to 7 years imprisonment.
- 34 Selling without license, sentences from 100 lire fine up to 1 month imprisonment.

TRIBUNALE:

- 263 Black market, sentences from 100 lire fine to 6 months in prison and 4000 lire fine.
- 67 Theft, sentences from 2 months to 3 years in prison.
- 166 Aggr. Theft; sentences from 1 month and 300 lire fine to 3 years in prison.
- 40 Gambling, sentences from 500 lire fine to 9 months in prison and 6000 lire fine.
- 20 Buying stolen goods, sentences from 24 days to 1 year and 4 months in prison and 2000 lire fine.
- 10 Injury by arms, sentences from 3 months to 1 year in prison.
- 13 Using abusive language, sentences from 20 days to 6 months in prison.
- 6 Aiding and abetting prostitution from 20 days to 3 years and prison and 3000 lire fine.

JUVENILE COURT:

- 3 Black Market
- 1 Theft

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TRIBUNALE:

- 34 Selling without license, sentences from 100 lire fine up to 1 month imprisonment.
- 269 Black market, sentences from 100 lire fine to 6 months in prison and 4000 lire fine.
- 67 Theft, sentences from 2 months to 3 years in prison.
- 166 Aggr. Theft; sentences from 1 month and 300 lire fine to 3 years in prison.
- 40 Gambling, sentences from 500 lire fine to 9 months in prison and 6000 lire fine.
- 20 Buying stolen goods, sentences from 24 days to 1 year and 4 months in prison and 2000 lire fine.
- 10 Injury by arms, sentences from 3 months to 1 year in prison.
- 13 Using abusive language, sentences from 20 days to 6 months in prison.
- 6 Aiding and abetting prostitution from 20 days to 3 years and prison and 3000 lire fine.

JUVENILE COURT:

- 3 Black Market
- 1 Theft
- 9 Aggravated theft

1 Resisting Judicial pardon  
1 Abusive language "

COURT OF APPEAL:

- 169 Black Market, sentences from 300 lire fine to 3 years in prison and 1500 lire fine.
- 5 Aggravated theft, sentences from 3 months and 15 days in prison and 1000 lire fine to 3 years in prison and 3000 lire fine.
- 25 Theft, sentences from 1 month and 400 lire fine to 4 years and 2000 lire fine.
- 5 Buying stolen goods, sentences from 40 days in prison and 200 lire fine to 6 months in prison and 1000 lire fine.

COURT OF ASSIZES:

A Section of the Court of Assize in Naples opened on the 21 February 1944. The following cases were tried:

- 1 Injury by arms, sentence 4 years in prison.
- 1 Homicide, sentence 24 years and 6 months in prison and 1500 lire fine
- 1 Aggravated theft, sentence 1 year in prison and 1000 lire fine
- 1 Pimping, injury by arms, carrying arms, 3 years for the 2nd and 3rd offence, acquitted on the first charge.

3 years in prison and 3000 lire fine.

25 Theft, sentences from 1 month and 400 lire fine to 4 years and 2000 lire fine.

5 Buying stolen goods, sentences from 40 days in prison and 200 lire fine to 6 months in prison and 1000 lire fine.

#### COURT OF ASSISE :

A Section of the Court of Assize in Naples opened on the 21 February 1944. The following cases were tried :

1 Injury by arms, sentence 4 years in prison.

1 Homicide, sentence 24 years and 6 months in prison and 1500 lire fine

1 Aggravated theft, sentence 1 year in prison and 1000 lire fine

1 Pimping, Injury by arms, carrying arms, 3 years for the 2nd and 3rd offence, acquitted on the first charge.

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

GAB/mo  
3/6002/L

2 February 1944

MEMORANDUM for the Chief Legal Officer,  
Legal Sub-Commission, HQ. ACC.

Subject: Report on the work of the Legal Division  
Region III for the month of January 1944.

1. In continuation of the practice commenced by the Senior Legal Officer, AMG 5th Army, before Region III was activated I submit a report of the work of the Legal Division of Region III during January 1944.

2. There is attached as Appendix "A" a list of officers serving in Region III under the Regional Chief Legal Officer, Region III, as at 31 January 1944. This list does not include the officers who man the Military Courts as these officers are under the direct control of the SCACs.

3. MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during January and the various types of offences tried.

4. The problem of finding sufficient personnel to man the Military Courts in the City of Naples is becoming increasingly more difficult. There are now six Military Courts sitting in the City. One Superior Court and three Summary Courts sit daily whole time and the remaining two also take the full time of a judicial officer. The officers necessary to man these Courts have all been lent

to Region III by other Regions and there is a grave danger that they will soon be required for other duties. If that happens and replacements are not forthcoming from other sources Region III is faced with a virtual breakdown of justice in the City of Naples for it is quite impossible for the CAOs in the City to take on the duty of manning the Courts in addition to their other duties. In addition the Officer Commanding, Peninsular Base Section, has now asked that a second Summary Court should be established to deal with offences in the Port Area in Naples. The existing Summary Court is now barely able to cope with the number of cases coming before it. This request is under consideration.

4-5. The position with regard to the General Court for the Region is also unsatisfactory. A General Court was established composed of judicial officers from Region IV. These Officers were then withdrawn for duty in that Region. Attempts were made to obtain officers from ACC and it was arranged that seven officers should be placed at the disposal of Region III when their services could be spared by ACC; not perhaps a good arrangement but the best that could be made. Now these officers too have gone northwards, so that the only thing that can be done now is to form a General Court with the Legal Officer of the Province of Naples and two CAOs.

5-6. ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts during January and the various types of offenders tried.

6-7. The appointment of a substitute Procuratore Generale of the Court of Appeal who was due to retire on 25 January 1944 has been extended pending further order of competent authority. It was found impossible to replace this official.

7-8. A proposal was considered that a Section of

the Court of Appeal at Naples should sit periodically at Salerno. After consultation with the Italian authorities this proposal was not adopted. It appears that it was a revival of a proposal which was considered at great length in 1942 and then rejected.

8-9. Authority was sought on 15 January 1944 (Ref. 3/6074/L) for the RCO to publish a general order, identical in terms with General Order No. 12 (Sicily), reconstituting the Bar Association. This authority has now ~~yet~~ been furnished. A request from the Notaries for the reconstitution of the Notaries Association is under consideration.

9 10. BLACK MARKET. During January the RCO asked for a note showing of the number of black market cases tried since the occupation by both the AMG Courts and the Italian Courts and the sentences imposed. As these figures may be of interest they are shown in Appendices "E" and "F".

10 11. GENERAL SECTION. The work of the General Section of the Division continues to be varied. Among the points on which advice etc. has been given are the following -

12. Italian law relating to dispossession of tenants by landlords. Under an Italian Royal Decree of 24 March 1942 (No. 200) all rental contracts concerning farm lands and urban real estate are extended until six months after the present war. The landlord, however, may at any time after the original term has expired resume possession if he proves to a court that he or his children require possession of the premises because he or they have been rendered homeless owing to war reasons (bombardment etc.).

13. Disposition of Allied Force property held as evidence against civilians. The Commander, 57 Area, reported that the British Military Police were accumulat-

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ing an enormous quantity of rations and WD Stores as evidence in cases against civilians. He requested that these should be returned to supply and Ordnance Depots. It is considered that this request is a reasonable one but it raises legal difficulties. Two proposals have been made to meet the point and these have been submitted to ACOMF for a ruling on the point. This has not yet been received.

11 ~~14~~ 14. Consent to transfer of land. In continuation of para 4 a. of the Monthly Report of the Legal Division for December 1943, approval has now been given to the RCAO granting consents to transfer of land in cases of gifts on marriage or where real hardship will be caused if consent is not given. During January 1944 no consent was given and 13 applicants were informed consent could not be granted. The Order, which is understood is now in the course of preparation, withdrawing the restriction so far as regards sales of land under 50,000 lire and transferring the jurisdiction to give consent to other transactions to SCAOs will afford a much needed relief to this Division. The time of one officer has been very substantially employed on dealing with applications for transfer of land. Requests have been received from both the Prefect and the Notaries that the restriction on the transfer of land should be withdrawn. They have been informed that the RCAO has no authority to modify or withdraw the restriction but that the whole question is under review by higher authority.

11 ~~15~~ 15. Proclamations. Attention was called to an apparent error in Proclamation No.11, Art.II, Sec.1 which as printed forbids photography entirely and forbids printing and developing without a written permit. The "AMGOT Plan etc." forbids both photography and printing and developing without a written permit. Upon enquiry it was ascertained that an error had been made in printing the Proclamation. A suggestion made by the Public Safety Division that the printed Proclamations should be altered in manuscript was not supported.

13 ~~14~~ 16. Orders, Regulations etc. Two Orders relating to the collection of hemp and the price to be paid for it have been made. Copies of these Orders were sent to HQ. ACOMF under date 29 January 1944.

14 ~~15~~ 17. Provincial Orders relating to Property Control have been published in the Provinces of Naples and Benevento pursuant to the order issued by AMG HQ 15th Army Group under date 19 December 1943. (A copy of this order has been sent to the SCAO of Avellino but a copy of the Order issued by him has not yet been received). The draft order issued by AMG HQ 15th Army Group was not accompanied by an Italian translation with the result that the Italian versions published in Naples and Benevento Provinces were entirely different. The attention of AMG HQ ACOMF was drawn to this with a recommendation that an official Italian translation be provided when an Order is to be published by more than one headquarters.

15 ~~16~~ 18. Permits to publish or print newspapers etc. By the terms of Proclamation No. 11, Art. IV, Sec. 1 no newspaper etc. may be published or printed without a written permit from AMG. Administrative Memorandum No. 89, AFHQ, 11 December 1943, has since provided that the Allied Publications Board has been empowered to grant and revoke licences for the publication of newspapers etc. Proclamation No. 11 has not been amended. A ruling has been asked whether this Region is to refrain from prosecutions for infringement of the Proclamation; if so, it has been recommended that the Proclamation should be amended.

19. Fines. *arrested by Italian Cts* I have advised that no part of a fine inflicted by an Italian Court for an offence against Italian law can be recovered by AMG on the ground that the act or omission was also an offence against an AMG Proclamation. (10)

20. Price Fixing Orders. I have advised that

2032

Article II of Proclamation No.8 contemplates that there shall be a formal order of AMG altering prices and that it is essential, in my opinion, that before an offence under Article V of Proclamation No.8 could be successful, for the prosecution to prove either that the defendant saw the order or that he had a reasonable opportunity of doing so. I considered that where a large number of sellers were involved, as in the retail of foodstuffs, it would be sufficient if a copy of the order were published in all the newspapers circulating in the locality affected by the order. In other cases the order should be served personally. Reliance should not be placed on the post. In this connexion it should be mentioned that the Italian price fixing laws are extremely complex and have never provided a solution to the rationing problem/.

21. Release of a French prisoner. The officer in charge of the French Mission, attached to the Fifth Army, made application to the R.C.A.D., Region III, for the release from prison of one Oberauch Albert, a former Italian citizen born at Bolzano 5 October 1910 who joined the French Foreign Legion in 1937 and the Free French Forces in July 1940 after having been naturalized a French citizen. Oberauch was captured by the Italians while fighting with the Free French Forces at Bir Hachim on 13 June 1942. Oberauch was tried by the Italian Military Tribunal at Barce. The court would not recognize the French citizenship of Oberauch but tried him as an Italian citizen, found him guilty and sentenced him to life imprisonment. At the time of the filing of the petition for release from prison Oberauch was suffering from pulmonary tuberculosis, attributed by him to his imprisonment and growing constantly worse as a result thereof. On my advice the RCAO, Region III, issued an order for the release of Oberauch and he was released and delivered to the

care of the French Mission. This division is assisting Oberauch in the preparation of a petition for a pardon to be presented to the Italian government.

*Riley Mc Clain.*

RILEY Mc CLAIN,  
Lt.Col., J.A.G.D.,  
Regional Chief Legal Officer.

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Appendix A.

Officers on strength of Legal Division Region III  
as at 31 January 1944.

|                                                                        |                                 |
|------------------------------------------------------------------------|---------------------------------|
| Regional Chief Legal Officer:                                          | Lieut.Colonel Riley McClain (A) |
| General Counsel:                                                       | + Major G.A. Bamlet (B)         |
| Assistant General Counsel and<br>Prosecutor to General Military Court: | Lieutenant Louis A.Sabatino (A) |
| Judicial Officer:                                                      | + Captain Sam C. Blair (A)      |
| Officer i/c Italian Courts:                                            | + Major M.C. Holt (B)           |
| Legal Officer, Naples Province:                                        | + Colonel John K. Weber (A)     |
| Legal Officer, Avellino Province:                                      | Captain A.E. Gold (A)           |
| Legal Officer, Benevento Province:                                     | Major G.G.T. Ainslie (B).       |

+ : Attached from RegionVIII.

## Appendix "B"

## REGION No. 3

## REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1944

## A. CASES TRIED AND FINDINGS.

| Province<br>of | Summary Court |        | Superior Court |        | GENERAL COURT |        | Totals     |        | Total<br>Cases |
|----------------|---------------|--------|----------------|--------|---------------|--------|------------|--------|----------------|
|                | Not Guilty    | Guilty | Not Guilty     | Guilty | Not Guilty    | Guilty | Not Guilty | Guilty |                |
| Naples         | 388           | 2951   |                |        |               |        | 388        | 2951   |                |
| Avellino       | 73            | 99     | 2              | 22     |               |        | 75         | 121    |                |
| Benevento      | 2             | 88     | 23             | 28     |               |        | 25         | 116    |                |
| TOTALS         | 463           | 3138   | 25             | 50     |               |        | 488        | 3188   |                |

# Appendix "C"

REGION No.3

## REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1944

### B. CONVICTIONS.

| Province<br>of | Curfew<br>and<br>Violations | Theft and<br>Poss. of<br>Allied Prop. | Black<br>Market | Looting | Poss. of<br>Arms and<br>Ammunition | Violat.<br>of Ital.<br>Pen.Code | Others | TOTAL |
|----------------|-----------------------------|---------------------------------------|-----------------|---------|------------------------------------|---------------------------------|--------|-------|
| Naples         | 1265                        | 1432                                  | 38              |         | 162                                | 16                              | 38     | 2951  |
| Avellino       | 6                           | 29                                    | 20              | 17      | 9                                  |                                 | 40     | 121   |
| Benevento      | 5                           | 52                                    | 13              |         | 25                                 | 18                              | 3      | 116   |
| TOTALS         | 1276                        | 1513                                  | 71              | 17      | 196                                | 34                              | 81     | 3188  |

.....

Signature (Rank) (Official Designation)

Appendix D.RETURN OF PENAL CASES, NAPLES from 1 Jan. to 30 January 1944.

Total number of person arrested 279

TRIALS

|                  | <u>Convictions</u> | <u>Acquittals</u> | <u>TOTAL</u> |
|------------------|--------------------|-------------------|--------------|
| By Pretura Court | 245                | 125               | 370          |
| " Tribunale "    | 392                | 90                | 482          |
| " Juvenile "     | 11 (1)             | 2                 | 13           |
| " Appeal "       | 176                | 35                | 211          |
| Total            | 824                | 252               | 1076         |

(1) Judicial pardons were granted in 11 cases

The following are the principal types of cases tried and sentences imposed : -

|         |    |                                                                                             |
|---------|----|---------------------------------------------------------------------------------------------|
| PRETURA | 32 | Soliciting (from 10 days to 6 months imprisonment)                                          |
|         | 14 | Brothel (from 6 months in prison and 1000 lire fine to 1 year in prison and 5000 lire fine) |
|         | 30 | Black market (from 50 to 300 lire fine)                                                     |
|         | 10 | Begging (5 days in prison)                                                                  |
|         | 6  | Blackout (from 50 lire fine to 3 months 15 days in prison)                                  |
|         | 17 | Procuring (from 2 months to 21 months in prison and 4000 lire fine)                         |
|         | 7  | abuse (from 100 lire fine to 7 months in prison)                                            |
|         | 12 | Omission to pay taxes (from 50 to 100 lire fine)                                            |
|         | 17 | Omission to return pawn (from 40 to 800 lire fine)                                          |

|           |     |                                                                            |
|-----------|-----|----------------------------------------------------------------------------|
| TRIBUNALE | 187 | Black market (from 200 lire fine to 8 months in prison and 1000 lire fine) |
|           | 15  | Gambling (from 200 lire fine to 3 months in prison and 1000 lire fine)     |

- 2 -

# Appendix "E"

## BLACK MARKET CASES TO 20 JANUARY, 1944 (AMG Cases).

|                                                    |                             |
|----------------------------------------------------|-----------------------------|
| NUMBER OF CASES                                    | 809                         |
| NUMBER OF CONVICTIONS                              | 737                         |
| NUMBER OF CASES WHERE IMPRISONMENT IMPOSED         | 557                         |
| TOTAL IMPRISONMENT ALL CASES                       | 68 years, 9 months, 12 days |
| HIGHEST SENTENCE OF IMPRISONMENT IN ANY CASE       | 1 year                      |
| LOWEST SENTENCE OF IMPRISONMENT IN ANY CASE        | 1 Day                       |
| AVERAGE SENTENCE                                   | 45 Days                     |
| NUMBER OF CASES WHERE FINES IMPOSED                | 401                         |
| TOTAL OF FINES IN ALL CASES                        | 872,425 L.                  |
| HIGHEST FINE IN ANY CASE                           | 50,000 L.                   |
| LOWEST FINE IN ANY CASE                            | 30 L.                       |
| AVERAGE FINE                                       | 2,175 L.                    |
| SUSPENSION OF SENTENCE WITHOUT IMPOSING OF PENALTY | 5                           |
| FOUND NOT GUILTY                                   | 41                          |
| DISMISSALS                                         | 7                           |

Appendix "F".

REPORT OF BLACK MARKET CASES TRIED IN ITALIAN COURTS REGION III  
FROM RE-OPENING OF COURTS IN THE LAST WEEK OF OCTOBER 1943  
TO 7 JANUARY 1944.

TOTAL ARRESTS OF BLACK MARKET CHARGES

No. 558

|                                                                                         | <u>Convictions</u> | <u>Acquittals</u> |
|-----------------------------------------------------------------------------------------|--------------------|-------------------|
| PRETURA                                                                                 | 177                | 20                |
| Sentences ranged from 30<br>lire fine to 3 months<br>imprisonment                       |                    |                   |
| TRIBUNALE                                                                               | 311                | 32                |
| Sentences ranged from 100<br>lire fine to 1 year imprison-<br>ment and 9600 lire fine . |                    |                   |
| JUVENILE COURT                                                                          | 19                 | 27                |
| Sentences ranged from<br>Judicial pardon to<br>3000 lire fine                           |                    |                   |
| TOTAL                                                                                   | 507                | 52                |

The Court of Appeal has heard 344 appeals in black market cases, of which 296 resulted in convictions with sentences ranging from a fine of 100 lire to 8 months imprisonment and fine of 1000 lire .

Date 3/20/12.

7. Staff. At the date of arrival in Region VII the staff was distributed as follows in addition to myself.

Local Officer - Nathan Todd A Province, Lt. Col. No claim.

**THE OBITUARY**

" " Avellino & Devereto, Capt. Gold.

Relation of these with William Owsen, Et. 34, 35, 120.

I attach a list of the present distribution

Within the last few days there have been sent to me from Region IV - Lt. Col. Chapman, who is assisting Lt. Col. Seelye; Major Tugh, who I have sent to Palmer and Major Goodward who I have sent to Walling both as temporary helpers. Two days ago a signal came from AFHQ intimating the imminent arrival by air of Major Lincoln and Holt for "temporary attachment to Region I Legat Division". They have arrived with no further explanation and so I have posted Major Lincoln to Saigon Province to be with Mc Clain. This is done with a view to Mc Clain taking over from me as Regional Intel Officer and Lincoln taking over from

### CONCLUSIONS AND RECOMMENDATIONS

100



100



The Legal Code section on the subject of the filling of positions is one Officer it. Colonel to be filled by me.

2.

5. At the moment therefor as R.S.L.O. a S.L.O. of 5th Army A.S.O. jointly I have control of all the legal officers in all Region III territory occupied. The legal officers in the provinces are responsible for the supervision of the Italian Courts the establishment of A.S.Courts and supervision of C.A.O.'s sitting as Summary Courts.

6. Proclamations. Group Captain Benson, Eight Army, was here yesterday. We discussed inter alia Proclamations he does not require any from me. We have reprinted 6000 of 1, 2 (Notice & Training) 3, 4, 5, 6, 12, 13, General Orders Nos 1 & 2. 6 & 11 are being held up pending amendments, I was already reprinted.

7. G.C. Benson is anxious as are the S.F.O. Col. Barrett who is going with 5th Army and myself to get some uniformity in regard to posting Proclamation 5, General Order 1 and an order opening banks and raising the moratorium. Col Barrett and I have proposed posting 5 and General Order 1 & carrying a General Order 1 similar to the one issued here for Naples Province a copy of which is enclosed, with suitable blanks for completion locally to post when Banks will be reopened.

8. Reports. Col. Chasler sent me letter asking for a report for October. I had sent two reports up to 22nd October but I sent him copies of these with a further report to 31st October 1943 which I had to write in a hurry to catch the plane. I enclose a copy. I would draw your attention particularly to paragraph 2.

9. Merchant Seamen. I would be extremely grateful if you could let me know of any decision made as a result of discussions which took place in Palermo before I left as to the policy for the disciplining British Merchant seamen who commit unlawful acts on shore. No cases have arisen yet on this but I am sure they will. Col. Chasler suggested that the American counterpart would be dealt with by the commander of the area. I have not yet heard of any major offences committed by U.S. Merchant Seamen.

10. I am not altogether happy about the situation here. Political uncertainty has had its effect in co-operation with the National Committee and uncertainty in policy have affected our attitude

7. G.O. Benson is anxious as are the B.F.O. Col. Barrett who is going with 5th Army and myself to get some uniformity in regard to posting, reclassification, General Order 1 and an order opening banks and raising the moratorium. Col Barrett and I have proposed posting 5 and General Order 1 & carrying a General Order 3 similar to the one issued here for Naples Province a copy of which is enclosed, with suitable blanks for completion locally to post when banks will be reopened.

8. Reports. Col. Chanler sent me letter asking for a report for October. I had sent two reports up to 22nd October and 5 sent him copies of these with a further report to 31st October 1943 which I had to write in a hurry to catch the plane. I enclose a copy. I would draw your attention particularly to paragraph 2.

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10. I am not altogether happy about the situation here. Political uncertainty has had its effect in co-operation with the National Officials and uncertainties in policy have affected our attitude towards them. I am looking forward to seeing you over here just as soon as you can manage, and I hope it is before we leave this town where we are moderately comfortable and take to suits in the snow of the Appennines.

11. I apologise for writing this letter covering various points but I enclose two additional copies for filing and I am sending a copy to Col. Chanler.

Yours

Mt. Col. Howe,  
C.I.C.  
A.S.G.O.  
15th Army Group.

Copy to Col Chanler, AMC, Palermo.

Legal Division Region III

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Regional Senior Legal Officer.

Lt. Col. J.V.M. Shields (Br).

Asst " " " Capt. H.L. Glean. (A).

Legal Officer Naples Province.

Lt. Col. Mc Glean. (A).

Asst " " Lt. Blacklock. (Br).

Deputy " Major Ainalie (Br).

Legal Officer Avellino Province.

Major Holt. (Br).

Benevento Province.

Capt Gold. (A).

Salerno Province.

Lt. Garden. (A).

Liaison Officer Italian Courts -

Lt. Sabatine (A).

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Legal Officers of Region IV temporarily attached  
Region III

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Lt. Col. Chapman - Att. Legal Officer Province of Naples

Major Woodward - Att. Legal Officer Avellino to assist,  
also if required in Benevento.

Major Caugh. - Att. Legal Officer, Salerno.

AME. Region III Hq.  
3.11.43.

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My dear Col. Charles,

I have received your letter AMCOI/4067/- dated 28th October late last night such as communications and I have written a hurried report for the period 22 - 31.10.43, which with my two previous reports from 3 - 22.10.43 I am sending off to you by plane. I am afraid however they may be too late.

2. I sent the first report to you in Sicily but the second I sent to AMG. 15th A.G. & it was received & acknowledged by Rome.

3. Generally legal affairs are not too bad here but I am frequently in despair if I will ever get them quite straight & the changing has made it difficult to know just who or where my next senior to report to is. But I am enjoying the work.

4. I wait and any more because I expect to see Raw here any day & I look forward to seeing you soon. One thing I would like is any decision which has been arrived at regarding the treatment & jurisdiction over British Merchant Seamen.

Yours very sincerely

J. M. Thacker.

HEADQUARTERS  
REGION 3  
ALLIED MILITARY GOVERNMENT

Amgot 3/6002/L 4  
October 9, 1943

TO: C. L. O. Amgot to Sicily

SUBJECT: Report by Legal Division for the period from the 3rd to 8th October 1943 inclusive.

I arrived in Naples on 3rd October 1943. Lt. Col. Mc Claine, Legal Officer for the Province and Town of Naples had been there for about two days. Pending the decision regarding the building to be used for Regional HQ a temporary office for the Legal Division was set up in the Tribunale building. It is intended to maintain this office for the use of the Division in connection with the establishment and supervision of the Italian Courts.

2. Personnel

The Legal Officers in the Region are presently appointed for the following duties:

Naples Province and Town: Lt. Col. McClaine  
Lt. Kazens  
Lt. Barden  
Salerno Province:  
Benevento and Avellino Province: Capt. Gold  
Assistant to Regional Legal Officer: Lt. Sabatino.

3. COURT OF APPEAL

The Court of Appeal and Court of Assize for the Judicial Region of Campania; which incidentally is more extensive than the territory to be administered by Region 3, are located in Naples. Meetings have been held with the senior officials of these courts. The first President, Ferri, of the Court of Appeal is absent being in Rome but as he is stated to be an ardent Fascist he will if this is proved, ~~will~~ not be permitted to continue his office should he return. I am accordingly the next senior President

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regarding the building to be used for Regional HQ a temporary office for the Legal Division was set up in the Tribunale building. It is intended to maintain this office for the use of the Division in connection with the establishment and supervision of the Italian Courts.

## 2. Personnel

The Legal Officers in the Region are presently appointed for the following duties:

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Lt. Kazens

Lt. Barden

Salerno Province:

Benevento and Avellino Province: Capt. Gold

Assistant to Regional Legal Officer: Lt. Sabatino.

## 3. COURT OF APPEAL

The Court of Appeal and Court of Assize for the Judicial Region of Campania; which incidentally is more extensive than the territory to be administered by Region 3, are located in Naples. Meetings have been held with the senior officials of these courts. The first President, Ferri, of the Court of Appeal is absent being in Rome but as he is stated to be an ardent Fascist he will if this is proved, ~~will~~ not be permitted to continue his office should he return. I am accordingly the next senior President of the Court acting first President of the remaining twelve Presidents seven are absent from Naples for reasons of war. The return of three or four is being arranged since they are within occupied territory.

There are not many cases pending appeal.

## 4. Tribunali

There are seven Tribunali Civile e Penale in the Judicial region of Naples: Those within Region III territory which have been occupied are Naples

Salerno

Avellino

Benevento

and those outside are Di Arieno Irpino, S. Maria Capuavetere; and S. Angelo Dei Lombardi: The Campobasso and Isernia Tribunals also come under the court of appeal in Naples as does the Potenza section of the Court of Appeal. As some of these judicial areas are in Regions II and IV, liaison with the legal offices in those

(2)

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areas regarding the reestablishment of courts there will be made. Avellino and Benevento, recently captured, have not yet made reports of the condition of the courts there. All the personnel of Salerno Tribunale were out of the area for some days after the occupation but the S.C.A.O. has now reported that sufficient personnel is available and approved after scrutiny to re-open the court, and as I intend to visit Salerno within the next two days, instructions will be given for the resumption of the penal conference subject to necessary modifications. In Naples 7 of the judges are absent but efforts are being made to obtain the return of four believed to be in occupied territory and it is intended to open the court there within the next few days.

#### 5. Praeture

In the south of Region III instructions have been issued for the reopening of the Praetura. It is hoped to open this court in Naples as soon as 200 soldiers who took up quarters there are removed. Until yesterday the personnel of this court had not been able to gain access to the building and information on the state of the court etc. is not yet supplied.

#### 6. Buildings

The court buildings in Naples have not suffered any war damage so far and no reports have been received of any damage to buildings of other courts in the Region although it may be for general reasons expected that Avellino and Benevento court buildings are damaged.

#### 7. State of Cire

The population into this region are very judicially minded and are I understand anxious to see the courts functioning again as soon as possible. The need however to open the courts is not so great as in other Italian territory. Generally there are few persons in jail in rural districts, in Naples there are not on paper fewer persons waiting trial proportionately than usual but because the Germans committed the reprehensible act of releasing almost all the prisoners and persons in state lunatic Detention asylums before leaving the city the jails are comparatively empty. A copy of a report prepared by the Procuratore Generale on this is attached. Every effort is being made by the Public Safety section for the reappréhension of these persons. So far as I can ascertain the state of the prisons in and near

## 6. Buildings

The court buildings in Naples have not suffered any war damage so far and no reports have been received of any damage to buildings of other courts in the Region although it may be, for general reasons expected that Avellino and Benevento court buildings are damaged.

## 7. State of fire

The population into this region are very judicially minded and are I understand anxious to see the courts functioning again as soon as possible. The need however to open the courts is not so great as in other Italian territory. Generally there are few persons in jail in rural districts, in Naples there are not on paper fewer persons waiting trial proportionately than usual but because the Germans committed the reprehensible act of releasing almost all the prisoners and persons in state lunatic Detention asylums before leaving the city the jails are comparatively empty. A copy of a report prepared by the Procuratore Generale on this is attached. Every effort is being made by the Public Safety section for the reaprehension of these persons. So far as I can ascertain the state of the prisons in and near Naples is as follows:

## Carcere Giudiziario Napoli

| <u>Prisoners in Jail</u> | <u>Released by Germans</u>      |                           |               | <u>Transferred from Naples jail to other jails for safety under war conditions</u> |         |           |
|--------------------------|---------------------------------|---------------------------|---------------|------------------------------------------------------------------------------------|---------|-----------|
|                          | Waiting                         | Condemned                 | Waiting       | Condemned                                                                          | Waiting | Condemned |
| NONE                     | NONE                            | 31                        | 274           | NONE                                                                               |         |           |
|                          | Carcere Giudiziario             | Napoli                    | Torre         |                                                                                    |         |           |
| NONE                     | 28                              | 1                         | 105           | 7                                                                                  |         | 92        |
|                          | Casa Penale Minori              | S. Efrano                 | (Reformatory) |                                                                                    |         |           |
| 7                        | 47                              | 16                        | 164           | 181                                                                                |         | -         |
|                          |                                 | 6+                        | 110+          |                                                                                    |         |           |
|                          | Manicomio Giudiziario di Napoli | (Detentive Insane Asylum) |               |                                                                                    |         |           |
| 19                       | 19                              | 10                        | 89            | 92                                                                                 |         | -         |
| Total                    | 26                              | 57                        | 742           | 280                                                                                |         | 92        |

(3)

+ Adults who were detained in the reformatory. The sixty seven cases pending are being enquired into but none of them is political charge and no persons are held in jail under the arbitrary powers of the Quaestore. A state of all prisons has been called for to cover the remaining prisons in the region. It is not yet known to which prisons in the region the 280 prisoners were transferred from Naples. When this is ascertained it is hoped to provide transport for their return for trial. Communications and transport are however very difficult.

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8. Modifications in law and procedure. The senior judges and legal officials have been consulted regarding modifications of the penal laws and procedure. Many proposals have been made for wholesale alterations in law but it is only proposed to suspend or ignore those which are repressive and inequitable by administrative instructions, as a temporary measure only. The list of assessors to the Corte d'Assize is being revised as the Majority of the persons now named are reported as strong Fascists.

9. Many people including the Minister to the Badoglio Government are persistent in seeking an immediate rescission of the laws of racial discrimination in particular in respect to marriage between Italian and Jews. I am enquiring into these laws of racial and I am preparing a memorandum upon the matter but in the meantime I do not know how this matter was dealt with in Sicily. It did not arise in the first two months which I was there. Reports upon this and collateral questions will require to be submitted for decision by higher authority.

#### 10. Military Courts.

Summary and Superior Military courts have been sitting in various areas for disposal chiefly of comparatively slight offence against the proclamations. The established procedure for setting up courts and the fact that all CAO's are appointed as summary courts judges has greatly facilitated the operation of these courts. It is interesting to note that all reports comment upon the lawful disposition of all civilians and their obedience to proclamations and the paucity of offences brought for trial before military courts reflects upon the state of calm and order obtaining in the region and presumably anxiety by civilians not to hinder the allied forces intentionally.

#### 11. Proclamations.

About 900 copies of proclamations 1, 2, (and accompanying notices) 3, 4, 5, 8, 11, 12 and 13 and General Orders 1 and 2 have been posted throughout the area. Authority to post proclamation No. 6 has been asked for by signal from AMGOT H.Q. Sicily.

12. The many petty but detailed administrative duties which must attend the setting up of the HQ's have occupied a large part of the time of the small number of officers and men in the division. During the last few days but with the allocation of some EM/ORs and the engagement of civilian employees will enable office routine to prevail and leave time for uninterrupted work in the department.

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Major  
Chief Legal Officer

AMG  
Region III HQ  
Naples  
8 . 10 ./43

HEADQUARTERS  
REGION 3  
ALLIED MILITARY GOVERNMENT

AMGOT 3/6034/L 2  
22 October, 1943

Subject : Report from 8th October to 21st October, inclusive.

To : Chief Legal Officer, AMGOT Sicily. u.f.s. R.C.A.O.

FROM : Regional Legal Officer, Region III. AMG.

The following is a report by the Legal Division from 8th October to date.

Proclamations: Proclamations 1, 2, 3, 4, 5, 6, 11, 12 and 13 and General Orders Nos. 1 and 2 the warning and notice accompanying Proclamation No. 2 have been posted throughout the territory occupied by Allied Forces in this region. The supplies of Proclamations received were found to be inadequate and especially in Naples town these were insufficiently posted. To remedy this 4000 additional copies of all the Proclamations noted above have or are being printed and a reserve file of 6000 Proclamations for subsequent operations is being amassed here.

2. Authority was sought from AMGOT to post proclamations Nos. 6 and 10. No reply has been received as yet and as it is considered necessary to post Proclamations No. 6 since the Controller of Property is already acting copies of that Proclamation are being printed and will be posted in this Region forthwith.

3. Proclamation 10 has not yet been printed or posted. Many requests have been made for the publication of all our proclamations and orders in book form for case of reference. Is it intended to publish a gazette called say the "Italia Gazette" or the "AMG Gazette"? I feel that although it would be useful to have as a reference book for staff officers, Italian officials and our own personnel, if the life of the Pro-

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#### 4. Italian Criminal Courts.

The Tribunali and Praetore Courts in Salerno Province were opened about one week ago and these courts in Naples town and province are opening now. A copy of the order setting out the conditions upon which these courts are opened is attached in English and Italian. The first President of the Court of Appeal Ferri who is reported as an ardent Fascist had left Naples before our occupation. It is not intended to continue him in his office should he ever return. The senior of the remaining presidents has under the authority of the R.C.A.O. been appointed acting first president. A Copy of a letter upon the suitability of the remaining court personnel received from CIC is attached. The Tribunali and Praeture at and within the circondarie of Sant'Angelo dei Lombardi and Ariano Irpino will be opened within the next week.

#### 5. Allied Military Courts.

Summary courts have been held in numerous towns throughout the territory occupied. The majority of the cases heard have been minor offences, petty stealing, black market and price control contraventions and curfew. Due to the small numbers of officers through the territory and the great amount of work which has to be overtaken by CAO's insufficient time has been devoted to the trial of cases with the result that little more than rapid justice has been done. In many cases the rules set out in the manual have not been followed. It is expected that conduct of such trials will improve as a result of introductions which have been issued by this office and that the proper forms which are being printed will be completed by the judges.

6. Two summary courts have been sitting in Naples town to attempt to keep up with the arrests made there. Again the majority of the cases have been disposed of. There are about 150 waiting trial of which 100 are confined in jail. Difficulty has been met in connection with arrests made by military personnel of workers from the docks who have been arrested and put in jail because they have been found in pos-

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6. Two summary courts have been sitting in Naples town to attempt to keep up with the arrests made there. Again the majority of the cases have been disposed of. There are about 150 waiting trial of which 100 are confined in jail. Difficulty has been met in connection with arrests made by military personnel of workers from the docks who have been arrested and put in jail because they have been found in possession of one tin of rations or a packet of cigarettes. Suspended sentences have been passed upon such accused and representations have been made to the Military authorities not to arrest these persons as in almost all the cases the plea is that they were given the rations by soldiers. This is probably perfectly true and it is hoped to stop such removal of rations by an order which has been issued to troops forbidding the giving away of rations.

7. Superior and General Courts have been appointed

and sat or are sitting for the disposal of several major cases.

8. With regard to the review of cases. It was verbally arranged with the Chief Legal Officer AMGOT (Col. Charles) that the records of all cases should be sent to this office for examination and file by the Regional Legal Officer; that the record of all cases when the sentence exceeds two years imprisonment or a fine of 50,000 lire shall be sent to the office of the Chief Legal Officer, AMGOT for review in terms of Proclamation 4 Article VII Section 3, may it please be confirmed that records of cases will be disposed of in this manner.

9. Prisoners. In addition to the statistics of persons in jail in Naples contained in my last report it is now reported that at Avellino 555 and at Benevento 320 prisoners were released from the jails there during air raids on the directions of the German commanders. I should add that at Avellino the prisoners really broke out of the jail during a heavy bombardment and the guards were quite unable to prevent their escape. On application being made to the German Commander he is reported to have refused assistance and said they should be released. No reports of the recapture of any of the prisoners in any of the towns has been received from the Public Safety Division.

10. Italian Military Tribunals. The question of the continuance or suspension of Italian Military Tribunals arose shortly after our arrival. I attach a copy of a memorandum which I prepared on the subject and a copy of a signal asking instructions on policy. This is a question which must be considered in close liaison with the Army HQ as it affects the disciplinary measures to be adopted towards the Italian soldiers who are being reorganized for service. I have discussed this question with JAG 5th Army who agrees with me and we both recommend that if the Italian Army is being reformed Italian Military Tribunals should be reestablished. In the meantime pending a decision on this question instructions have been sent out to all S.C.A.O.'s to enquire into these cases of persons held in jail at the disposition of these tribunals and to grant provisional liberty to such of them

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#### 11. General Instructions.

Application was made by telegram to give the regional Legal Officer power to send cases directly for trial before Superior and General Courts. This power was granted by Chief Legal Officer AMGOT 15th Army Group giving the regional Legal officer power to act for the Chief Legal Officer in any matters which under the Proclamations and Instructions he can delegate.

12. I am anxious to have a ruling upon the following point. By Article III Section 3 of Proclamation No. 4

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a summary military court may "impose any lawful punishment except death and imprisonment for more than one year or fine" "of more than 50,000 lire, or both such imprisonment and fine". In cases where both imprisonment for a year and a fine are imposed it is normally added that the accused will serve an additional period of imprisonment calculated at the rate of 1 day per 100 lire of the fine where he fails to pay the fine. This has the effect of imprisoning an accused person for a period of more than 1 year (excluding practical possible remission for good conduct). I am not satisfied that a summary court can in fact impose a penalty which results in imprisonment for more than 1 year. May a ruling please be given on this.

### 13. Laws of racial discrimination:

I have now enquired into the laws which were enacted to ensure purity of the Italian race and the victimisation of the Jews. The Italian committee of Liberation for Naples and other senior officials are very anxious to have these laws suspended. This is a matter of policy which should be considered in relation to the action to be taken generally in the rest of Italy. I feel that we should suspend at least some of these laws at once, they were a purely Fascist accretion to come into line with Nazi ideals and their temporary suspension would have a great political effect. It is within the power of the Military Governor to do so. The important laws which it is suggested should be suspended by Proclamation are RDL 5/9/39 No. 1390:

Prohibiting Jews from attending the same schools with gentiles and teachers of Jewish race teaching in Christian establishments. RDL 17/11/38 No. 1728: Excluding Jews from Italian businesses. RDL 29/6/39 No. 1054: No professional services to be rendered to or obtained from Jews.

RDL 13/7/39 No. 1055: Compels Jews to assume their old Jewish name Limits amount of their estates which may be disposed of by will. Excess to such limitations going to the town.

Art. 91 of the Civil Code and RDL 17/11/38 No. 1728: which prevents marriage of Italians with persons of any other race in particular Jews and imposes penalties.

### 14. Land transactions:

Applications are being made by persons to sell land. It is being sought by former who have had their instruments

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#### 14. Land transactions:

Applications are being made by persons to sell land. It is being sought by former who have had their instruments houses etc. destroyed by war and who wish to sell to their neighbours a part of their land in order to obtain money to purchase new implements, seed and to re-establish their farms. I have advised the R.C.A.O. that it is proper for him as an officer empowered by the C.C.A.O. under Proclamation No 5 Article III Section I to give consent or any advise to such transactions as are approved.

Lieutenant Colonel  
Regional Legal Officer.

With reference to paragraph 2 Supra Note. Since writing this report written permission has been received to post Procl. 6 a copy of which is attached Lt. Col. Claybourne however gave me a subsequent verbal order from Col. Chalew not to post this Proclamation. It will not be posted but I could point out that the Property Controller is already acting under it.

HEADQUARTERS  
REGION 3  
ALLIED MILITARY GOVERNMENT

17 October, 1943

Subject: Reopening of Italian Criminal Courts.

To : The Acting President of the Court of Appeal

From : Chief Legal Officer, AMG Region 3

With reference to the meeting held with you and the members of the Tribunale di Penali of Naples, the Avvocato Generale and the Procuratore del Re for Naples authority is hereby given for the reopening of the Tribunale di Penale and the Praetura Court in Naples for the disposal of all cases within the criminal competence of these courts. Will you please transmit this authorisation together with all the instructions governing the reopening to the officials of these courts as early as possible.

2. In those Courts all cases pending trial in respect to which the accused are presently detained in prison will be heard and disposed of before all other cases. The persons will be arrested and brought to trial before this Courts for any actions which were made offences for the protection or furtherance of the interests of the former fascist party or acts of a purely political or antisocial nature, including racial discrimination, in respect to which penalties were imposed.

3. I am obliged for your letter of 11th. October 1943 signed by yourself and the Avvocato Generale together with the letters dated 11th October, 1943 from the President of the Praetura and 6th October, 1943 from the Procuratore del Re containing proposed recommendations and modifications to be introduced. Accordingly to meet the present state of emergency the following procedure is approved and will be adopted.

(a) The court and prosecution have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is

2084

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(a) The court and prosecution have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the acts committed do not justify the conditional detention of the accused. This provision shall apply to both offences committed since the occupation and also in cases of prisoners sentenced to terms of imprisonment by Italian courts before our occupation. In the latter case the decision of the Procuratore will be submitted to and approved by the Chief Leggl Officer or an officer of his staff.

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b) If in any case before it the court is of opinion that the minimum sentence for the offence charged is excessive under the circumstances of the particular case the judge may impose a sentence less than the minimum required by law.

4. It will be assured that all Italian police authorities comply strictly with Art. 238 and 244 of the Code of Penal Procedure. The cases of all persons arrested upon suspicion or without warrant will be referred to the Procuratore del Re or the Pretore within 24 hours of arrest.

5. All judgements in these courts will be issued in the name of "the law."

6. The following powers are reserved to the Allied Military Government:

- a) Any Legal or Civil Affairs Officer may attend any sitting of these courts.
- b) Any case may be reviewed and any verdict or sentence varied by order of the Chief Legal Officer, AMGOT.
- c) All defendants may position to the Military Governor for review of any judgement and sentence where it is claimed that the judgement was affected by hostility towards the Allied Forces or was prejudicial to their interests.
- d) Cases may be withdrawn from Italian Courts for trial by Allied Military Courts before sentences have been promulgated, under Article II section 3 of Proclamation 4.

7. At the conclusion of each week the Tribunale and Pretura Courts will supply to the AMG Legal Officer at his office in the Tribunale a return in triplicate of all cases disposed of these courts during that week showing: Case No; Name of Accused; Age; Sex; Address; Description; Charge; Plea; Finding; Sentence and any reports by the Judge. A return will also be made at the same time of all cases pending trial separating those persons arrested and in jail from those persons not in jail.

8. Those courts will NOT be opened until further order for trial of civil cases but in the meantime the following urgent procedure requested in the letters under reference may be proceeded with:

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8. Those courts will NOT be opened until further order for trial of civil cases but in the meantime the following urgent procedure requested in the letters under reference may be proceeded with:

- (a) Appointment of receivers "pendents lite" (deceased persons and creditors)
- (b) Declaration of absence or of procured death.
- (c) Judicial suspension of spouses.
- (d) Measures to protect the interests of minors.
- (e) Rights of married women.
- (f) Adjudication, internment or release of and measures for the protection of lunatics and their estates.
- (g) Orders concerning shares and bonds destroyed or lost?
- (h) Care of aged.
- (i) Preservation of evidence.
- (j) Affidavit.
- (k) Obtaining of dying declarations.

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- (l) Restitution in cases of forceable entry.
  - (m) Protection of rights of absent or missing heirs.

(n) Procedure for ascertainment and administration of estates of deceased persons.

- (6) Acceptance or refusal of legacies or benefits under will or by law of descent or distribution.

I shall be glad to receive for consideration any further recommendations from you which you or your colleagues may have which will tend towards the better functioning of the courts.

By order of Col. HUME

Lt. Colonel  
Chief Legal Officer

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MINISTERO DELLA GIUSTIZIA  
AMMINISTRAZIONE CENTRALE  
REGIO 3  
LEGAL DIVISION

( Translation )

ANNO 1943  
15th October, 1943

Oggetto : Riapertura delle Corti Criminali Italiane

A : All'Attuale Presidente della Corte di Appello, Napoli.

Da : Capo Ufficiale Legale, A.M.E., 3 Regione.

1) In riferimento all'incidente avuto con lei, con i membri del Tribunale Civile e Penale di Napoli, l'Avvocato Generale ed il Procuratore della Re per Napoli, e mezzo della presente la diamo notizia per la riapertura delle Corti Criminali Penale e la Pretura di Napoli per la trattazione di tutte le cause originali di competenza di codeste Corti.

Voglio trasmettere queste autorizzazioni insieme a tutte le istanze ai Magistrati e funzionari di codeste Corti per la regolare ripartizione, al più presto possibile.

2) In Codeste Corti le prime a trattare saranno tutte le cause sospese e per le quali la accusa si trovano presentemente in carcere. Un solo sarà arrestato o portato davanti a codeste Corti per qualsiasi atto che sia considerato reato allo scopo di proteggere la autorità. L'interesse del Partito fascista o atti che sono politici o antisociali includenti anche atti di discriminazione razziale in rapporto ai quali invece si imponevano pene.

3) Ringrazio lei e l'Avvocato Generale per le loro lettere dell'11 Ottobre, quella dell'Avvocato Generale del 12 Ottobre 1943 per quella del 3 Ottobre del Presidente della Pretura e per le lettere del Procuratore del Re le quali proponevano modificazione e cancella per le modificazioni da essere introdotte.

Per venire incontro al presente stato di emergenza le seguenti procedure sono approvate e dovranno essere approvate.

a) I Giudici ed il Procuratore del Re hanno la facoltà

zioni per la legge. Una del Tribunale Penale e la Pretura di Napoli per la trattazione di tutte le cause criminali di competenza di codeste Corti.

Voglio trasmettere queste autorizzazioni insieme a tutte le istruzioni ai Magistrati e funzionari di codeste Corti per far eseguire rapidamente, al più presto possibile.

2) In Codeste Corti le giurie e trattanti saranno tutte le cause sospese e per le quali la accusa si trovano presentemente in carcere. Per uno sarà arrestato o portato davanti a codeste Corti per qualsiasi atto che sia da considerato reato allo scopo di proteggere la libertà d'interesse del Partito fascista o atti che sono politici o antisociali incluenti anche atti di discriminazione razziale in rapporto al quale interessa d'imporre una pena.

3) Ringrazio lei e l'avvocato Ferrante per le loro lettere dell'11 Ottobre, quella dell'Avvocato Generale del 12 Ottobre 1943 per quella del 6 Ottobre del Presidente della Pretura e per le lettere del Procuratore del Re le quali proponevano modificazioni e consigli per le modificazioni da essere introdotte.

Per venire incontro al presente stato di emergenza le seguenti procedure sono approvate e dovranno essere approvate.

a) I Giudici ed il Procuratore del Re hanno la facoltà di accordare la libertà provvisoria anche nei casi indicati dall'art. 253bis. La Procura Penale quando il reato non è grave e le circostanze sotto le quali il reato si commette non sono sufficientemente gravi per giustificare la detenzione dell'accusato. Questo provvedimento sarà applicabile nei casi compresi e dopo l'occupazione e anche nei casi di detenuti che furono già condannati ad un termine dalle Corti Italiane, prima della nostra occupazione di questo territorio. In quest'ultimo caso la decisione del Procuratore del Re sarà sottoposta all'approvazione del Capo Ufficiale del Ufficio Reale Legale (Chief Legal Officer) o di un Ufficiale da lui autorizzato.

b) In qualsiasi caso che la Corte sia dell'opinione che la mia condanna, per il reato in esame, in vista delle circostanze del caso, il giudice ha la facoltà d'imporre una condanna minore di quella stabilita dalla legge.

4) Le autorità della Polizia Italiana si dovranno attenere

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alla stessa sede, e che gli Art. 238 e 241 C.I.P. riguardino e tutti i casi di arresto di persona sotto processo o arrestato senza mandato che dovremo essere riferiti al Procuratore del Re nelle 24 ore dell'arresto.

5) Tutte le condanne, decisioni ed ordini di codeste Corti saranno rilasciate in 3 GIORNI DELLA LEGGE.

6) I seguenti poteri sono riservati al Governo Militare Alleato.

7) a) Qualunque Ufficiale Legale o Ufficiale d'Armi Civili potrà essere presente a qualsiasi processo di codeste Corti.

b) Qualsiasi causa potrà essere rivista e qualsiasi decisione o condanna potranno essere modificati per ordine del Capo Ufficiale Legale.

c) Tutti gli accusati potranno chiedere al Governatore Militare in presenza di ufficiali decisi, decisione o condanna per ragione che il decreto, decisione o condanna fu ingiustamente da occultità alle Forze Alleate o per ragioni contro i loro interessi.

8) Qualsiasi causa potrà essere ritirata dalle Corti Italiane per loro giudicata dalle Corti Militari Alleate prima della condanna alla condanna, ed altri dell'art. II sezione 3 Proclama No. 1.

8) Alla fine di ogni settimana i tribunali e i Protoni presenteranno all'Ufficiale Legale del Governo Militare Alleato, nel suo ufficio del tribunale un rapporto in tre o più di tutto le cause giudicate dalle Corti durante la settimana indicando: il nome del Giudice, nome dell'imputato, l'età, il sesso, l'indirizzo domiciliare, imputazione, se l'imputato si è dichiarato colpevole o innocente, la decisione della Corte, la condanna e qualsiasi dichiarazione del Giudice in riguardo alla causa. Allo stesso tempo codeste Corti rappresenteranno tutte le cause pendenti indicando sommariamente l'imputato in carcere e quelli in libertà.

9) Le Corti non saranno aperte per materia civile fino a nuovo ordine; nel frattempo le seguenti procedure richieste con le cause tutte lettere potranno essere trattate.

c) Tutti gli accusati potranno chiedere al Governatore Militare il rinvio di qualsiasi decreto, decisione o condanna per ragione che il decreto, decisione o condanna fu inflitta da ostilità alle Forze Alleate o per ragioni contro i loro interessi.

d) Qualsiasi causa potrà essere ritirata dalle Forze Alleate per aver giudicato dalle Corti Militari Alleate sulla base la sentenza sia giudicata, sia senza dell'art. II Sezione 3 Proclama No 4.

8) Alla fine di ogni settimana il Tribunale 1. Proteggersi presenteranno all'Ufficiale Legale del Governatore Militare Alleato, nel suo ufficio del Tribunale un rapporto in tre copie di tutto le cause giudicate dalle Corti durante la settimana indicando: il N° del Giudizio, nome dell'imputato, l'età, il sesso, l'indirizzo decorazione, imputazione, se se l'imputato si è dichiarato colpevole o innocente, la decisione della Corte, la condanna e qualsiasi dichiarazione del Giudice in riguardo alla causa. Allo stesso tempo queste Corti rappresenteranno tutte le cause pendenti indicando separatamente l'imputati in carcere e quelli in libertà.

9) Le Corti non saranno aperte per materia civile fino a nuovo ordine; nel frattempo le seguenti procedure richieste con le quali tutte lettere potranno essere trattate.

a) Norme di curatori "pendenti late" (morti e creditori)

b) Assenso e dichiarazioni di morte presunta.

c) Separazione legale di sposi.

d) Tutte le misure che siano necessarie per proteggere l'interesse di minori.

e) Tutte le misure che saranno necessarie per proteggere i diritti delle donne maritate.

f) Giudizi, intermenti e rilascio e tutte le misure che siano necessarie per la protezione degli interessi dei folli vivi o morti e per la loro proprietà.

g) Decreti riguardanti ad azioni od obbligazioni distrutte o perdute.

h) Cura o provvedimenti legali per proteggersi la vecchia-

i) Istruzioni preventive e provvedimenti di urgenza .

j) Atti di notorietà .

k) Ricezioni di dichiarazione di morenti .

l) La difesa del possesso .

m) Tutte le misure che saranno necessarie per proteg-

gere i diritti degli eredi assenti o mandanti .

n) Tutta la procedura e ciò che sia necessario per

l'accertamento e l'amministrazione dei beni e la proprietà dei de-  
funti .

o) Accettazione o rinuncia dell'eredità .

10) Zero contanto di ricevere e considerare qualsiasi al-  
tro consiglio, da lui e dai suoi colleghi, allo scopo di migliorare  
l'andamento delle Corti.

Firmato:

J.V.M. Shields

Tenente Colonnello

Ufficiale Capo Legale .

MEMORANDUM ON ITALIAN MILITARY TRIBUNALS

Italian Military Tribunals were established in 1869. In 1941 a military Penal Code was enacted which gives military tribunals jurisdiction in criminal offenses committed by military and nonmilitary personnel. These courts also have jurisdiction in territory declared to be in a state of war, among other cases they try all common crimes committed by military personnel, crimes against Italy committed by anyone and infractions of the law of civilian mobilization.

2. There were set upon Italy military tribunals in each of the following areas where they had territorial jurisdiction; Torino, Milano; Verona, Trieste, Bologna, Spesin, Rome, Naples, Taranto Calabria, Sicily, Sardinia and Sars. These courts set in the principal town of the territorial area and all cases were brought to that court for trial. In addition each Army Corps has a tribunal and an Army Corps Command or any otherwise the establishment of other tribunals where required.

3. The court has three categories of officials

- 1 - Magistrates
- 2 - Judges
- 3 - Cancellerie

In peace time the first category were reserve officers who while civilians donned uniform when they came to sit as members of a military tribunal. In war time all these officers were recalled to active duty for permanent as an organic part of the tribunals. In war time additional persons, such as university professors of law, magistrates and advocates of not less than 15 years standing were called to military duty to sit on these tribunals.

2074

against Italy committed by anyone and infractions of the law of civilian mobilisation.

2. There were set upon Italy military tribunals in each of the following areas where they had territorial jurisdiction; Torino, Milano; Verona, Trieste, Bologna, Spezia, Rome, Naples, Taranto Calabria, Sicily, Sardinia and Zara. These courts sat in the principal town of the territorial area and all cases were brought to that court for trial. In addition each Army Corps has a tribunal and an Army Corps Command or may otherwise the establishment of other tribunals where required.

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In peace time the first category were reserve officers who while civilians donned uniform when they came to sit as members of a military tribunal. In war time all these officers were recalled to active duty for permanent as an organic part of the tribunals. In war time additional persons, such as university professors of law, magistrates and advocates of not less than 15 years standing were called to military duty to sit on these tribunals.

4. The second category are permanent military, naval and air force officers who form the administrative body of the tribunals, like our Judge Advocate Staff.

5. The third category are really the clerical staff who in peace time are civilians but in war time are recalled to the colours and serve as soldier clerks.

6. In peace time the military personnel are paid by the War Department and the civilians by the Ministry of the Interior through the Intendente di Finanze. In war time all the personnel is paid from army funds as serving soldiers.

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7. In Naples there is staff for the territorial military tribunal of about sixteen Judges and forty four Magistrates and Cancellerie.

8. A Military tribunal is composed of three or five members depending from the gravity of the offence. No officer may be tried by a court of other officers anyone of whom is his junior.

9. If we had occupied Italy and made all her soldiers prisoners of war in theory as she was an enemy state all military tribunals would have been automatically suspended. As however the Italian Army is being reconstituted and there are no competent courts to try those persons who were waiting trial before these courts previous to our occupation I am of the opinion that the Italian military tribunals should be reestablished to exercise discipline over Italian soldiers and civilians committing offences triable only by those tribunals.

Sgt. I. V. M. SHIELDS,

Lieutenant Colonel,  
Chief Legal Officer.

2076

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17

Sgt. J. V. M. SHIELDS,

Lieutenant Colonel,  
Chief Legal Officer.

A.M.S.  
Region 3 HQ.  
15/10/43.

HEADQUARTERS  
REGION 3  
ALLIED MILITARY GOVERNMENT  
APO 464, U.S. ARMY

Amgot 3/6013/L  
7 October 1943.

Subject : Proclamation No. 6

To : C.G. AMG, APO 777.

1. Request is made for authority to publish Procl. No. 6.
2. Further request a supply of Proclamation No. 6.

For the Commanding Officer;

HARRY C. KAIT,  
Captain, JAGD,  
Actg. Asst. Adjt. General.

By Courier Lt. Drage.

1st. IND.

Amgot /4022/3/L  
12 October 43.

To: C.G. Region 3, AMG. A.P.O. 464.

From : H.Q., AMG, A.P.O. 777.

1. Authority requested para 1 basic communication is granted.
2. Supplies of Proclamation No. 6 will be forwarded at earliest opportunity.

By order of Brigadier-General  
MC SHERRY

JOHN R. MC DOUGALL,  
Major,  
Adjutant.

HEADQUARTERS

REGION 3

ALLIED MILITARY GOVERNMENT

LEGAL OFFICE

Amgot 3/5034/L  
3 November, 1943

Subject : Report on work of Legal Division from  
22.IO.43 to 31.IO.43

To : Chief Legal Officer AMG, 15th. Army Group  
through R.C.A.O. Region III

From : R.L.O. AMG HQ Region III

1. Proclamations. The building up of a supply of Proclamations for posting on the advance of the 5th. Army has almost been completed under extreme printing difficulties as the electric power is still not available and it has been necessary to print by hand. As a result of written and verbal instructions which have been received, Proclamations 1, 6, and 11 have not been reprinted pending instructions regarding projected amendments. Proclamations 6, 7, 9 and 10 have never been posted in this region.

2. Orders. A general order No. 3 reopening the banks in Naples Province was prepared, signed by the R.C.A.O. and published here. A copy is attached. I am concerned as to the difficulties which may be met as a result of publication in different regions of General Orders with varying numbers and varying subjects. It has been essential to issue certain local orders in connection with price-fixing and civil supply. These have only been issued as local orders. If each region issues General Orders it may be that the numbers will coincide with those which are issued or to be issued from AMGOT HQ for publication throughout all the regions and this will result in confusion. At the moment I am aware e.g. that General Order No. 3 and No. 6 issued in Sicily will never be published in this region and that those numbers are available for use for

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3. Allied Military Courts. Due to lack of clerical staff and difficulties of transport no returns have yet been received of the Military courts in the provinces of Benevento and Avellino. I know that only a few cases have been tried in these two provinces.

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4. The statistics for Salerno and Naples Provinces are as follows:

re General and Superior Courts - None (one case record of General Court in Salerno not yet received).

#### SUMMARY COURTS

|                               | G   | MG  |
|-------------------------------|-----|-----|
| Total No. Cases tried         | 635 | 147 |
| No. offences against Property | 286 | 81  |
| " " Persons                   | 0   | 0   |
| " Black market offences       | 123 | 13  |
| " other offences              | 226 | 45  |
| " detained without charge     | -   | 6   |

5. Petitions. Petitions against sentence in two Superior court cases are being sent to AMG 5th Army HQ in accordance with instructions contained in a letter from the Chief Legal Officer, AMG, 15th Army Group, AMG/ 20I/I dated 29th October 1943, a copy of which was sent to you. In terms of verbal instructions given to me by you in Naples petitions in Summary Court cases to date have been considered by the R.C.A.O. here. In future in terms of paragraph 7 (b) of the said letter from the 15th Army Group these petitions will be sent there for consideration.

#### 6. Italian Courts.

The Tribunale at Naples, Salerno, Avellino, Benevento, Sant'Angelo Lombardi, Ariano Irpino and S. Maria Capua Vetere have been reopened together with the Praetora in their areas for criminal competence and essential civil proceedings at different periods. During the last ten days under the conditions referred to in paragraph 4 of my report of 22.10.43, ~~no~~ Returns have yet been received as to the disposal of cases by these courts except verbally in Naples where they are operating satisfactorily.

7. With the reopening of the Banks and the termination of the moratorium in Naples Province the courts in that Province have ~~had~~ been reopened unrestrictedly for civil cases, and as banks reopen and the moratorium is lifted in

2081

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7. With the reopening of the Banks and the termination of the moratorium in Naples Province the courts in that Province have ~~been~~ reopened unrestrictedly for civil cases, and as banks reopen and the moratorium is lifted in the other provinces so the courts there will be authorised to reopen for civil cases.

8. It now remains to reopen the Court of Appeal and Court of Assize and just so soon as I can get sufficient time to consider how ~~for~~ transpost difficulties can be overcome to enable persons being brought before these courts they will be reopened. As the Court of Appeal has jurisdiction also in Region II and IV as referred to in my first report I wish to coordinate the activities of this court with the Legal Office in Region II with whom I have arranged a meeting next week.

9. Italian Military Tribunals. In view of the signal B-102 dated 30th October from you I am discussing with the Commander of the Italian Army here and the Allied Military Authorities the reestablishment of this Tribunale and it will be reopened if considered proper as soon as possible.

10. Land transactions.

On authority of signal 357 of 30th. October 1943 from CFC AMG 15th. Army Group it is intended to lift the prohibition on land transactions generally throughout the region after the trend of cash withdrawals in Naples has been estimated to ensure that there is no tendency to invest in real estate, and when the banks are reopened and the motorium has been lifted in the other three provinces. This move is about 10th November.

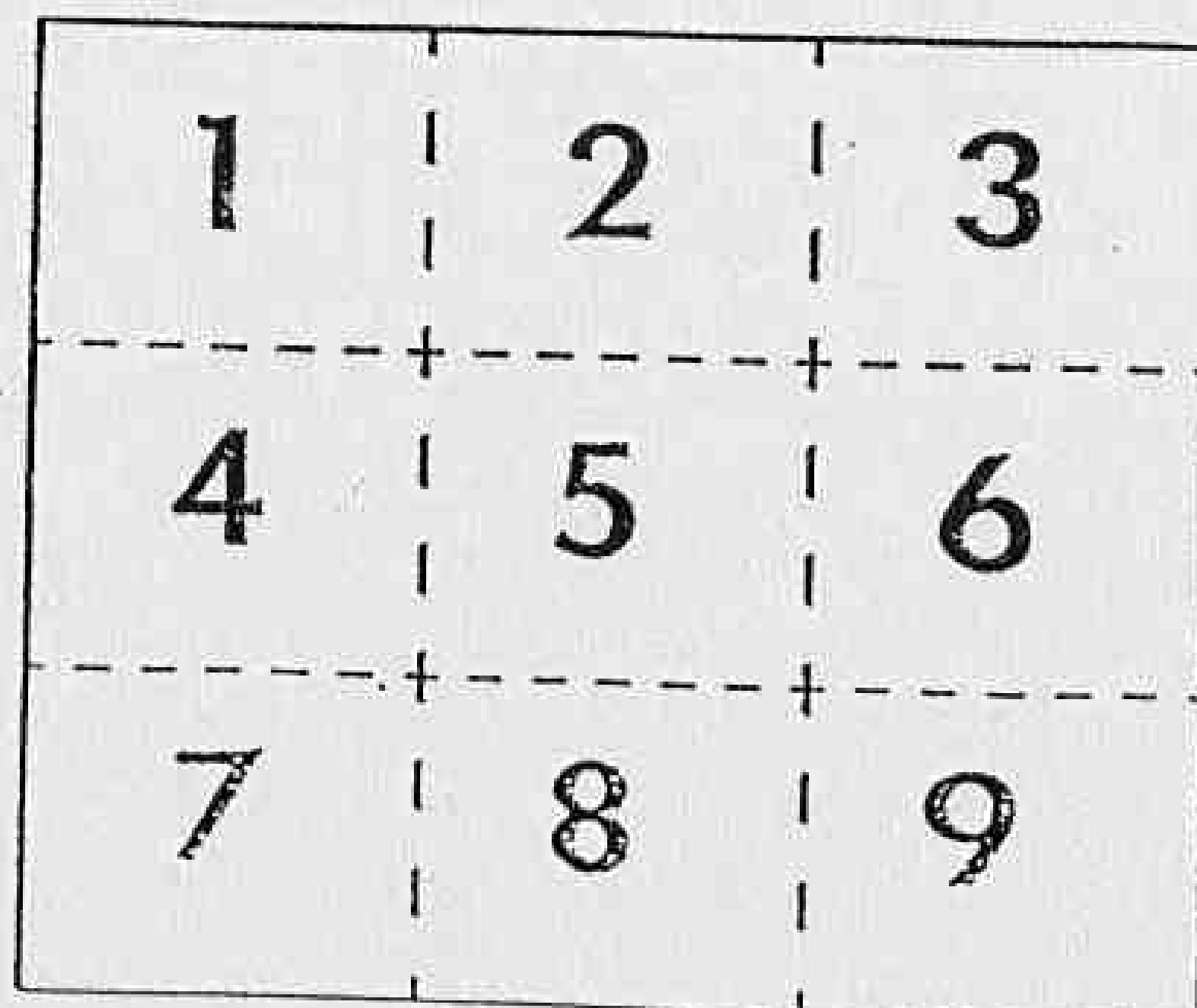
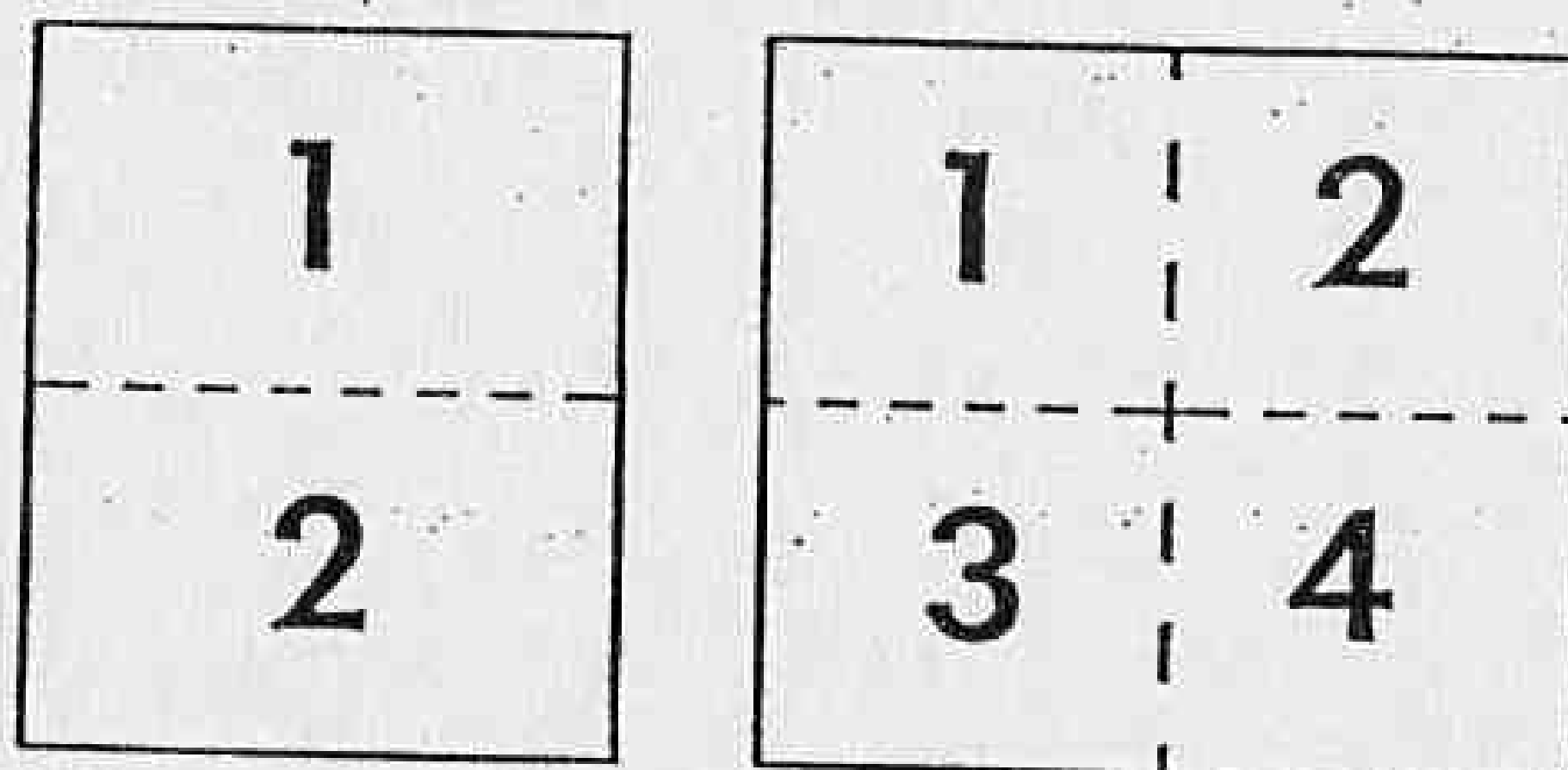
11. General

Lt. Colonel Rowe, Chief Legal Officer, AMG, 15th. Army Group has said that he will shortly pay a visit here. This should enable us to co-ordinate a great many steps which have of necessity been taken unilaterally and will clarify the position which has arisen as a result of the reorganisation of the units of Military Government.

*J. H. H. H.*  
Lt. Colonel  
Regional Legal Officer

MAPS AND CHARTS TOO LARGE TO FILM  
ON ONE EXPOSURE ARE FILMED CLOCKWISE  
BEGINNING IN THE UPPER LEFT CORNER,  
LEFT TO RIGHT, AND TOP TO BOTTOM.

SEE DIAGRAMS BELOW.



# ALLIED MILITARY GOVERNMENT

## General Order No. 3

### **Re Opening of Banks and Financial Institutions and termination of the moratorium within the Province of Naples**

Whereas by Proclamation No. 5 issued by the General Officer Commanding the Allied Forces in Occupied Territory, all financial institutions were closed and a moratorium was imposed, and

Whereas the Chief Civil Affairs Officer or any officer empowered by him was authorised to order the reopening of such institutions and to suspend or terminate such moratorium in respect to an obligation or class of obligations and to prescribe the conditions governing such reopening and suspensions or termination,

NOW, therefore, I, Edgar Erskine Hume, Colonel, General Staff Corps, United States Army, Regional Civil Affairs Officer, an officer empowered by the Chief Civil Affairs Officer, hereby ORDER as follows:

# GOVERNMENT

No. 3

cial Institutions and  
the Province of Naples

issued by the General  
ces in Occupied Ter-  
osed and a moratorium

Officer or any officer  
to order the reopening  
r terminate such mora-  
class of obligations and  
g such reopening and

Erskine Hume, Colonel,  
Army, Regional Civil  
d by the Chief Civil  
ollows:

# GOVERNO MILITARE ALL

Ordinanza Generale N.º

Riapertura delle Banche e degli Istituti  
e cessazione della moratoria entro la Provinci

Premesso che con il proclama N.º 5 emana-  
ciale Generale in Comando delle Forze Allea-  
tutti gli Istituti Finanziari erano stati chiusi e di-  
moratoria;

considerato che l'Ufficiale in Capo degli A-  
o altro Ufficiale da lui facoltizzato, era autorizza-  
nare la riapertura di tali Istituti e la sospensione  
sazione della moratoria nei confronti di qualsiasi  
o gruppo di obbligazioni e di fissare le norme r-  
riapertura e la sospensione o la cessazione della

in considerazione di quanto su esposto,  
Erskine Hume, Colonnello dello Stato Maggior-  
cito Americano, Ufficiale Capo degli Affari Civ-

# GOVERNO MILITARE ALLEATO

## Ordinanza Generale N.º 3

### **Riapertura delle Banche e degli Istituti Finanziari e cessazione della moratoria entro la Provincia di Napoli**

Premesso che con il proclama N.º 5 emanato dall'Ufficiale Generale in Comando delle Forze Alleate in Italia, tutti gli Istituti Finanziari erano stati chiusi e dichiarata una moratoria;

considerato che l'Ufficiale in Capo degli Affari Civili, o altro Ufficiale da lui facoltizzato, era autorizzato ad ordinare la riapertura di tali Istituti e la sospensione o la cessazione della moratoria nei confronti di qualsiasi obbligazione o gruppo di obbligazioni e di fissare le norme regolanti tale riapertura e la sospensione o la cessazione della moratoria;

in considerazione di quanto su esposto, io, Edgar Erskine Hume, Colonnello dello Stato Maggiore dell'Esercito Americano, Ufficiale Capo degli Affari Civili per Na-

was imposed, and

Whereas the Chief Civil Affairs Officer or any officer empowered by him was authorised to order the reopening of such institutions and to suspend or terminate such moratorium in respect to an obligation or class of obligations and to prescribe the conditions governing such reopening and suspensions or termination,

NOW, therefore, I, Edgar Erskine Hume, Colonel, General Staff Corps, United States Army, Regional Civil Affairs Officer, an officer empowered by the Chief Civil Affairs Officer, hereby ORDER as follows:

### **Article I.**

#### **Re - Opening of Banks and Financial Institutions**

The provisions of Proclamation No. 5 Article 1, are hereby rescinded insofar as they applied within the Province of Naples, and all Banks and other financial institutions situated within that Province are permitted to resume their normal functions without any restrictions as to deposit withdrawals or other obligations to customers except that vaglia cambiari, assegni circolari, vaglia bancari, fedeli de credito, or polizzini di credito issued on or after 1st September 1943 in territory occupied by the enemy will not be honored.

### **Article II.**

#### **Termination of the moratorium**

The moratorium on debts imposed by proclamation No. 5 Article II is hereby terminated within the Province of Naples only.

### **Article III.**

2088

affairs Officer or any officer  
ed to order the reopening  
d or terminate such mora-  
or class of obligations and  
rning such reopening and

Erskine Hume, Colonel,  
tes Army, Regional Civil  
wered by the Chief Civil  
as follows:

I.

## Financial Institutions

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applied within the Province  
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customers except that vaglia  
bancari, fedeli de credito, or  
after 1st September 1943 in  
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II.

e moratorium

posed by proclamation No. 5  
d within the Province of

III.

moratoria;

considerato che l'Ufficiale in Capo deg-  
o altro Ufficiale da lui facoltizzato, era auto-  
nare la riapertura di tali Istituti e la sospens-  
sazione della moratoria nei confronti di qualsi-  
o gruppo di obbligazioni e di fissare le norme  
riapertura e la sospensione o la cessazione e

in considerazione di quanto su espos-  
Erskine Hume, Colonnello dello Stato Mag-  
cito Americano, Ufficiale Capo degli Affari  
poli e la Campania, debitamente investito dei  
dall'Ufficiale Capo degli Affari Civili, ordine

## Articolo 1.

### Riapertura delle Banche e degli Istituti

Con la presente ordinanza sono abroga-  
di cui alle art. 1° del Proclama N. 5 per  
la loro applicazione entro la Provincia di N-  
mette che tutte le Banche e gli altri Istituti  
tuati entro tale Provincia riprendano le loro  
senza alcuna restrizione circa il prelievo dei  
siasì altra obbligazione verso la clientela  
quei vaglia cambiari, assegni circolari, vaglia  
credito o polizzini di credito che siano stat-  
tire dal 1° Settembre 1943 in zona di occupazione  
e che non verranno pagati.

## Articolo 2.

### Cessazione della moratoria

Con la presente ordinanza viene a c-  
entro i limiti della Provincia di Napoli  
debiti dichiarati con Part. 20 del Proclama-

2089  
...gli Istituti Finanziari erano stati chiusi e dichiarata una moratoria;

considerato che l'Ufficiale in Capo degli Affari Civili, o altro Ufficiale da lui facoltizzato, era autorizzato ad ordinare la riapertura di tali Istituti e la sospensione o la cessazione della moratoria nei confronti di qualsiasi obbligazione o gruppo di obbligazioni e di fissare le norme regolanti tale riapertura e la sospensione o la cessazione della moratoria;

in considerazione di quanto su esposto, io, Edgar Erskine Hume, Colonnello dello Stato Maggiore dell'Esercito Americano, Ufficiale Capo degli Affari Civili per Napoli e la Campania, debitamente investito dei necessari poteri dall'Ufficiale Capo degli Affari Civili, ordino quanto segue:

### **Articolo 1.**

#### **Riapertura delle Banche e degli Istituti Finanziari**

Con la presente ordinanza sono abrogate le disposizioni di cui alle art. 1° del Proclama N. 5 per quanto riguarda la loro applicazione entro la Provincia di Napoli, e si permette che tutte le Banche e gli altri Istituti Finanziari situati entro tale Provincia riprendano le loro funzioni normali senza alcuna restrizione circa il prelievo dei depositi o qualsiasi altra obbligazione verso la clientela ad eccezione di quei vaglia cambiari, assegni circolari, vaglia bancari, fedeli di credito o polizzini di credito che siano stati emessi a partire dal 1° Settembre 1943 in zona di occupazione del nemico, e che non verranno pagati.

### **Articolo 2.**

#### **Cessazione della moratoria**

Con la presente ordinanza viene a cessare solamente entro i limiti della Provincia di Napoli la moratoria sui debiti dichiarata con l'art. 5° del Proclama N. 5.

**Article II.****Termination of the moratorium**

The moratorium on debts imposed by proclamation No. 5 Article II is hereby terminated within the Province of Naples only.

**Article III.****Opening of safe deposit boxes**

Within the Province of Naples all safe deposit boxes may be opened and all articles held in safekeeping may be released but only in the presence of an officer of the Allied Military Government. The date of the initial opening of safe deposit boxes and releasing of articles held in safekeeping will be announced later.

**Article IV.****Effective date**

This General Order shall be effective as of the 30th day of October 1943 and it shall become operative on that date.

**EDGAR ERSKINE HUME**

Colonel, General Staff Corps

United States Army

Regional Civil Affairs Office

## **moratorium**

posed by proclamation No. 5  
within the Province of

## **deposit boxes**

les all safe deposit boxes  
ld in safekeeping may be  
of an officer of the Allied  
the initial opening of safe  
articles held in safekeeping

## **date**

effective as of the 30th day  
ne operative on that date.

**AR ERSKINE HUME**

nel, General Staff Corps  
United States Army  
onal Civil Affairs Office

creano o ponzami di credito che siano stati  
tire dal 1° Settembre 1943 in zona di occupazio  
e che non verranno pagati.

## **Articolo 2.**

### **Cessazione della moratoria**

Con la presente ordinanza viene a cess  
entro i limiti della Provincia di Napoli la  
debiti dichiarata con l'art. 2° del Proclama N

## **Articolo 3.**

### **Apertura delle cassette di sicure**

Entro il territorio della Provincia di N  
venire regolarmente riaperte tutte le cassette  
ritirati i valori in custodia purchè alla presen  
ciale del Governo Militare Alleato. La  
dell'apertura delle cassette di sicurezza e del  
in custodia verrà comunicata successivamente

## **Articolo 4.**

### **Data di entrata in vigore**

La presente Ordinanza Generale andr  
partire dal 30 ottobre 1943.

**EDGAR ERSKINE**

Colonnello dello Stato Maggiore dell  
Ufficiale Capo degli Affari Civili per Na

credito o posizioni di credito che siano state emesse a partire dal 1° Settembre 1943 in zona di occupazione del nemico, e che non verranno pagati.

## **Articolo 2.**

### **Cessazione della moratoria**

Con la presente ordinanza viene a cessare solamente entro i limiti della Provincia di Napoli la moratoria sui debiti dichiarata con l'art. 2° del Proclama N. 5.

## **Articolo 3.**

### **Apertura delle cassette di sicurezza**

Entro il territorio della Provincia di Napoli potranno venire regolarmente riaperte tutte le cassette di sicurezza e ritirati i valori in custodia purchè alla presenza di un Ufficiale del Governo Militare Alleato. La data dell'inizio dell'apertura delle cassette di sicurezza e del ritiro dei valori in custodia verrà comunicata successivamente.

## **Articolo 4.**

### **Data di entrata in vigore**

La presente Ordinanza Generale andrà in vigore a partire dal 30 ottobre 1943.

**EDGAR ERSKINE HUME**

**Colonnello dello Stato Maggiore dell'Esercito Americano  
Ufficiale Capo degli Affari Civili per Napoli e la Campania**

AME.  
Reg. III HQ  
Naples.  
9.10.43.

(11)

My Dear Colonel Chantreer,

I have written a very quickly a report for Col. Chayne to take back to Sicily. Col. Hume called for reports from all divisions.

2. We are having a pretty hectic time here. It took some days to decide upon a Regional HQ office, in the meantime I set up an office in the Tribunale to get on with the work. After the office was decided upon and we had tried to get it straight, a mine went off in the post office next door killing several people (numbers vary greatly - no AME personnel) & shook everyone a bit. Today we were ordered to quit our offices at a precaution against a further explosion so I am back at the Tribunale. It makes it difficult to keep staff, papers etc together & start some sort of office routine.

3. Lt. Col. McClaine felt a bit sore at the settlement

of assignment, as was  
 expected, but who is a frank  
 chat and he is prepared to  
 get on with the job and, although  
 his outlook is conditioned by  
 J.A.G. training and is accordingly  
 not very flexible and as he is  
 being used by the S.C.A.O. Naples  
 Province too much as his  
 executive officer, I am sure we  
 will get on well. (10)

4. The shortage of personnel  
 office staff & the unsettled  
 location of office has made it  
 difficult to get the wheels  
 turning but I am just  
 beginning to see the light  
 now.

5. I have seen most of the  
 senior judicial officials. The  
 Tribunal in Salerno & Naples  
 will start soon. The practice  
 are starting. The paucity  
 of prisoners in jail has  
 greatly assisted us in not  
 having that great urgency to  
 bring people to trial to  
 clear the jails or release those  
 held on unfair charges. No  
 persons are reported to be  
 held now for political offences

3. With regard to modifications  
 in procedure and suspension of  
 repulsive or inequitable laws do  
 you wish me to refer to you  
 the proposed modifications before  
 issuing an administrative  
 instruction to the courts or  
 can I go ahead in issuing  
 a temporary instruction at least  
 until varied or homologated by  
 you? Could you please let  
 me know the policy with  
 regard to laws of racial  
 discrimination?

7. The question of the Military  
 Tribunals has popped up.  
 Persons are waiting trial before  
 them. I propose to suspend  
 such tribunals and to  
 transfer those cases which  
 are appropriate to the  
 Italian courts and to release  
 those not held on good  
 charges. Is this quite  
 satisfactory?

8. (Due to the <sup>+</sup> handling of 8)  
 Proclamations throughout the  
 Territory by different people in  
 different places the distribution  
 is inequitable. I have taken  
 control of them and I  
 am having more printed  
 for posting in Puerto Rico  
 we now post all Procs  
 other than 7 & 9 and if 20  
 could you please send some  
 copies of 6, 10 & 11?

9. With regard to returns of  
 cases for military courts  
 will it be sufficient if  
 a copy of the record book  
 kept by each court supports  
 court, which I am having  
 printed, showing  
Case No | Name of accused | Age  
Sex | Description | Address | Charge |  
Plea | Finding | Sentence |  
Remarks | Signature of  
Judge

is sent to you. In my

8.  
 of in this file as the  
 requirement in Proc. 4 Art. VII  
 Section 2 is in line with  
 Spec. Admin. Instr. 2. § 12. The  
 record of each case before  
 a summary court will  
 be kept also on Form 8  
 and will be retained  
 by each provincial & legal  
 officer unless required for  
 something on a petition.

I will only send to you  
 then ① Except for record  
 book of Summary Courts.  
 ② Records of ~~the~~ General  
 & Superior Military Courts?

10. A Capt Gold from US  
 thru Tizi Ouzu arrived a few  
 days ago. He was a  
 judge in N.Y. Supreme  
 Court, seems a good chap  
 & I have 957-~~line~~ for the  
 Division

11. At this early stage  
 when ~~there~~ are so  
 many jobs that must be

6  
 (one) we are very busy with (6)  
 only five officers all told.  
 have only two enlisted men.

12. I don't want to worry  
 you but if you could ask  
 someone if there is any  
 mail about for me I  
 should be most grateful.  
 I've not heard from home  
 since 27<sup>th</sup> June & I am  
 getting a bit worried. I  
 have a black tin box  
 with books in it with  
 the Br. QM. at HQ Palermo;  
 if it could be sent to  
 me so that it would  
 arrive it would be most  
 helpful.

13. all told we are  
 very busy and happy here  
 beating the air but I  
 am sure something is  
 being achieved.

14. I look forward to seeing  
 you again as soon as possible  
 with kind regards  
 yours sincerely J. M. Smith

C O P Y1 Oct 43 0700 hrs.

Gen. McSherry.  
Copy to Col. Ashley

Established H.Q. Naples Prov at 1500 hrs 10 Oct 43  
 CASTLEMARE GEN MCSHERRY arrived 1530 and decided that all  
 available men be sent forward to Naples. At 1600 party  
 of 17 Officers and same E.M. with 3 days rations left.  
 They are at CASA Municipio NAPLES at 1845 everything is  
 quiet save for a little rifle and machine gun fire in  
 outskirts of city.

I left Castlemara at 1600 and arrived NAPLES 1700 with  
 Maj. Fletcher.

Am moving H.Q. NAPLES Province to PREFECTURA NAPLES 2  
 Oct 43.

I am remaining NAPLES Lt. Col. Chandler is with me.

(Sgd) James T. Kincaid  
 Lt. Col.,  
 S.C.A.O. Naples Province.

To: Col: John. T. Zellars.  
From: Lt: E. L. Page.

CIVILIAN SUPPLY SURVEY REGION III. Population 4,000,000, Approx.

1. Coal Resources.....Plenty of vegetable coal, no other type required at the moment.

2. Transportation.

A. All rail communications throughout the Region are completely disrupted, and cannot be counted upon for use for some long time to come.

B. Road transport available almost NIL, it is furthermore pointed out that as the enemy have made such a thorough clearance of all types of road transport in the Region, that unless arrangements are made at once, deliveries from ports to outlying districts will be impossible, no animal transport available.

D. Docks and Ports. Available for immediate use.

Not available for some time

Salerno.  
Castellammare.  
Capri.  
Ischia.  
Ponza.

Naples. (Ships can be off loaded outside port)

3. Small schooners are available for use at Capri.

3. Petroleum Situation.

A. Stocks.....1,200. Tons Naptha.  
B. Requirements, 90. Days.  
Benzine.....27,500. Gals.  
Naptha.....68,000 Gals.  
Oil.....500 "

These figures include requirements for running of plants etc:

4. Wheat & Flour situation.

A. Stocks.....3,000 qtls, Wheat.  
780 Tons Flour.

B. Amounts to be imported for each of next three months.

October.....14,070 Tons.  
November.....14,400 Tons.  
December.....14,800 Tons.

note: Some small quantities may be available in the hills, but the enemy have made such a thorough clearance in the Region that no reliance should be placed upon this possibility.

C. Captured enemy stocks.....NIL.

5. Paper situation.....Adequate stocks.  
Ration cards have not been printed, present Italian cards are to used to Oct:31, Region III require immediately from H.Q. copy of authorised card so that printing of 4/5,000,000 may commence at once.

D. Docks and Ports. Available for immediate use. Not available for some time.

Salerno. Naples. (Ships can be off loaded outside port)

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A. Stocks.....1,200 Tons Naptha.

B. Requirements, 90 Days.

Benzine.....27,500 Gals.

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Oil.....500 "

These figures include requirements for running of plants etc:

4. Wheat & Flour situation.

A. Stocks.....3,000 qtls, Wheat.  
760 Tons Flour.

B. Amounts to be imported for each of next three months.

October.....14,070 Tons.

November.....14,400 Tons.

December.....14,920 Tons.

note: Some small quantities may be available in the hills, but the enemy have made such a thorough clearance in the Region that no reliance should be placed upon this possibility.

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6. Fertilizre Situation.

Stocks.....NIL.

Requirements.....30,000 quint:

Nitrates.....250,000 "

Phosphates....."

7. Products available for export.

Dried Figs.....Large stocks.

Walnuts....."

Tobacco....."

Oranges.....Fair harvest ready from Nov:1.

Three soap factories at Salerno can go into production at once if the following ingredients can be made available.

Sulphuric acid for SAPONIFICATION.

Caustic soda as DETERGENT AGENCY.

Olive oil..

8. ~~Other stocks of food on hand at the moment.~~

2.

8. Other stocks of food on hand at the moment.

Rice.....130 quint:  
 Pasta Per.....700 cases:  
 Jam.....500 cases:  
 Wine(Ischia).....10,000 litres:  
 Milk in sufficient quantity is available for women and children.  
 Other urgent supplies required.  
 Sugar. Salt. Medical.

# INDEPENDENT REPORT NAPLES CITY.

On the 2.Oct: 43 I entered Naples with Admiral Morse from Capri, & immediately contacted Col:Hume & Col:Craigie, who had just arrived from Castellammare, the following vital information was obtained.-----  
 Health.....No visible signs of disease.  
 On this day a mass funeral was held of anti-facists murdered in the rioting on the day before we arrived, officials of AMGOT. attended(See attached letter to Gen:McSherry)

## Conditions.

Food.....NIL  
 Water.....None available except from one small well, the rains of the last few days may be of some help, however this is extremely serious, all reservoirs have been blown.  
 Light(Electric & Gas).....NIL  
 The two Hydro-Electric station are undamaged, but are useless until water becomes available, all other installations are completely wrecked, and thousands of people are homeless, present population about 500,000. but refugees are returning to the city at an alarming rate  
 URGENTLY REQUIRED.....TOP THE CITY ONLY.....120 tons flour daily.

Medical Supplies.

Water containers.

Docks are completely wrecked, but ships could be off-loaded outside.

Col:Craigie informed me that "D29" convoy has been delayed and deferred he, extremely worried about this, could H.Q. pleas interceed on behalf of Region III.  
 10th Corps are at the moment helping with urgent requirements as far as is possible.

## SPECIAL REPORT OUTLYING ISLANDS.

SARAGOS CAPRI.

All essential Normal.

Food ship Marietta Madre sent ISCHIA, other shipments urgently required.

No price control has been enforced and prices are rising rapidly and beyond all justification

ISCHIA.

See above.

Ponza.

This island with a population of 9,000 seems to have been overlooked, there is no food on the island and the people are in very bad shape, not

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Food ship Marietta Hadre sent ISCHIA, other shipments urgently required.  
No price control has been enforced and prices are rising rapidly and  
beyond all justification  
ISCHIA.

See above.

Ponza.  
This island with a population of 9,000 seems to have been overlooked,  
there is no food on the island and the people are in very bad shape, not  
yet visited by AMGOT.

Please supply Region III, with a price list for sale of Flour & Wheat etc:

5. Oct:43:

*R. Craigie*  
Lt: C. S. D. A. M. G. O. T.

SUBJECT:- Report on Castellammare Area.

TC Lt. . . ge.

Vital Statistics. The town of Castellammare was taken under A.M.G. control on 29 Sep 43. This is a town with a normal population of about 3,500 but allowances must be made for the people who fled, who were in the Italian Army, and some 2,000 men conscripted recently by the enemy. There are also, I am told, an estimated 4,000 refugee population from Northern parts.

Local Government. Apart from the harbour and adjacent works reports of damage are without substance. The people are friendly and co-operative. The late Podesta Rosa Rosa Gioacchino was unpopular. The Captain of the Carabinieri Annigelo Simis was perhaps the most unpopular and no doubt he played his part for favours he hoped would accrue, and his men were probably acting under orders they were unable to refuse. The Capt. was deposed and his men restricted to their barracks for the time being.

A local and quite efficient Police Force has been recruited from mixed State Guards and is performing satisfactory service. The Secretary of the Municipality Dellarole Cav. Dott. Eusebio appeared efficient, is popular, and has been appointed acting Mayor. A Town Council under the Mayor with Heads of Depts has been brought into activity. I have met in council all these people and have carefully explained the aims and intentions of A.M.G. and of how they are to act and operate for their own ultimate salvation assisted in direction advice, and material needs if the circumstances warrant.

The town has a very restricted piped water service owing to absence of power for pumping purposes and is also devoid of lighting for similar reasons.

#### Committee

Relief and Distress. The Relief had degenerated to two members. This has been increased under the Mayors chairmanship and includes members of the Amassi and Alimentation. The chief problem is unemployment. Damaged harbour works and buildings and in other cases absence of electricity prevents factory operation. There is no detritution at present but relief and food supplies are being worked out against possible future requirements.

Food Supplies. There is no real food shortage. The Italian rationing scheme is in operation and a revised price list is being prepared for immediate issue. There are fair stocks of rice, wheat, preserves and a small quantity of flour. The ration of Pasta has been issued up to and including November. There are good stocks of grain and potatoes on farms but importation is restricted by lack of transport. Milk

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Banks and Post Offices. There are five Banks in the town and four Post Offices. I am attaching copies of financial statements from all these institutions. Until the Allies arrived Banks and Post Offices continued their normal business. All are now closed. I STRONGLY advocate that the Banks reopen for normal business as soon as possible in order to prevent the disruption of trade and unnecessary confusion

- 2 -

which will arise under present conditions. Cash lance are ~~not~~ available. Industry. Certain pasta factories and flour mills could operate if power were available. Harbour works and factories are out of condition. This town is dependent on the Naples electricity supply and the army engineers cannot give me any information as to conditions on that score at present. We are trying in one instance to connect up a heavy oil engine to one flour mill.

Fire Precautions. Reorganisation of a Fire Service is in hand but complete details of equipment are not yet available.

Labour. There is ample labour of all kinds available. So far only one demand for a 100 men has been received for working the harbour area.

Loyalty. His Holiness The Bishop of Castellammare and District did me the honour of calling with his attendant clergy in processional form with full regalia. He expressed his gratitude to the Allies for coming to the rescue of his country and stated on behalf of his Church his wish at all times to be helpful. I suitably responded and briefly outlined A.M.C. aims and thanked him for the honour he had paid me on behalf of the Allies. He appears a good type, shrewd and a man of considerable influence. The form of his visit was impressive and was an indication to the local people as to their conduct and recognition of the Allies. I propose to pay a return visit tomorrow.

Yesterday afternoon I received a deputation headed by Professor Carrese Pietro who presented the attached expression of loyalty and wish to help. The deputation represented four anti-Fascist organisations. I thanked them and reminded them that for the present no political or other organisations were allowed. They understood and approved. Whilst I do not accept protestations and vociferous expressions to do anything for the Allies now there is something in the position that these misled and misdirected people now require leaders and those who can calmly and patiently hear and advise them on their problems is welcome. Allowing for their present relief and excitement and wish to please I am convinced they need strong rulers and leaders in addition to models. Even we people now directing must remain impartial and avoid inconsidered conclusions and once a decision is made it should be adhered to. These people are not just childlike and they try their wiles on occasion and simplicity is not to be taken 100%. An illustration. A girl under age pregnant to her seducer also under age wished to get married, all parties including parents, the priest and the podesta approved and would I approve and give my benediction. The benediction was cheap but maybe it was hoped a more avaricious blessing would be offered.

Forces and Co-ordination. I have connected with the S.N.O. of the Port

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Forces and Co-ordination. I have connected with the S.N.O. of the Port and exchanged expressions of mutual help. Co-ordination is now being arranged between Naval, British? American and Civil Police Services to avoid possible confusion or conflict of action. A Town Major arrived on the 30 Sep and opened his office adjoining mine. We have arranged our operational schemes.. Today a deputation of Senior late Italian Army doctors called and offered their loyalty and active support and to give up part of their hospital. I have arranged a joint meeting with the British S.M.O. and the Italian ex Colonel when they can work out their own affairs. The Engineer services wish quantities of material and some of their requirements were already listed and other material is being sought.

Present Position. The problems in this town appear innumerable and since I am now alone in this Sub Region with one officer Lieut. Hartley, I am remaining here working outwards. Tomorrow I am having the Podesta here from Sorrento to hear how affairs are progressing in his town.

Affairs at Gragnano are now in good order and I am enclosing a report from Maj. McDonald whom I am sending over with Capts Whyte and Brook. These officers have done splendid work and their efforts are to be highly commended. These officers are now withdrawn and away to Naples. I shall of course, tour the area and maintain connection. This report is somewhat disjointed and written between almost continuous interviews and interruptions. I fear the Italians must think we exist on their scenery and air because they commence to arrive at 0800 hrs daily.

I am sending a copy of this report to Col. Ashley in order to save time in acquainting him of the situation in this district.

(Sgd) H.B. Simson.

C.A.O. Castellammare Sub Region.

2 Oct. 43.

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