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MONTHLY REPORTS, 5TH ARMY AREA
FEB. - AUG. 1944

FILE CLOSED 7 August 1944

73

HEADQUARTERS
AMC FIFTH ARMY
APO 464 U.S. ARMY.

7 August 1944.

208/CA/42.

SUBJECT : Legal matters.

TO : See Distribution.

1. Owing to a shortage of legal officers, it has been decided by A.C.C. H.Q. that the legal divisions with A.M.G. 5th and 8th Armies should be closed and the Senior Legal Officers withdrawn for other work. This decision, which becomes effective forthwith, renders necessary the following changes in the method of handling A.M.G. legal matters in 5th Army Area.

2. A.M.G. Courts.

(i) Summary: If CAOs need assistance in the trial of cases in Corps Areas, Corps SCAs will call upon the Provincial Legal Officer of the Province, in which the offence occurred, who will take such action as the circumstances may demand. Behind the Corps boundary, the Provincial Legal Officer will continue to be responsible for the proper handling of all cases in the Army Area, either directly or through the Provincial CAOs.

(ii) Superior and General: Application for the convening of a Superior or a General Court in the Army Area will be made to this HQ which will refer to the appropriate Regional Legal Officer for the nomination of duly qualified officers and for compliance with the requirements of Article 2 of the Consolidated Instructions.

3. Court Records and Applications for Review.

All records of trials held in areas under control of AMC 5th Army and all Applications for Review received will be forwarded as soon as practicable by the trial-Court direct to the Provincial Legal Officer of the Province within which the trial was held, and will be dealt with by him in accordance with such instructions as he may from time to time receive from the Regional Legal Officer of his Region.

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4. Reports.

Monthly reports, and interim reports on Italian Courts and Judicial Officials will be submitted by Provincial Legal Officers through the usual channels to the Regional Legal Officer of the Region with copies to this H.Q. for information. As no detailed legal reports will in future be rendered by this H.Q. to A.C.C. H.Q., all necessary information and statistics regarding legal activities in the Army Area will be transmitted to the Legal Sub-Commission through the Regional Legal Officer. Provincial Commissioners will keep this HQ informed of progress made by reference in their situation reports.

5. General Matters.

Provincial Legal Officers should refer direct to their Regional Legal Officers for advice on any legal problems of a technical nature or on matters affecting the conduct or procedure of

A.M.C. or Italian Courts, keeping of Records, returns etc. There a question of policy in the Army Area is concerned, the matter will be referred to this HQ through the Provincial Commissioner for decision and any technical points involved will be taken up by this HQ with the Regional Legal Officer.

6. Supplies.

Corps S.C.A.O.s should apply to Provincial Legal Officers for supplies of any Legal Forms required but will continue to draw Proclamations & General Orders through this HQ. It will be borne in mind that only Proclamations Nos 1-4, Notices 1 & 2 and General Orders Nos. 1 and 26 will be posted in the Army Area unless express instructions are issued by this HQ.

By Command of Brig. Gen. HUMF:

E.B. Mayne

F.B. MAYNE,
Colonel, UFF.,
Chief of Staff,
AMC Fifth Army.

DISTRIBUTION:

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C.L.O. A.C.C. H.C.

A.M.G. Eighth Army.

There are NO AMER counts in Sardinia:
Therefore I am not concerned with the contents
of this report in respect of incorporating it
or bits of it ~~are~~ in our report

Lt Col Campbell

71

Sir, Do you wish to issue any
supplement to July monthly report (which
has already been delivered to Adm Sec)
please?

Lt Col Greenwood considers there is nothing
here that cannot be incorporated in next
month's report.

Griffiths
Sgt. 10/8/44

4043/8
HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

LEGAL

9154.

6th August 1944

To : H.Q., A.C.C. (Legal Sub-Commission)

Recd 10/8/44

Subject : Monthly Reports

Reference: L/1419

Herewith Monthly Report for July 1944.

It will be seen that certain statistical parts of the Report are not confined strictly to the month under review but it is thought better to include them as they are. It has been found almost impossible to get the Italian Courts to render returns sufficiently promptly to enable them to be included in current returns.

RGSA/cjm

R. G. S. ALEXANDER
Major
Regional Legal Officer

R. G. S. Alexander

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

6th August 1944

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Major
Regional Legal Officer

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6
LEGAL DIVISION.

5th August 1944.

Report by Regional Legal Officer on functioning of
Italian Courts for Month ended 31st July 1944

1. Criminal Courts (Civil)

(1) Crimes Against Allied Forces

(i) Appendix "A" shows position as at 31st July 1944.

The following observations arise in connection therewith viz :-

(a) Approximately 33% of cases against known persons arising since September 1943 have been disposed of. Of this 33% 50% have been disposed of in July.

(b) The number of undetected crimes is a comparatively small percentage of the total, in striking contrast to the very high percentage of such crimes in general criminal cases (see para (2) (iii) (d)).

(c) More than twice as many cases were disposed of in July as were disposed of in June. There is every reason to believe that this acceleration will be maintained and improved upon.

(d) More than 50% of the pending cases at 31st July are cases in which instruction has been completed. It is hoped to get all these cases assigned for trial in August and also to make big inroads into the remainder of pending cases in which instruction has not been completed.

(ii) Appendix "B" shows number of cases "denounced" in each month since September 1943. It will be seen that the July total is the lowest since January. If this improvement is maintained the situation ought to be normal by the end of September. It is hoped to ensure progressive diminution of the number of new cases by means of publicity.

(iii) Appendix "C" shows all cases in which sentences of one year or more have been pronounced. The Procuratore del Regno of Cagliari Tribunal has been requested to appeal against the apparently inadequate sentence pronounced in case No. 17.

(iv) Practically every case brought to light has been of theft, attempted theft or improper possession. The vast majority of cases have been comparatively trivial. There has been only one case of a crime

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- (b) The number of undetected crimes is a comparatively small percentage of the total, in striking contrast to the very high percentage of such crimes in general criminal cases (see para (2) (iii) (d)).
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- (iii) Appendix "C" shows all cases in which sentences of one year or more have been pronounced. The Procuratore del Regno of Cagliari Tribunal has been requested to appeal against the apparently inadequate sentence pronounced in case No. 17.
- (iv) Practically every case brought to light has been of theft, attempted theft or improper possession. The vast majority of cases have been comparatively trivial. There has been only one case of a crime against the person.
- (v) No further cases of suspension of sentence or punishment have occurred since my report dated 26th June 1944 was forwarded.
- (2.) Other Criminal Cases.
- (i) Statistics for first 6 months of 1944 in respect of the Court of Appeal (Penal Section). The Court of Appeal (Special Section for Minors) the two Sections of the Court of Assize and the Minors Tribunal are given in Appendix "D". Copy explanatory letter thereanent from the First President of the Court of Appeal is attached at Appendix "E".
- (ii) Statistics for the months of May and June 1944 in respect of the six Tribunali (Penal Sections and Instruction Offices) and their respective defending Preture are given in Appendix "F".

/Continued.

The following observations arise in connection therewith viz:-

(a)

will be observed that the period covered by the Statistics has been broken down into 4 quindicine. The purpose of this was to ascertain whether the rate of despatch of business was improving or otherwise over the period covered. The results are unfortunately somewhat confused on account of the inclusion of Amnesty cases in the figures. I am informed that it would be a matter of some difficulty to separate these cases from the ordinary criminal business of the Courts as shown in Appendix "A" and I have therefore not pressed for this to be done. The figures however appear to support the conclusions stated hereunder.

(b)

Cagliari Tribunal

Penal Section - The figures appear reasonably satisfactory. Cases pending at the end of the period show a substantial reduction when compared with the figures at the beginning of the period.

Office of Instruction

The improvement in the figures for the Penal Section is not reflected here. Cases pending at the end of the period show a substantial increase.

Oristano Tribunal

Penal Section

The overall picture shows a heavy increase at the end of the period i.e. from 572 to 891. The Penal Section itself shows an actual decrease. The arrears appear to be accumulating in the Preture.

Office of Instruction

The figures here show only a slight increase at the end of the period.

Sassari Tribunal

Penal Section

There is a slight decrease in the pending cases before the Penal Section and a slight increase in the pending cases before the Preture. The overall picture shows a very slight improvement.

Office of Instruction

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The improvement in the figures for the Penal Section is not reflected here. Cases pending at the end of the period show a substantial increase.

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The figures here show only a slight increase at the end of the period.

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Office of Instruction

The figures here show a decrease in pending cases at the end of the period of more than 50% which is very satisfactory.

Tempio TribunalPenal Section

The figures here show an overall reduction from 525 to 129 which is mainly accounted for by the work of the Preture but is none-the-less, satisfactory.

Office of Instruction

Only a slight reduction is noticeable here but the movement is in the right direction.

Muro TribunalPenal Section

Both the Penal Section and the Preture are losing ground.

/Continued.

Moro Tribunal (Continued)Office of Instruction

An increase in pending cases from 215 to 256.

Lamusei TribunalPenal Section

An improvement is noticable both in the Penal Section and the Preture.

Office of Instruction

Reduction of pending cases from 316 to 286.

(c) Over the whole Island the figures show improvement. So far as the Tribunale (Penal Sections) and the Preture are concerned and a retrograde movement in the offices of Instruction. It may be stated generally that the Courts are holding their own and that further arrears are not being accumulated. Where individual courts are falling behind the matter is being taken up with the responsible officials in conjunction with the Procuratore Generale. The inclusion of the Amnesty figures ~~are not to~~ vitiate the above general conclusions since they are ~~included~~ in each case both amongst cases received and cases disposed of. They are thus in the nature of a cross entry.

(d) The more detailed statistics from which those embodied in Appendix "F" have been compiled ~~disprove~~ the startling fact that of a total of 6,410 cases "denounced" to the six Procure during the two months under review 2,750 are against unknown persons. This ^{is} attributed by the Procuratore Generale to lack of adequate transport facilities for the police and Carabinieri. The situation is obviously serious however. It ~~will~~ ^{will} be interesting to know whether the percentage of undetected crimes is ~~higher~~ ^{higher} in Sardinia than on the Mainland.

(e) Appendix "G" give the figures up to the end of June 1944 in respect of Amnesty cases. C 0

(f) Particulars of cases of persons detained awaiting trial for more than one year have now been assembled and it is hoped that the Board referred to in para 1 (2) of my report for the month of June will be able to commence work at an early date.

2. Civil Courts

The situation appears to be improving slowly but there has been little time for close enquiry.

3. Administration

(1) The new Decree permitting local recruitment of cancelliers is awaited. Meantime the difficulties mentioned in para 2 (a) of my report for the month of June remain.

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(1) The new Decree permitting local recruitment of cancellieri is awaited. Meantime the difficulties mentioned in para 2 (a) of my Report for the month of June remain.

(2) Transport. The position is not materially improved.

(3) General My impression is daily confirmed that no real impulsion is being given to the administrative machine by the senior officials on the island. I am therefore compelled to renew my previous recommendation that changes be made.

4. Military Tribunal

(i) Crimes Against Allied Forces.

(i) Figures showing the position are included in Appendix "A".

(ii) Martini Case As was expected, considerable difficulty has been experienced in getting Sig. ALTAMURA, the handwriting expert, to complete his task. Towards the end of July he intimated that it would be impossible for him to come to Sardinia on the 25th (the date to which his time limit had been extended) owing to illness. As a result of this it was agreed with Major GRECO the Sostituto Procuratore Militare in charge of the case that he should proceed to Naples and

/Continued.

obtain written answers from Sig. Altamura to the interrogations issued by the Court. Major -reco has since written from Naples to say that he has obtained this evidence and has practically completed examination of certain additional witnesses whose evidence has turned out to be necessary. There is every reason to hope that the trial of this case will take place before the Military Tribunal during August.

- (iii) GRAUSO Case This case involving thefts of large quantities of Allied Foodstuffs from the Warehouse operated by A.C.C. in Cagliari has been the subject of a special Report. The Instruction has been completed and the proceedings are being forwarded to Legal Sub-Commission, so that they may frame the charges against the accused in view of the difficulty of ^{ensuring} recovery of sums due by the latter to A.C.C.

- (iv) Appendix "C" includes all cases tried in the Military Tribunal in which sentences of one year or more have been pronounced.

The following observations arise in connection therewith :-

(a) The attention of the Procuratore Militare has been drawn to the apparent inadequacy of the sentence pronounced in case No. 1 of the list (Appendix "C") and an explanation has been asked for.

(b) There is some ground for believing that the sentences pronounced by this Court are in general too lenient. Future sentences will be carefully screened and if necessary a special Report will be made.

- (v) No further cases of Suspension of Sentences or punishment have occurred since my report dated 26th June 1944 was forwarded.

(2.) Other Cases

Statistics in respect of these are not yet available. They will be forwarded when received.

(3.) Deserters.

The agreement reached between A.C.C. and the Italian Government as regards Deserters during the period 10th July to 8th September 1943 is in process of implementation. I am meantime informed that no officer or soldier to whom the agreement applies is now detained in prison in Sardinia.

(4.) Administration

General Bonagura the former President of the Military Tribunal was retired during the month of July on reaching the age limit.

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(4.) Administration

General Bonagura the former President of the Military Tribunal was retired during the month of July on reaching the age limit. My efforts to secure an extension of his period of service were unsuccessful. His successor General SARDI appears very co-operative but it is too early yet to express any opinion as to his efficiency.

RGSA/ajs.

R. G. S. Alexander
R. G. S. ALEXANDER.

Major.
Regional Legal Officer.

APPENDIX "A"

Schedule Showing Situation in Region 6 as at 31st JULY 1944 as regard
Disposal of Criminal Cases to the prejudice of the Allied Forces.

C O U R T	P E N D I N G C A S E S			(4)	(5)	By
	Awaiting Instructions (1)	Instructions Finished (2)	Total (3)	Total Cases disposed of since Sept 1943	Cases Disposed of during July 1944	
TRIBUNAL FOR MINORS	7	3	10	15	14	
COURT OF ASSIZE	1	1	2	0	0	
MILITARY TRIBUNAL	59	20	79	44	24	
TRIBUNALE CAGLIARI	25	40	65	34	8	
" SASSARI	5	14	19	6	5	
" TEMPIO	6	0	6	7	5	
" LANUSEI	0	0	0	0	0	
" NUORO	1	0	1	0	0	
" ORISTANO	0	0	0	3	3	
PRETURA - ALGHERO	0	3	3	1	1	
" IGLESIAS	2	0	2	1	1	
" ITTIRI	0	0	0	0	0	
" VILLACIDRO	1	0	1	1	1	
" PORTOTORRES	0	1	1	0	0	
" CAGLIARI	1	0	1	2	2	
" TEMPIO	1	0	1	0	0	
" SASSARI	1	0	1	0	0	
" OLBIA	0	1	1	0	0	
" NUORO	0	0	0	0	0	
QUARTU S ELENA	0	1	1	0	0	
LA MADDALENA	0	1	1	0	0	
TOTAL	110	85	195	114	64	

APPENDIX "A"

Showing Situation in Region 6 as at 31st JULY 1944 as regards
of Criminal Cases to the prejudice of the Allied Forces.

ING CASES		(4)	(5)	(6)	(7)	(8)	(9)
Instructions Finished	Total	Total Cases disposed of since Sept 1943	Cases Disposed of during July 1944	Total Cases Appealed since Sept 1943.		Cases Since Sept 1943 VS Unknown	Total of Columns 3, 4 & 8
(2)	(3)			By ACCUSED	By PROSECUTION		
3	10	15	14	0	0	0	25
1	2	0	0	0	0	0	2
20	79	44	24	6	0	6	129
40	65	34	8	2	11	19	118
14	19	6	5	0	0	4	29
0	6	7	5	0	0	1	14
0	0	0	0	0	0	0	0
0	1	0	0	0	0	0	1
0	0	3	3	0	0	0	3
3	3	1	1	0	0	0	4
0	2	1	1	0	0	1	4
0	0	0	0	0	0	0	0
0	1	1	1	0	0	0	2
1	1	0	0	0	0	0	1
0	1	2	2	0	0	0	3
0	1	0	0	0	0	1	2
0	1	0	0	0	0	0	1
1	1	0	0	0	0	0	1
0	0	0	0	0	0	0	0
1	1	0	0	0	0	0	1
1	1	0	0	0	0	0	1
85	195	114	64	8	11	32	341

APPENDIX "B"

CASES INVOLVING OFFENCES
AGAINST THE ALLIES SHOWN
BY MONTH AS RECEIVED BY
THE COURTS

November	13
December	24
January	20
February	36
March	43
April	58
May	65
June	55
July	27
	=====
TOTAL	<u>341</u>

APPENDIX " C "

List of Crimes against Allied Forces in respect of which Sentences of One Year or More have been Pronounced.

COURT		NAME	NATURE OF CRIME	SHORT PARTICULARS OF CRIME	SENTENCE
MILITARY TRIBUNAL	1.	Calamelli Giovanni et Al.	Theft of Gasoline	Stole 152 cans of Gasoline, each can holding 20 litres.	1 Yr Pen
	2.	Rigolli Ireneo	Possession of Stolen Goods	Had in his possession 5 cases of Rations	1 Yr Pen
	3.	Motta Vittorio et Al	Theft	Stole a barrel of Caustic Soda from Allied Warehouse	2 Yr Pen
	4.	Faelli Luigi	Theft of American Clothing	Took several items of clothing from American Tent	1 Yr Pen
	5.	Pignaturo Rocco	Theft of Wallet	Stole Wallet containing £ 30,000 from Amer. Soldier	1 Yr Pen
	6.	Guidobono Lenzilio et Al	Attempted theft from Plane	Tried to steal a box of tools and Canvas from Allied Plane	1 Yr Pen
	7.	Lazzari Umberto	Possession of Stolen Goods	Stole Binoculars from Anti-Aircraft installation	2 Yr Pen
CAGLIARI TRIBUNAL	8.	Loddi Angelo	Theft from American Officer	Stole Wallet of Officer containing 150 dollars	1 Yr Pen £ 2
	9.	Masala Enrico	Theft of Telephone Wire	Stole 60 metres of wire from a telephone line	2 Yr Pen £ 2
	10.	Muletta Mario et Al	Theft from P X	Stole boxes of Candy from PX also Biscuits from Warehouse	2 Yr Pen £ 2
	11.	Multineddu Antonio et Al	Theft of Gasoline and clothing	Stole 2 cans of Gasoline, Clothing and toilet articles from a Camp	2 Yr Pen £ 2

APPENDIX " C "

of Crimes against Allied Forces in respect of which Sentences of One Year or More have been Pronounced.

REGION 6
SARDINIA

NATURE OF CRIME	SHORT PARTICULARS OF CRIME	SENTENCES PRONOUNCED	DATED OF SENTENCE
Theft of Gasoline	Stole 152 cans of Gasoline, each can holding 20 litres.	1 Year 6 Months Penal Servitude	26th July 1944
Possession of Stolen Goods	Had in his possession 5 cases of Rations	1 Year Penal Servitude	6th June 1944
Theft	Stole a barrel of Caustic Soda from Allied Warehouse	2 Years Penal Servitude	6th June 1944
Theft of American Clothing	Took several items of clothing from American Tent	1 Year Penal Servitude	19th June 1944
Theft of Wallet	Stole Wallet containing £ 30,000 from Amer. Soldier	1 Year 6 Months Penal Servitude	21st June 1944
Attempted theft from Plane	Tried to steal a box of tools and Canvas from Allied Plane	1 Year 4 Months Penal Servitude	31st May 1944
Possession of Stolen Goods	Stole Binoculars from Anti-Aircraft installation	2 Years 8 Months Penal Servitude	31st May 1944
Theft from American Officer	Stole Wallet of Officer containing 190 dollars	1 Year 1 Month Penal Servitude £ 2,000 fine	10th June 1944
Theft of Telephone Wire	Stole 60 metres of wire from a telephone line	2 Years Penal Servitude £ 2,000 fine	30th June 1944
Theft from P X	Stole boxes of Candy from PX also Biscuits from Warehouse	2 Years Penal Servitude £ 2,000 fine	7th June 1944
Theft of Gasoline and clothing	Stole 2 cans of Gasoline, Clothing and toilet articles from a Camp	2 Years 2 Months Penal Servitude £ 2,100 fine	30th June 1944

COURT		NAME	NATURE OF CRIME	SHORT PARTICULARS OF CRIME	SENTENCE
CAGLIARI TRIBUNALE CONTINUUM	12.	Collu Francesco	Theft of Gasoline	Stole 70 litres of Gasoline and 2 gasoline tanks	2 Years 1 Penal Serv 2,200 L. Fi
	13.	Dessi Natale	Theft of Soda	Stole 46 cans of Caustic Soda	2 Years Penal Serv 2,000 L. Fi
	14.	Mura Antonio	Theft of Coffee	Stole 2 cases of Coffee from Warehouse	2 Years Penal Serv 2,000 L. Fi
	15.	Pisetto Antonio	Theft of Coffee	Stole 1 case of coffee from Warehouse	2 Years 1 Penal Serv 2,100 L. Fi
	16.	Busia Salvatore	Attempt to steal shoes	Used a ladder to get into Warehouse, attempting to steal	2 Years 1 Penal Serv 1,100 L. F
	17.	Purdu Paolo	Theft of Gasoline	10 drums (180 litres each) and 40 cans (22 litres each) of Gasoline found in home	1 Year 3 M Penal Serv 6,000 L. Fi
SASSARI TRIBUNALE	18.	Langella Antonio et Al	Theft and Receiving stolen goods	Stole 4 cans of gasoline	2 Years 1 Penal Serv 2,100 L. Fi
	19.	Narlas Giovanna	Collecting Money under false pretences	Represented herself as Amer. Soldier - and as being with A.G.C. collecting money had false credentials	2 Years Penal Serv 2,000 L. Fi
CORTE D'A D'APPELLO	20.	Fistarel Umberto	Attempted theft	Attempt to steal sacks of flour from Warehouse	1 Year Penal Serv 2,000 L. F
	21.	Melis Giovanni	Theft of Flour	Stole 1 sack of flour from truck	2 Years Penal Serv 2,000 L. Fi
	22.	De Basso Domenico	Aggravated theft	Stole 3 sacks of flour from Port	1 Year Penal Serv 800 L. Fine

Cases were originally tried in Tribunale of Cagliari. Sentences were either affirmed or raised.

NATURE OF CRIME	SHORT PARTICULARS OF CRIME	SENTENCE PRONOUNCED	DATE OF SENTENCE
Theft of Gasoline	Stole 70 litres of Gasoline and 2 gasoline tanks	2 Years 1 Month Penal Servitude 2,200 £ Fine	30th June 1944
Theft of Soda	Stole 46 cans of Caustic Soda	2 Years Penal Servitude 2,000 £ Fine	30th June 1944
Theft of Coffee	Stole 2 cases of Coffee from Warehouse	2 Years Penal Servitude 2,000 £ Fine	20th July 1944
Theft of Coffee	Stole 1 case of coffee from Warehouse	2 Years 1 Month Penal Servitude 2,100 £ Fine	20th July 1944
Attempt to steal shoes	Used a ladder to get into Warehouse, attempting to steal	2 Years 1 Month Penal Servitude 1,100 £ Fine	20th July 1944
Theft of Gasoline	10 drums (180 litres each) and 40 cans (22 litres each) of Gasoline found in home	1 Year 3 Months Penal Servitude 6,000 £ Fine	20th July 1944
Theft and Receiving stolen goods	Stole 4 cans of gasoline	2 Years 1 Month Penal Servitude 2,100 £ Fine	7th April 1944
Collecting Money under false pretences	Represented herself as Amer. Soldier - and as being with A.C.C. collecting money had false credentials	2 Years Penal Servitude 2,000 £ Fine	7th July 1944
Attempted theft	Attempt to steal sacks of flour from Warehouse	1 Year Penal Servitude 2,000 £ Fine	12th July 1944
Theft of Flour	Stole sack of flour from truck	2 Years Penal Servitude 2,000 £ Fine	12th July 1944
Aggravated theft	Stole 3 sacks of flour from Port	1 Year Penal Servitude 800 £ Fine	12th July 1944

Abmale of Cagliari. Sentences were either affirmed or raised.

APPENDIX '3'

CORTE DI ASSISE

	Processi in attesa di giudizio al 1.1.1944	Processi sopravvenuti per il giudizio durante il semestre 1.1.44=30.6.44	Processi definiti durante il semestre 1.1.44=30.6.1944.	Processi in attesa di giudizio al 30.6.1944
1.a Sez.	12	37	27	22
2.a Sez.	14	19	20	13
Totale	26	56	47	35

CORTE D'APPELLO

Appelli pendenti al 1° Gennaio 1944.	Nuovi appelli presentati durante il semestre 1.1.44=30.6.44.	Appelli definiti durante il semestre 1.1.44=30.6.1944	Appelli pendenti al 30.6.44
303	178	402	79

SEZIONE SPECIALE DEI MINORENNI

presso la Corte d'Appello di Cagliari

Processi in attesa di giudizio al 1.1.1944.	Processi sopravvenuti per il giudizio durante il semestre 1.1.44 = 30.6.44	Processi definiti durante il semestre 1.1.44 = 30.6.1944	Processi in attesa di giudizio al 30.6.1944.
2	2	=	4

TRIBUNALE PER I MINORENNI

CORTE D'APPELLO

Appelli pendenti al 1° Gennaio 1944.	Nuovi appelli presentati durante il semestre 1.1.44-30.6.44.	Appelli definiti durante il semestre 1.1.44-30.6.1944	Appelli pendenti al 30.6.44
303	178	402	79

SEZIONE SPECIALE DEI MINORENNI presso la Corte d'Appello di Cagliari

Processi in attesa di giudizio al 1.1.1944.	Processi sopravvenuti per il giudizio durante il semestre 1.1.44 = 30.6.44	Processi definiti durante il semestre 1.1.44 = 30.6.1944	Processi in attesa di giudizio al 30.6.1944.
2	2	=	4

TRIBUNALE PER I MINORENNI presso il Tribunale di Cagliari

Processi in attesa di giudizio al 1.1.1944.	Processi sopravvenuti per il giudizio durante il semestre 1.1.1944 = 30.6.1944	Processi definiti durante il semestre 1.1.44 = 30.6.1944.	Processi in attesa di giudizio al 30.6.1944.
10	48	39	19

Cagliari 26 Luglio 1944

IL PRIMO PRESIDENTE
F/to G.W. Volpe

IL Cancelliere Capo
F/to M. Dessy

COPIA

APPENDIX" E "

CORTE D'APPELLO DELLA SARDEGNA
Prima Presidenza

Cagliari 26 luglio 1944

Ill.mo Sig. R. G. S. ALEXANDER
Commissione Alleata di Controllo
per la Sardegna - Ufficio Legale -

Via Roma N. 37 = CAGLIARI =

N. di Prot. 1197
Allegati N. 1

Risposta al foglio del 25/7/44

OCCORRENZA: Statistiche penali = Corte d'Appello = Corte d'Assise =
= Tribunale dei Minorenni =

La Procura Generale del Regno presso questa Corte di Appello mi ha trasmesso, per competenza, la nota di V. E. ad essa erroneamente diretta, in data 25 c.m. senza numero, sull'oggetto sopra segnato.

Trasmesso a V. S. Ill. me i dati statistici richiesti, risultanti dai prospetti allegati, ed, in aggiunta, informo:

1) In prima è la seconda Sezione della Corte di Assise non hanno mai potuto contemporaneamente funzionare per difetto di Magistrati. Ma la contemporanea funzione di esse, che fino ad ora non è apparsa neppure necessaria stante la esiguità dei processi pronti per il giudizio, è da prevedere per l'avvenire, indispensabile ed inattuabile: indispensabile perchè, dopo lunga remora in vari uffici, numerosi sono i processi pervenuti in Cancelleria dal 1° giugno ad oggi e si prevede che ancor più numerosi saranno quelli che perverranno in seguito, secondo le informazioni che ricevo dalla Procura Generale e dagli Uffici di Istruzione; inattuabile per la mancanza di Magistrati. Dei 14 Consiglieri assegnati a questa Corte soltanto 8 prestano servizio effettivo, dei quali uno ha le funzioni di Presidente del Tribunale dei Minorenni e l'altro, il Cav. Uff. Pintor, è in precinto di partire perchè trasferito a Roma e non risulta sostituito. In tale condizioni, distrarre in permanenza altri due Consiglieri per il servizio delle Assise significherebbe paralizzare completamente tutti gli altri servizi della Corte sia civili che penali;

2) Dal 1° Gennaio 1944 ad oggi la 1° Sezione della Corte di Assise ha tenuto due Sessioni: una in CAGLIARI, dal 7 Febbraio al

La Procura Generale del Regno presso questa Corte di Appello mi ha trasmesso, per competenza, la nota di V.S.; ed essa erroneamente diretta, in data 25 c.m. senza numero, sull'oggetto sopra segnato.

Trasmetto a V.S. tutti i dati statistici richiesti, riferenti ai processi allegati, ed, in aggiunta, informo:

1) La prima e la seconda Sessione della Corte di Assise non hanno mai potuto contemporaneamente funzionare per difetto di Magistrati. La contemporanea funzione di essi, che fino ad ora non è ancora neppure necessaria stante la esiguità dei processi pronti per il giudizio, è da prevedere per l'avvenire, indispensabile ed inattuabile: indispensabile perchè, dopo lunga remora in vari uffici, numerosi sono i processi pervenuti in Cancelleria dal 1° Giugno ad oggi e si prevede che ancor più numerosi saranno quelli che perverranno in seguito, secondo le informazioni che ricevo dalla Procura Generale e dagli Uffici di Istruzione; inattuabile per la mancanza di Magistrati. Dei 14 Consiglieri assegnati a questa Corte soltanto 8 prestano servizio effettivo, dei quali uno ha le funzioni di Presidente del Tribunale dei Minorenni e l'altro, il Cav. Uff. Pintor, è in precinto di partire perchè trasferito a Roma e non risulta sostituito. In tale condizioni, distrarre in permanenza altri due Consiglieri per il servizio delle Assise significherebbe paralizzare completamente tutti gli altri servizi della Corte sia civili che penali;

2) Dal 1° Gennaio 1944 ad oggi la 1° Sezione della Corte di Assise ha tenuto due Sessioni: una in CHIUSTANO, dal 7 Febbraio al 10 Marzo; l'altra in CAGLIARI, dal 23 Maggio al 10 Giugno, ed egualmente due sessioni ha tenuto la 2° Sezione, entrambe in SASSARI: la prima dal 13 Aprile al 16 Maggio, la seconda dal 26 Giugno al 30 c.m. 3) Non ho ancora provveduto alla convocazione delle sessioni che dovranno funzionare dopo le ferie e delle quali darò comunicazione a suo tempo. Salvo eventi non previsti, è nel mio programma di convocare la 1° Sessione in CAGLIARI nel prossimo mese di Settembre, fissando la trattazione di 25 processi, e di convocare la 2° Sessione in Nuoro, nel mese di Ottobre, fissando la trattazione di non meno 10 processi, di cui alcuni molto gravi.

4) La Corte di Appello, Sezione Penale, ha tenuto e tiene udienza nei giorni di mercoledì e venerdì di ciascuna settimana. Dei 79 processi rimasti pendenti alla fine di Giugno decorso, N. 29 sono stati definiti nel corrente mese.

5) Il Tribunale dei Minorenni, dal 1° Gennaio al 30 Giugno del c.a. ha tenuto udienze nei seguenti giorni: 20 Gennaio, 1, 2, e 3 Marzo, 30 Maggio, 6, 13 e 27 Giugno;

6) La Sezione Speciale per i Minorenni presso la Corte di

Appello, che a norma del Calendario Giudiziario, tiene udienza il quarto mercoledì di ciascun mese, non ha potuto definire i 4 processi pendenti, perchè, più volte fissati, li ha dovuti rinviare per la mancata comparizione in GZIERI, dove la Corte trasferitasi per sfollamento è rimasta per circa un anno, del Consigliere Ciorario residente in Cagliari. Detti processi sono stati trattati nell'udienza di ieri.

Con osservanza,

IL PRIMO PRESIDENTE

R/to: G.M.VOLIN

APPENDIX "F"

STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETORI PERIOD 30 APRIL 1944 TO 30 JUNE 1944

Tribunale and Pretori	Period	Cases pending at beginning of period	Cases received during period	Cases disposed of during period	Cases pending at end of period
Cagliari					
Sezione Penale	May 1-15	1,748	65	28	1,785
	May 15-31	1,785	49	523	1,311
	June 1-15	1,311	69	60	1,320
	June 15-30	1,320	73	57	1,336
Pretori	May 1-15	2,067	1,015	910	2,172
	May 15-31	2,172	652	949	1,875
	June 1-15	1,875	504	609	1,770
	June 15-30	1,770	794	1,213	1,351
Oristano					
Sezione Penale	May 1-15	230	8	10	228
	May 15-31	228	11	18	221
	June 1-15	221	20	16	225
	June 15-30	225	11	14	222
Pretori	May 1-15	342	1,679	1,307	714
	May 15-31	714	442	603	553
	June 1-15	553	466	364	655
	June 15-30	655	360	346	669
Sassari					
Sezione Penale	May 1-15	993	33	15	951
	May 15-31	951	26	28	949
	June 1-15	949	45	30	945
	June 15-30	945	25	45	925
Pretori	May 1-15	372	1,090	1,165	297
	May 15-31	297	332	315	314
	June 1-15	314	362	267	409
	June 15-30	409	488	484	413
Tempio					
Sezione Penale	May 1-15	63	7	22	48
	May 15-31	48	18	17	49
	June 1-15	49	9	11	47
	June 15-30	47	14	17	47
Pretori	May 1-15	462	169	435	186
	May 15-31	196	167	133	230
	June 1-15	230	140	165	205
	June 15-30	205	123	246	82

Pretori	May 1-15	228	11	18	221
	June 1-15	221	20	16	225
	June 15-30	225	11	14	222
	May 1-15	342	1,679	1,307	714
Sezione Penale	May 15-31	714	442	603	553
	June 1-15	553	466	364	655
	June 15-30	655	360	346	669
Sassari					
Sezione Penale	May 1-15	993	33	15	951
	May 15-31	951	26	28	949
	June 1-15	949	45	30	945
	June 15-30	945	25	45	925
Pretori	May 1-15	372	1,090	1,165	297
	May 15-31	297	332	315	314
	June 1-15	314	362	267	409
	June 15-30	409	488	484	413
Tempio					
Sezione Penale	May 1-15	63	7	22	48
	May 15-31	48	18	17	49
	June 1-15	49	9	11	47
	June 15-30	47	14	17	47
Pretori	May 1-15	462	169	435	186
	May 15-31	196	167	133	230
	June 1-15	230	140	165	205
	June 15-30	205	123	246	82
Nuoro					
Sezione Penale	May 1-15	214	69	5	278
	May 15-31	278	16	34	260
	June 1-15	260	16	22	254
	June 15-30	254	15	23	246
Pretori	May 1-15	349	183	187	345
	May 15-31	345	171	165	351
	June 1-15	351	181	119	393
	June 15-30	393	187	172	404
Lamusei					
Sezione Penale	May 1-15	55	0	1	54
	May 15-31	54	2	5	51
	June 1-15	51	6	4	53
	June 15-30	53	0	3	50
Pretori	May 1-15	501	158	88	571
	May 15-31	571	175	243	503
	June 1-15	503	93	115	481
	June 15-30	481	37	83	435

CONSOLIDATED STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETORI
PERIOD 30 APRIL 1944 TO 30 JUNE 1944

Declassified E.O. 12356 Section 3.3/NND No. 785016

Court	Cases pending 30 April 1944	Cases received from 30/4 to 30/6	Cases disposed of from 30/4 to 30/6	Cases pending as of 30 June 44
Cagliari				
Sezione Penale All Pretori	1,743 <u>2,067</u>	256 <u>2,965</u>	668 <u>3,681</u>	1,336 <u>1,351</u>
Total	3,845	3,221	4,349	2,687
Cristiano				
Sezione Penale All Pretori	230 <u>342</u>	50 <u>2,947</u>	58 <u>2,620</u>	222 <u>609</u>
Total	572	2,997	2,678	891
Sassari				
Sezione Penale All Pretori	993 <u>372</u>	129 <u>2,272</u>	118 <u>2,231</u>	925 <u>413</u>
Total	1,365	2,401	2,349	1,338
Tempio				
Sezione Penale All Pretori	63 <u>462</u>	48 <u>599</u>	67 <u>979</u>	47 <u>82</u>
Total	525	647	1,046	129
Nuoro				
Sezione Penale All Pretori	214 <u>349</u>	116 <u>722</u>	84 <u>643</u>	246 <u>404</u>
Total	563	838	727	650
Lanusei				
Sezione Penale All Pretori	55 <u>501</u>	8 <u>463</u>	13 <u>529</u>	50 <u>435</u>
Total	556	471	542	485
Total cases of Sezione Penale and all Pretori for	7,396	10,575	11,691	6,180

STATISTICS FOR OFFICE OF INSTRUCTION FOR THE 6 TRIBUNALS
PERIOD FOR 30 APRIL 1944 TO 30 JUNE 1944

Period	Cases pending at beginning of period	Cases received during period	Cases disposed of during period	Cases pending at end of period
Cagliari				
May 1-15	2,107	437	102	2,442
May 15-31	2,442	1,235	482	3,195
June 1-15	3,195	1,093	1,189	3,099
June 15-30	3,099	666	687	3,078
Oristano				
May 1-15	152	23	27	148
May 15-31	148	80	69	159
June 1-15	159	323	308	174
June 15-30	174	13	14	173
Sassari				
May 1-15	589	379	355	613
May 15-31	613	271	149	735
June 1-15	735	100	33	802
June 15-30	802	568	1,099	271
Tempio				
May 1-15	125	13	13	130
May 15-31	130	158	166	122
June 1-15	122	121	121	122
June 15-30	122	28	32	119
Nuoro				
May 1-15	215	92	43	264
May 15-31	264	142	100	306
June 1-15	306	106	168	244
June 15-30	244	119	107	256
Lanusei				
May 1-15	316	34	58	292
May 15-31	292	96	89	299
June 1-15	299	62	36	325
June 15-30	325	0	39	286

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION
PERIOD FOR 30 APRIL TO 30 JUNE 1944

Court	Cases pending at beginning of period	Cases received during period	Cases disposed of during period	Cases pending at end of period
-------	--------------------------------------	------------------------------	---------------------------------	--------------------------------

May 1-15	589	379	355	613
May 15-31	613	271	149	735
June 1-15	735	100	33	802
June 15-30	802	568	1,099	271
Tempio				
May 1-15	125	18	13	130
May 15-31	130	158	166	122
June 1-15	122	121	121	122
June 15-30	122	28	32	118
Nuoro				
May 1-15	215	92	43	264
May 15-31	264	142	100	306
June 1-15	306	106	168	244
June 15-30	444	119	107	258
Lanusei				
May 1-15	316	34	58	292
May 15-31	292	96	89	299
June 1-15	299	62	36	325
June 15-30	325	0	39	286

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION
PERIOD FOR 30 APRIL TO 30 JUNE 1944

Court	Cases pending 30 April	Cases received 30/4 to 30/6	Cases disposed of 30/4 to 30/6	Cases pending 30 June 1944
Cagliari	2,107	2,431	2,460	3,078
Oristano	152	439	418	173
Sassari	589	1,318	1,638	271
Tempio	125	325	332	118
Nuoro	215	459	418	256
Lanusei	316	192	222	286
Total of 6 offices of instruction)	3,504	6,164	5,486	4,182

CONSOLIDATED STATISTICS OF CRIMINAL CASES FOR ISLAND OF SARDINIA

	All cases pending on 30 April 1944	All cases pending 30 June 1944
Office of the 6 Procuratori	4,141	2,143
6 Offices of Instruction	3,504	4,182
6 Sezione Perale and all Pretori	<u>7,396</u>	<u>6,180</u>
Total	15,041	12,505

Prospetto numerico riassuntivo sull'applicazione del R. D. di amnistia 5/4/44 No.

No. d'ordine	Circoscrizione	Ufficio	Persone libere o detenute			Persone libere o detenute	Detenuti scar- per amnistia condono
			Amnistia				
			Art. 1	Art. 2	Art. 3	Condono	
1	Distretto	Corte di Appello	17		228	26	24
2	"	Corte di Appello			3	13	13
3	"	Procura Generale					
4	Circond.	Tribunale			987	40	39
5	"	Ufficio			793		27
6	"	Istruzione					
7	"	Procura			3,382	351	
8	"	Preture			465	75	53
9	"	Tribunale					
10	"	Ufficio					
11	"	Istruzione					
12	"	Procura					
13	"	Preture			1,377	59	8
14	"	Tribunale			140	27	37
15	"	Ufficio					
16	"	Istruzione			109		4
17	"	Procura					
18	"	Pretore			516	43	9
19	"	Tribunale			40	22	
20	"	Ufficio					
21	"	Istruzione			47		
22	"	Procura		5	16	12	
23	"	Preture		284	27	1	
24	"	Tribunale					
25	"	Ufficio		115	3	3	
26	"	Istruzione					
27	"	Procura		89		1	
28	"	Preture		104	3	4	
29	"	Tribunale		318		2	
30	"	Ufficio		102	34	2	
31	"	Istruzione					
32	"	Procura		112			
33	"	Preture		5		21	
34	"	Tribunale		734	127	10	
35	"	Somme	17	5	9,855	866	270

APPENDIX "G"

Suntivo sull'applicazione del R. D. di amnistia 5/4/44 No. 26

Persone libere o detenute Amnistia			Persone libere o detenute Condono	Detenuti scarcerati per amnistia o condono	Numero dei detenute in cui confronti si è applicato l'art. 9 del R.D.
Art. 1	Art. 2	Art. 3			
17		228 3	26 13	24 13	32
		987	40	39	
		793		27	70
		3,382 465	351 75	53	
		1,377 140	59 27	8 37	
		109		4	
		516 40	43 22	9	
		47 5	16	12	
		284	27	1	
		115	3	3	
		89		1	
		104	3	4	
		316		2	
		102	34	2	
		112 5		21 10	
	5	734	127		
17	5	9,855	866	270	102

✓ 4043/6 file
HEADQUARTERS
AMG FIFTH ARMY
APO 464 U.S. ARMY.

Legal 34A
29 July 1944.
208/CA/33.

SUBJECT :- Monthly Report. 7780

TO :- C.L.O. Legal Sub-Commission,
H.Q., A.C.C., Rear.

The monthly report for July in respect of the
Legal Division is forwarded herewith.

For the Commanding General:

E B Mayne
E.B. MAYNE,
Colonel, UDF.,
Chief of Staff,
AMG Fifth Army. 53

HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

28 July 1944.
208/CA/33.

SUBJECT : Report on the work of the Legal Division for the month of July 1944.

TO : S.C.A.O., A.M.G. 5th Army.

1. General Courts :

No General Courts have been held in the Army Area during the month. Several additional cases of the alleged killing of French Moroccan soldiers by civilians were under investigation in Siena Province at the time of the transfer to Eighth Army control and are now being handled by P.L.O. Siena and S.L.O. AMG 8th Army. As no French military witnesses can in future be made available to give evidence in person, the feasibility of proceeding with these cases and with those still outstanding in the Provinces of Grosseto and Viterbo on the basis of the Procès Verbal has been referred to S.L.O. 8th Army and RLO Region IV for consideration.

Two spies who were caught in Fifth Army area at Minturno in the early days of the advance, were tried by General Court in Rome on the 5th & 6th July. Both were found guilty and sentenced, the man to 20 years and the woman to 18 years imprisonment.

2. Superior Courts.

A Superior Court was held at Grosseto by the S.L.O. AMG 5th Army on 21st July, when one Bianchi Pietro, was sentenced to 3 years imprisonment for false representation and offering bribes to CC.RR. in IV Corps Area.

3. Summary Courts:

A table of cases tried during the month is attached. It will be observed that as usual the great majority of these occurred in C.F.F. Area and related to curfew and permit violations, or in the case of one group, to pilfering by a number of the local inhabitants from a bombed castle. Sentences of fines with or without short terms of imprisonment were imposed on those persons convicted.

4. Provincial Organisations :

(i) The following Provincial Legal Officers are now working under this HQ :-

Grosseto Province	- Capt. F.M. Hill (A)
Livorno Province	- Major R.M. Woodward (A)
Pisa Province	- Lt. E.F. Nevens (A).

In addition, Capt. B.E. Dreyfus (B) was responsible to this H.Q. until the 22nd July, when Siena Province passed to Eighth Army control.

(ii) Close contact has been maintained with all these officers both at this H.Q. and by visits to them in their own Provinces, and it is considered that they are doing excellent work, particularly in the reorganization of the Italian Courts.

(iii) It is not anticipated that there will be many cases for trial by A.M.G. Courts as the population is law-abiding and it has been impressed on all PLOs that minor violations should be transferred to Italian Court jurisdiction as soon as possible. The port areas of Piombino and Livorno are likely to provide an exception to the general rule as prompt and stern handling by AMG Courts of all cases of theft and wrongful possession, travelling without pass, being within prohibited areas and similar offences is essential in the interests of the naval and military authorities in those districts.

(iv) S.C.A.Os II and IV Corps have been advised that the PLOs of Pisa and Livorno Provinces are available to help them in disposing of any cases which may arise in their respective Corps areas.

5. Proclamations and General Orders :

In accordance with instructions issued by RC & MG Section ACC HQ, Proclamations 1 - 4, two notices and General Orders Nos 1 and 26 continue to be posted in the Army Area.

General Order No 2 has been posted under directions given by the S.F.O. AMG 5th Army in Grosseto Province and Siena City where the Banks were opened on the 20th July.

Supplies of General Order No 27 and a copy of General Order No 28 have been received, but no specific orders have come for these to be posted in the Army Area.

6. Italian Courts :

All the information available to date has been included in the separate report already submitted on this subject. 31

A civilian arrested in Livorno Province on a charge of having killed another civilian by stabbing has been referred to the competent Italian authorities.

H.M. Dickie

H.M. DICKIE., W/Cdr., R.A.F.
S.L.O. AMG Fifth Army.

A.M.G. 5th Army

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JULY 1944.

A. CASES TRIED AND FINDINGS.

	Summary Court		Superior Court		General Court		Totals		Total
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
IV Corps		2		1				3	3
E. F.	14	122					14	122	136
Grosseto Province	7	4					7	4	11
Livorno Province	10	35					10	35	45
Pisa Province			NO CASES						
Totals	31	163		1			31	164	195

A.M.G. 5th ARMY

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JULY 1944

B. - CONVICTIONS.

	Curfew & Pass Violations.		Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms & Ammun.	Violations of Italian Penal Code	Others	Total.
	C.	P.							
IV Corps			2					1	3
E. F.	12	29			* 70	3		8	122
Grosseto Province	4							3	35
Livorno Province		29	3						
Pisa Province			NO CASES						
	16	58	5		70	3		12	164

* Note :- All these convictions related to small acts of pilfering by civilians from a bombed castle at Scorgiano.

4043/6

HEADQUARTERS
AMG FIFTH ARMY
APO 464 U.S. ARMY.

Legal Rear 8057
RECEIVED
5 JUL 1944
29 June 1944.
208/CF/33 H.Q. A.C.C. (33)

SUBJECT : Monthly Report.

TO : C.L.O. Legal Sub-Commission,
H.Q. A.C.C., Rear.

The monthly report for June in respect of the
Division is forwarded herewith.

HEADQUARTERS
5 JUL 1944
A.C.C.

EB Mayne

E.B. MAYNE,
Col., UDF.,
Chief of Staff,
AMG Fifth Army.

LEGAL SUB-COMMISSION	
CLO	
DCLO	☒
Chief Counsel	
CLO	
Italian Section	
CL RKS	

HEADQUARTERS
AMG FIFTH AF
LEGAL DIVISION
APO 464 U.S. ARMY.

29th June 1944.

208/CA/33.

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

To : S.C.A.O., A.M.G. 5th Army.

1. General & Superior Courts:

No General or Superior Courts have been held during the month. Three cases of the alleged killing of French Moroccan soldiers by civilians are now under investigation but the circumstances disclosed in the reports indicate a degree of justification which makes it doubtful whether they should be brought to trial. In view of the frequent moves of this HQ the cases will probably have to be referred to the R.L.O. of the Region in which the offences were committed for ultimate disposition.

2. Summary Courts:

A table of cases tried during the month is attached. The majority of the charges related to travelling without a proper pass, curfew violations and other offences of a minor character, and were disposed of by way of fines or a few days imprisonment.

3. Provincial Organisations: - Region IV:

(i) Provincial Legal officers have worked under this HQ up to the dates mentioned below on which the respective Provinces came under the direct control of Region IV:-

Littoria Province	- Capt. L.L. Cox (A) 9th June 1944.
Rome Province	- Lieut. P.A. Morris (A) 15th June 1944.
Viterbo Province	- Major W.D. Stump (A) followed by Capt. F.J. Aulisi (A) 29th June 1944.

(ii) Preliminary reports on the state of the Italian courts and personnel in these Provinces have been sent to the R.L.O. Region IV. Conditions south of Rome are bad but in the northern part of Rome Province and in Viterbo Province most of the Court buildings are intact and as soon as transport and communications improve there should be no obstacle to the effective functioning of the local courts.

4. Provincial Organisations - Region VIII.

Capt. R.M. Hill (A) has taken up his duties as R.L.O. Grosseto and Capt. B.E. Mayfus (B) and Major R.M. Woodward (A) are waiting to move into Siena and Livorno respectively. Discussions have been held with all these officers who have been advised of what requires to be done in the early stages, and a meeting with the R.L.O. Region VIII to co-ordinate instructions is expected within the next few days. Legal officers have also been assigned for the Provinces of Pisa, Lucca, and Pistoia, but none of these has so far come forward.

5. Proclamations & General Orders.

Supplies of Proclamations Nos 1 - 4 two notices and General Order No 1 continue to be issued to PLOs to supplement posting by Corps CAOs where necessary. On the recommendation of the S.F.O. A.M.G. 5th Army, orders have been given that General Order No 2 will only be posted in the Army area on the express directions of the Finance Division.

Copies of General Order No 26 have been distributed to Corps S.C.A.Os. with instructions that these be posted in all communes at the same time as the Proclamations.

No General Orders other than Nos 1 and 26 are at present posted in the Army Area.

6. Partisans.

The Partisans continue to constitute a difficult problem in newly occupied territory, but the solution depends on policy rather than law. Directives have been received and discussions are proceeding as to the practical handling of the situation.

H.M. Dickie W/Lt.
H.M. DICKIE, W/Cdr., R.A.F.,
S.L.O., A.M.G. Fifth Army.

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JUNE 1944.

A. CASES TRIED AND FINDINGS.

	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
II Corps			IN REEST						
IV Corps	1	3					1	3	4
C. E. F.	17	65					17	65	82
Littoria Province	7	17					7	17	24
Viterbo Province		7						7	7
Rome Province			NO CASES						
Totals	25	92					25	92	117

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JUNE 1944.

.B. - CONVICTIONS.

	Curfew & Pass Violations. C.	P.	Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms & Ammunit.	Violations of Italian Penal Code	Others	Total.
II Corps									
IV Corps		1	2						3
C. E. F.	14	43	1					7	65
Littoria Province	3	4	7		1			2	17
Viterbo Province	1	5						1	7
Rome Province									
Totals.	18	53	10		1			10	92

HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

29th June 1944.

208/CA/33.

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

To : S.C.A.O., A.M.G. 5th Army.

1. General & Superior Courts:

No General or Superior Courts have been held during the month. Three cases of the alleged killing of French Moroccan soldiers by civilians are now under investigation but the circumstances disclosed in the reports indicate a degree of justification which makes it doubtful whether they should be brought to trial. In view of the frequent moves of this HQ the cases will probably have to be referred to the R.L.O. of the Region in which the offences were committed for ultimate disposition.

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A table of cases tried during the month is attached. The majority of the charges related to travelling without a proper pass, curfew violations and other offences of a minor character, and were disposed of by way of fines or a few days imprisonment.

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(i) Provincial Legal officers have worked under this HQ up to the dates mentioned below on which the respective Provinces came under the direct control of Region IV:-

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Rome Province	- Lieut. P.A. Morris (A) 15th June 1944.
Viterbo Province	- Major W.D. Stump (A) followed by Capt. F.J. Aulisi (A) 29th June 1944.

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Supplies of Proclamations Nos 1 - 4 two notices and General Order No 1 continue to be issued to FLOs to supplement posting by Corps GAOs where necessary. On the recommendation of the S.F.O. A.M.G. 5th Army, orders have been given that General Order No 2 will only be posted in the Army area on the express directions of the Finance Division.

Copies of General Order No 26 have been distributed to Corps S.C.A.Os. with instructions that these be posted in all communes at the same time as the Proclamations.

No General Orders other than Nos 1 and 26 are at present posted in the Army Area.

6. Partisans.

The Partisans continue to constitute a difficult problem in newly occupied territory, but the solution depends on policy rather than law. Directives have been received and discussions are proceeding as to the practical handling of the situation.

H.M. Dickie
H.M. DICKIE, W/Cdr., R.A.F.,
S.L.O., A.M.G. Fifth Army.

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JUNE 1944

A. CASES TRIED AND FINDINGS.

	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
IV Corps			IN REEST						
IV Corps	1	3					1	3	4
C. E. F.	17	65					17	65	82
Littoria Province	7	17					7	17	24
Viterbo Province		7						7	7
Rome Province			NO CASES						
Totals	25	92					25	92	117

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JUNE 1944.

B. - CONVICTIONS.

	Curfew & Pass Violations. C.	P.	Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms & Ammunit.	Violations of Italian Penal Code	Others	Total.
II Corps				I N F E S T					
I Corps		1	2						3
C. E. F.	14	43	1					7	65
Littoria Province	3	4	7		1			2	17
Viterbo Province	1	5						1	7
Rome Province				N O C A S E S					
Totals.	18	53	10		1			10	92

HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

29th June 1944

203/CA/33.

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

To : S.C.A.O., A.M.G. 5th Army.

1. General & Superior Courts:

No General or Superior Courts have been held during the month. Three cases of the alleged killing of French Moroccan soldiers by civilians are now under investigation but the circumstances disclosed in the reports indicate a degree of justification which makes it doubtful whether they should be brought to trial. In view of the frequent moves of this HQ the cases will probably have to be referred to the R.L.O. of the Region in which the offences were committed for ultimate disposition.

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A table of cases tried during the month is attached. The majority of the charges related to travelling without a proper pass, curfew violations and other offences of a minor character, and were disposed of by way of fines or a few days imprisonment.

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(1) Provincial Legal officers have worked under this HQ up to the date mentioned below on which the respective Provinces came under the direct control of Region IV:-

Latona Province	- Capt. L.L. Cox (A) 9th June 1944.
Rome Province	- Lieut. P.A. Morris (A) 15th June 1944.
Viterbo Province	- Major W.D. Stump (A) followed by Capt. F.J. Audis (A) 29th June 1944.

(11) Preliminary reports on the state of the Italian courts and personnel in these Provinces have been sent to the R.L.O. Region IV. Conditions south of Rome are bad but in the northern part of Rome Province and in Viterbo Province most of the Court buildings are intact and as soon as transport and communications improve there should be no obstacle to the effective functioning of the local courts.

4. Provincial Assignments - Region VIII:

Capt. R.M. Hill (A) has taken up his duties as S.L.O. Grosseto and Capt. R.E. Briggs (H) and Major R.M. Woodward (A) are waiting to move into Siena and Livorno respectively. Discussions have been held with all these officers who have been advised of what requires to be done in the early stages, and a meeting with the S.L.O. Region VIII to co-ordinate instructions is expected within the next few days. Legal officers have also been assigned for the Provinces of Pistoia, Lucca, and Pistoia, but none of these has so far come forward.

5. Proclamations & General Orders:

Supplies of Proclamations Nos 1 & 2 notices and General Order No 1 continue to be issued to FIOs to supplement posting by Corps GAOs where necessary. On the recommendation of the S.F.O. A.M.G. 5th Army, orders have been given that General Order No 2 will only be posted in the Army area on the express directions of the Finance Division.

Copies of General Order No 26 have been distributed to Corps S.C.A.Os. with instructions that these be posted in all centres at the same time as the Proclamations.

No General Orders other than Nos 1 and 26 are at present posted in the Army Area.

6. Partisans:

The Partisans continue to constitute a difficult problem in newly occupied territory, but the solution depends on policy rather than law. Directives have been received and discussions are proceeding as to the practical handling of the situation.

Mr. Dickie W/da

H.M. DICKIE, W/da, R.A.F. 23
S.L.O., A.M.G. Fifth Army.

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF ~~JUNE~~ **JULY** 1944.

A. CASES TRIED AND FINDINGS.

	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
II Corps			IN REEST						
IV Corps	1	3					1	3	4
C. P. F.	17	65					17	65	82
Littoria Province	7	17					7	17	24
Viterbo Province		7						7	7
Rome Province			NO CASES						
Totals	25	92					25	92	117

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JUNE 1944.

B. - CONVICTIONS.

	Curfew & Pass Violations.	Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms & Ammunition.	Violations of Italian Penal Code	Others	Total.
	C.	P.	I N H E R E N T					
II Corps								3
IV Corps		1	2				7	65
C. E. F.	14	43	1				2	17
Littoria Province	3	4	7	1			1	7
Viterbo Province	1	5						
Rome Province			N O C A S E S					
				1			10	92
Totals.	18	53	10	1			10	92

HEADQUARTERS
AMG FIFTH ARMY (FIEL
APO 464 U.S. ARMY

30 May 1944.
208/CA/33.

SUBJECT : Monthly Report.

TO : C.L.O. Legal Sub-Commission,
HQ. ACC.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian - Section	
CLERKS	

The monthly report for May in respect of the
Legal Division is forwarded herewith.

For the Commanding General:

E.B. Mayne
E.B. MAYNE,
Lt Col, UDF,
Chief of Staff,
AMG Fifth Army.

HEADQUARTERS
AMG FIFTH ARMY (FIE)
LEGAL DIVISION
APO 464 U.S. ARMY

29 May 1944.
208/CA/33.

SUBJECT : Report on the work of the Legal Division for the month of May 1944.

TO : S.C.A.O., AMG 5th Army.

1. Espionage and Sabotage Cases.

Six persons were tried during the month on charges of serving the enemy as spies, three being found guilty and three not guilty. The death penalty was imposed in two cases, in one of which the decision has since been quashed on review, and the third was sentenced to life imprisonment. Eight previously convicted spies and saboteurs were shot under orders of the Commanding General 5th Army.

During the period 1st January to 30th May 1944 the total number of persons tried by General Military Courts on charges of espionage or sabotage is 37, of whom 29 have been convicted. The death penalty was imposed in 26 cases but in nine instances the sentence was commuted on review to 20 years imprisonment and in one both conviction and sentence were set aside.

All outstanding cases of this type have been disposed of and under instructions recently received from the C.L.O., ACC HQ, this Division will in future deal with 5th Army cases only and not with 8th Army cases as heretofore. So long as accused persons are held in custody at S. Maria prison, trials will be handled by R.L.O., Region III, who has been advised of the procedure usually adopted.

2. Other General Court Cases.

A General Military Court sat at Sessa Aurunca to try two cases where French soldiers had been shot by Italians. Both accused were found guilty; one was sentenced to death (reduced on review to 15 years imprisonment) and the other to 5 years imprisonment, which was suspended in view of extenuating circumstances and of the fact that the accused was an Italian soldier serving with his unit in the front line. Two other cases of a similar nature have been referred to R.L.O., Region III within whose jurisdiction this area now falls, and two are still under consideration.

3. Superior and Summary Courts.

A table of cases tried during the month is attached. Since the advance commenced, CAOs have been occupied with more pressing problems than Court work, but firm action has had to be taken against refugees in Ausonia who displayed a complete disregard of orders and a number have been tried and sentenced.

Summary Courts have also been held in the Minturno-Formia-Gaeta area by the Legal Officer, Littoria Province, but owing to the shortage of prison accommodation, fines will have to be imposed in all except the most serious cases.

4. Proclamations.

Supplies of the revised Proclamations have been distributed to all Corps SCAOs and instructions issued as to their posting and the system of records to be followed. It is, however, often impossible for Corps CAOs to comply fully with these instructions as in many of the Communes occupied there are no buildings standing and no inhabitants prominent or otherwise with whom copies can be left. Provincial CAOs, who take over Communes, will therefore have to check up on the posting of proclamations when the inhabitants begin to return and for this purpose a further supply has been sent to the Legal Officer, Littoria Province for distribution in his area. Reports as to the dates of posting have been called for.

5. Italian Courts.

Preliminary reports received on the conditions in Littoria Province indicate that the official buildings and records have been totally destroyed or severely damaged in Castelforte, Minturno, Formia, Gaeta, Itri, Sperlonga and Terracina. All Pretori and Vice Pretori are stated to have gone north and only one or two lawyers have been located in this whole area. The appointment of substitutes will require to be dealt with in due course but is not urgent at present. The Tribunale at Littoria is believed not to be badly damaged, but all the inhabitants were evacuated by the Germans some time ago and no officials have yet returned.

6. Personnel.

Lt. Col. J.L. Willis, Major W.G. Elder and Capt. Howell Jones having completed their temporary duty with this HQ, returned to C.A.S. on 25th May.

Major W.F. Waugh has left to join AMG 8th Army for Frosinone Province.

Capt. Louis L. Cox has reported as Provincial Legal Officer, Littoria Province and is at temporary Provincial HQ at Gaeta.

H.M. Dickie Wflar
H.M. DICKIE, W/Cdr., R.A.F.,
S.I.O., AMG 5th Army.

A.M.G. 5th ARMY.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MAY 1944.

A. CASES TRIED AND FINDINGS.

CORPS.	Summary Court		Superior Court		General Court		Totals		Total
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
II Corps	4	10			2	1	6	11	17
VICorps									
C. F. F.	45	186		1	2	2	47	189	236
Totals.	49	196		1	4	3	53	200	253
8th Army Area.					1	2	1	2	3

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MAY 1944.

B. - CONVICTIONS.

	Curfew and pass Violations	Theft and Pass. of Allied Prop.	Black Market	Looting	Poss. of Arms and Ammunit.	Violations of Italian Penal Code	Others	Total.
II Corps	4	6					1	11
VI Corps								
C.F.F.	92	15			6		76*	189
Totals.	96	21			6		77	200
8th Army Area							2	2

* The majority of these relate to violations of Proc. 2. Art. 2. Secs. 44 and 45 by refugees and persons in the evacuation areas.

HEADQUARTERS
AMG FIFTH ARMY (FIELD)
APO 464 U.S. ARMY.

3 May 1944.
208/CA/33.

SUBJECT : Monthly Report.

TO : C.L.O., Legal Sub-Commission,
H.Q. ACC.

The monthly report for April in respect of the Legal
Division is forwarded herewith.

For the Commanding General:



E.B. Mayne
E.B. MAYNE, Lt. Col., UDF.,
Chief of Staff,
AMG Fifth Army.

HEAD QUARTERS
AND FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

27 April 1944.
208/CA/33.

SUBJECT : Report upon the work of the Legal Division
for the month of April 1944.

TO : S.C.A.G., A.M.G. 5th Army.

1. Conditions in the Army Area have undergone no material change since last month and CAORs have continued to deal actively with Summary Court cases, which have not been numerous. Particulars of cases tried are shown in Appendix "A".

2. The Division has handled a number of further cases of spies and saboteurs. During the month eleven persons were tried, eight on charges of espionage and three on charges of sabotage; of this total eight were found guilty and sentenced to death and three were acquitted. Decisions on review were received in respect of twelve persons tried previously, the death sentence being confirmed in six cases and commuted to 30 years imprisonment in six cases.

3. A meeting of the Legal Sub-Commission and all PLCs and SLCs was held in Naples on 3rd April, when a large number of points were discussed. The SLC stated that existing Proclamations were being regrouped under main headings and would be reduced in number probably to four or five in all. It is understood that the new Proclamations have been signed and will be issued in the near future.

4. Major Hendrickson has attended the weekly meetings of CAS and will be responsible for that section of the work now that Field HQ has moved forward. The Legal personnel attached to the letter as at 30 April 1944 are shown in Appendix "B".

Harry Dickie W/da
H.M. DICKIE, W/Cor., R.A.F.,
S.L.O., A.M.G. 5 Army.

Appendix 'A'.

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF APRIL 1944.

A. - CASES TRIED AND FINDINGS.

CORPS	Summary Court.		Superior Court		General Court		Totals		Total
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
VI Corps									
G.I.F.	11	74			1 (Discharge)		11	74	86
Totals	11	74			3	7	3	7	10

8th Army
Area.

Appendix 'A'.

S.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF APRIL 1944.

B.- CONVICTIONS.

CORPS.	Curfew and Pass Violations	Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms and Ammunition.	Violations of Italian Penal Code.	Others	Total
II Corps								
VI Corps								
G.F.S.	31	8		1	7		28	75
Totals	31	8		1	7		28	75
8TH Army Area.							7	

Appendix 'B'.

Rank	Name	Number	Location	Duty
W/Cdr	H.M. Dickie.	82327	Hq. AMG 5 Army (Field).	Senior Legal Officer. AMG 5 Army (Field)
Lt. Col.	J.L. Willis.	37204	"	Prosecutor, General Military Court. AMG 5 Army.
Major	A.C. Elder.	Canadian.	"	Judicial Officer, General Military Court AMG 5 Army.
Major	E.F. Waugh.	9-122478	Hq. 5 Army Rear.	Judicial Officer, General Military Court, AMG 5 Army.
Capt.	Howell Jones.	116326	Hq. AMG 5 Army (Field)	Defending Officer, General Military Court, AMG 5 Army.
Capt.	H.L. Glean.	9-162411	Hq. AMG 5 Army (CAS).	Temporarily Attached City Administrative Section.

HEADQUARTERS
AMC FIFTH ARMY
LEGAL DIVISION
APO 434 U.S. ARMY.

27 April 1944.
208/CA/33.

SUBJECT : Report upon the work of the Legal Division
for the month of April 1944.

TO : S.C.A.G., A.E.H. 5th Army.

1. Conditions in the Army Area have undergone no material change since last month and CAGs have continued to deal efficiently with Summary Court cases, which have not been numerous. Particulars of cases tried are shown in Appendix "A".

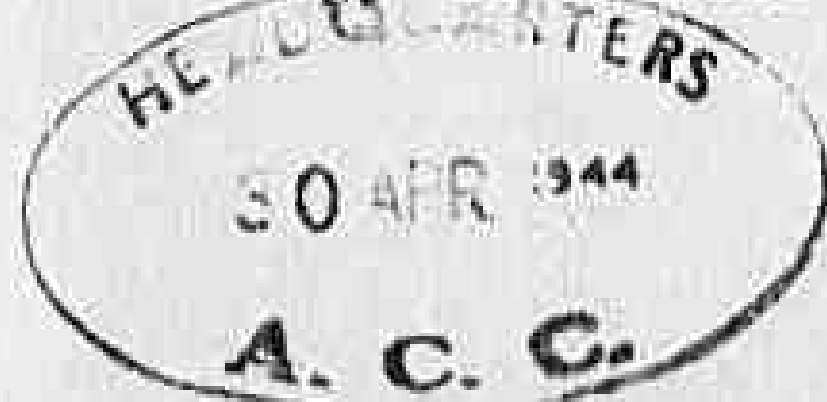
2. The Division has handled a number of further cases of spies and saboteurs. During the month eleven persons were tried, eight on charges of espionage and three on charges of sabotage; of this total eight were found guilty and sentenced to death and three were acquitted. Decisions on review were received in respect of twelve persons tried previously, the death sentence being confirmed in six cases and commuted to 20 years imprisonment in six cases.

3. A meeting of the Legal Sub-Commission and all FLOs and SLOs was held in Naples on 3rd April, when a large number of points were discussed. The CLO stated that existing Proclamations were being regrouped under main headings and would be reduced in number probably to four or five in all. It is understood that the new Proclamations have been signed and will be issued in the near future.

4. Major Hendrickson has attended the weekly meetings of CAG and will be responsible for that section of the work now that Field H. has moved forward. The Legal personnel attached to the latter as at 30 April 1944 are shown in Appendix "B".

H.M. DICKIE, W/Obr., R.A.F.,
S.L.O., A.M.C. 5 Army.

Copy to C.L.O. ACC HQ.



Appendix A.

A.M.C. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF 10 IL 1944.

A.- CASES TRIED AND FINDINGS.

CORPS	Summary Court		Superior Court		General Court		Totals		Total
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
II Corps									
VI Corps									
C.B.P.	11	74				1 (Espionage)	11	75	86
Totals	11	74				1	11	75	86
8th Army Area					3	7	3	7	10.

Appendix 'A'

A.M.G. 5th Army.

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF APRIL 1944.

B.- CONVICTIONS.

CORPS.	Curfew and pass Violations	Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms and Ammunition.	Violations of Italian Penal Code.	Others	Total
II Corps								
VI Corps								
C.S.F.	31	8		1	9		28	75
Totals	31	8		1	9		28	75
5th Army Area.							7	

Appendix 'E'

Rank.	Name.	Number.	Location.	Duty.
W/Capt	H.M. Dickie.	82327	HQ AMG 5 Army (Field).	Senior Legal Officer AMG 5 Army (Field).
Lt. Col.	J.L. Willis.	37204	"	Prosecutor, General Military Court. AMG 5 Army.
Major	H.G. Elder.	Canadian.	"	Judicial Officer, General Military Court AMG 5 Army.
Major	W.F. Waugh.	0-1922478	HQ 5 Army Rear.	Judicial Officer, General Military Court. AMG 5 Army
Capt.	Howell Jones.	116326	HQ AMG 5 Army (Field)	Defending Officer, General Military Court AMG 5 Army.
Capt.	H.L. Glenn.	0-162411	HQ AMG 5 Army (CAS).	Temporarily Attached City Administration Section

RCH/wed

4043/6 ✓
HEADQUARTERS A.M.G. 5th ARMY
APO 394

TO : C.L.O., A.C.C. Rear H.Q.
FROM : S.L.O., A.M.G. 5th Army (C.A.S.)
SUBJECT: Return for month of April 1944.
REF : G/1.
DATE : 30 April 44.

Herewith a copy of the monthly report of this division as rendered to the Executive Officer of A.M.G. 5th Army C.A.S. for the completion of his consolidated return to A.C.C.

W. H. Paulson

Major,
S.L.O., A.M.G. 5th Army C.A.S.

002

HEADQUARTERS A.M.G. 5th ARMY
APO 394

28 April 1944

TO : Executive Officer A.M.G. 5th Army (C.A.S.)
FROM : Legal Division, A.M.G. 5th Army (C.A.S.)
SUBJECT: Return for the month of April 1944.
REF : G/1.

1. Owing to recent changes of policy with respect to this Division and an almost complete change of its officer personnel there have been no activities in its operations worthy of a report.

2. The present strength of the Division is as follows:

S.L.O.	Major Robert C. Hendrickson	O-523809 A.M.G.
D.L.O.	Capt. H.L. Glenn	J.A.G.D. U.S.A.
E.S. & K.C.O.s	none	

3. Both of the officers shown in the above strength report have been actively engaged as follows:

Major Hendrickson	On loan to Region 3 as a court officer.
Capt. Glenn	At C.A.S. HQ. Caserta.

4. All officers available for service in this Division have been actively engaged as shown on the attached chart

5. A separate report in the nature of recommendations to meet future needs of the Division will be transmitted within the next few days.

Robert C. Hendrickson
ROBERT C. HENDRICKSON
Major, A.D.S.,
S.L.O., A.M.G., 5th Army CAS
Room 28, Bank of Naples.

19

NAME OF OFFICER

WHERE ENGAGED DURING MONTH OF APRIL

Lt. Col. Richard C. Hill(A)	Superior Court Region 3.
Major Robert C. Hendrickson (A)	General Courts for Region 3 and 5th Army AMG.
Major G. J. McFadyen (B)	Superior Court, Region 3.
Major W. G. Elder(B)	)
Major R. M. Woodward(A)	) 5th Army A.M.G.
Major S. E. Vaughn(A)	)
Lt. Col. H. Musmanno(A)	Region 3 A.M.G.
Capt. W. B. B. Oates(B)	Region 4 Headquarters, Court Officer Region 3.
Capt. Howell Jones(B)	5th Army A.M.G.
Capt. E. Falk(F)	Summary Court, Region 3.
Lt. P. Galiano(A)	Asst. Italian Courts Officer, Reg. 3.

William J. Van

• 30

4043/56
 HEADQUARTERS
 AMG FIFTH ARMY
 APO 464 U.S. ARMY
 LEGAL DIVISION

Legal Sub Com
 Rev Hqs
 U-3011
 18

1 April 1944.
 208/CA/33.

SUBJECT: Report upon the work of the Legal Division
 for the month of March 1944.

TO S.C.A.O., A.M.G. 5th Army.

1. As S.L.O. AMG 5th Army (Field) and (CAS), I report the activities of the Legal Division for the month of March under these two heads.

APPX "G"

1. (C.A.S.)
 Planning for the occupation of Rome has been continued and as much information about the Italian Courts and the legal and judicial officials there as possible has been obtained. In view of the long time which has now elapsed since the first hope of entering Rome was inspired, the changing of personnel and plans and the uncertainty as to when this eternal city will be reached, a certain inertia has crept into planning for its occupation. However on 16th March this office moved from Naples to Caserta and we are now in close daily contact in work and off duty with the staff of the City Administrative Section of 5th Army who will be responsible for the garrisoning and maintenance of Military discipline in Rome and with the Provost Marshal and JAG of that section and the AMG Director of Public Safety, discussions have been held regarding the arrest, detention and trial of civilians. So soon as the possibility of occupying Rome again becomes imminent the plans of this division will, in the light of circumstances at that date, be re-completed.

2. The personnel who are attached to this HQ for Rome and for the Field are shown at Appendix "A" as at 31st March 1944 with their present employment.

3. (Field).
 The continued static conditions of the Army have provided opportunities for CAO's to devote plenty of time to their

- 2 -

(17)

Judicial work as Presidents of Summary Courts. Normally the amount of work which a CAO has to do leaves him very little time properly to hear and consider cases and often he fails to dispose of cases of persons arrested for offences. The relatively large number of CAO's with each Corps of 5th Army now has enabled cases to be heard carefully by the Summary Courts and these CAO's have now been encouraged by observations on their efforts as judges to take a concentrated and enthusiastic interest in the cases they try. The results have been that more typical sentences to fit the crimes have been imposed and that the proper framing of charges and completion of records are now the rule rather than the exception. A Legal officer has from time to time during this month made short visits to each Corps, sat with CAO's trying cases and provided advice to officers who sit as Summary Courts.

5.1 With the regrouping of forces only the VI, II and C.E.F. Corps are now left in 5th Army Area, I and N.Z. Corps having been absorbed by 8th Army. When these Corps were passed to that Army (I am glad to say that) they left no Military Court cases outstanding. In connection with this reorganisation the S.L.O. 8th Army has been informed of the principle legal features of the areas and formations now falling within his sphere.

5.2 *Attached* Appendix 'B' is a table of the cases tried within this area during the month. During the greater part of the month II Corps were in rest and did not have any area to administer. Apart from a General court case which was heard at the beachhead there were no persons arrested in VI Corps' area who required to be brought to trial.

5.3 The main interest of this division during this month has been spies. From the reasonably expeditious method of trying any person arrested as an alleged spy in 5th Army area by an ad hoc Allied Military General Court, a system has been evolved whereby any alleged spy in either army area can be tried without any delay. Seven spies captured in 5th Army area have been tried this month, one was acquitted, five were found guilty, and two of these were sentenced to twenty years imprisonment each and three were sentenced to death. In addition two saboteurs were found guilty and sentenced to death. Confirmation is awaited on these sentences. Seven spies captured in 8th Army area were found guilty and sentenced to death. Confirmation is also awaited on these sentences.

5.4 Squadron Leader Dickie who has been assigned as S.L.O. AMG 5th Army (Field) arrived at this HQ on 31st March 1943

- 3 -

16

and has commenced to take over his duties.

J. V. M. Shields
Lt. Col.
J.V.M. SHIELDS, Lt. Col.
Senior Legal Officer,
A.M.G. 5th Army.

Copy to C.O. Acc. HQ.

17

Appendix "A".

A.M.C., 5TH ARMY
Legal Division

1st April 1944

Rank	Name	Number	B or	Duty	Location	Parent Organisation
Col.	G. Pollock.	136210	B	Chief Judicial Officer, ACC.	Hospital	Legal Sub-Commission, ACC.
Lt. Col.	J.V.M. Shields.	137055	B	Senior Legal Officer AMG 5th Army.	HQ AMG 5TH Army (CAS)	
Lt. Col.	J.L. Willis.	37204	B	Prosecutor Gen. Mil; Ct. AMG 5th Army	HQ AMG 5th Army (CAS)	Legal Sub-Commission, ACC.
Major.	W.G. Elder.	Canadian.	B	Judicial Officer, Gen. Mil. Ct. AMG 5th Army.	HQ AMG 5th Army (Field)	Region IV.
Capt.	E.V. Falk.	120214	B	Judge, Summary Court Reg. III	Tribunale Naples.	Region IV.
Capt.	Howell Jones.	116326	B	Legal Officer 5 Army (Field)	HQ AMG (Field)	Region IV.
Lt. Cdr.	M.A. Musmanno.	86522	A	Judicial Officer AMG Region III.	Legal Div. Region III.	Region IV.
Major.	W.D. Stump.	0-123292	A	"	"	Region IV.
Major.	H. Stebbins.	0-189416	A	Judicial Officer AMG Region III.	Tribunale Naples.	Region IV.
Major.	W. VAUGH.	0-222478	A	Legal Officer HQ 5 Army Liaison Office.	As "Duty".	Region IV.

Appendix "A".
(Sheet 2.)

A.M.G., 5TH ARMY
Legal Division

1st April 1944

Rank	Name	Number	B or A	Duty Gen. Ct.	Location	Parent Organisation
Major.	R.M. Woodward.	0-26677	A	Defending Officer AMG 5th Army.	Naples.	Region IV.
Capt.	H.L. Glenn.	0-162411	A	Deputy S.L.O.	HQ AMG 5 Army (CAS)	
Lt.	M. Correa.	0-280074	A	Special Prosecutor.	HQ Region III. Legal Sub- Commission ACC.	

A.M.C. 5th Army

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

A. CASES TRIED AND FINDINGS.

CORPS	Summary Court		Superior Court		General Court		Totals		Total. Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
II Corps		4			1	3	1	7	8
VI Corps						2		2	2
X Corps	9	42				2	9	44	53
XI Corps	4	60					4	60	64
C. F. F.		23		1				24	24
Totals	13	129		1	1	7	14	157	151

A.M.G. 5th Army

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

B. CONVICTIONS.

CORPS.	Curfew and pass Violations	Theft and Loss. of Allied Prop	Black Market	Looting	Poss. of Arms and Ammunition.	Violations of Italian Penal Code	Others	Total
II Corps	2	2					3	7
VI Corps							2	2
I Corps	5	26	3		3		7	44
V Corps	21	15	3		4	5	11	60
C. B. V.	7	10			2		5	24
Totals.	35	54	6		9	5	28	137

HEADQUARTERS
AMG 5th ARMY
A.P.O. 464 U.S. ARMY
Legal Division.

206/CA/33.
3 March 1944.

Subject : Report upon the work of the Legal Division for the month of February 1944.

To : S.C.A.O., A.M.G. 5th Army.

Report of AMG 5th Army.

1. During this month this division has been concerned with the adjustments of plans prepared for the occupation of Rome, the proposal and consideration of necessary amendments to the published proclamations and general orders and the drafting of special local notices for Rome, ~~WITZZA~~ at the same time the routine legal work in connection with AMG operations in the 5th Army Area have been attended to.

2. PERSONNEL.

With the dissipation of the expectation of the immediate occupation of Rome the Legal staff assigned and attached to AMG 5th Army for work in that city has been farmed out to temporary duty. A list of the officers showing from what unit they were attached to AMG 5th Army and their present employment is attached as Appendix "A". With the separation of the Hq's of AMG 5th Army (Rome) and AMG 5th Army (Field) I have sent Capt. Howell Jones to the latter Hq. with Major Raugh who continues to be attached to the AMG Liaison Office in 5th Army Hq (Rear) he is responsible for the day to day legal duties in the field.

3. (Although I am not in favour of AMG Legal Officers being employed in Court Martial work indiscriminately, two officers of this division have assisted in two cases during this month, one being engaged in the defence of several Merchant Seamen who were tried before a Naval Court.

4. A.M.G. COURTS.

A table of cases disposed of within the AMG 5th Army area is attached as Appendix "B". The continued static conditions on the southern 5th Army front, the evacuation of civilians out of areas of operations, and the more settled conditions prevailing in rear Corps and Army areas has resulted in a decrease in the number of cases tried by C.A.O's in the

Army area. No cases were tried since 22nd January 1944 in the VI Corps area. The type of offences brought before the Summary Courts is of the same nature as those formerly heard and such offences are purely consequential upon restrictions imposed upon movement by Proclamation and the inevitable attempts (of the light fingered Italian) to profit by the acquisition of rations and equipment belonging to the Allied Forces. No Superior Court cases have been tried during this month. One person was tried on a charge of espionage before a General Military Court but was acquitted. A spy case and a murder case were arranged for hearing in the latter part of the month but had to be postponed until the beginning of March on account of the inability through ill health of the accused to stand his trial in the first case and in the second case because of the movement of witnesses within the operational area. Three further cases of espionage are also pending and are set for trial on 6th March. Delay in bringing cases before the Courts has been caused by indifferent investigation and preparation of the evidence by the security sections before the papers have been submitted to this Division and in every case it has been necessary to ask for further information. Meetings have been held with S 1 (b), G-2, 5th Army and G.S.I(b) A.C.M.F. regarding the policy to be adopted in the trial of spies. The security organisations were informed of the elements which had to be proved in order to present a prima facie case of espionage and have now undertaken to direct their investigations along lines which would provide evidence to prove these necessary elements.

5. ITALIAN COURTS.

There are now four judicial districts within the 5th Army Area which form a part of the judicial territory of the Provinces of Litteria and Grosinone, which are outside Region 3 and are a part of Region 4. These are MINTURNO where there is a Pretura Court within the circondario of the Tribunale of Litteria and ROCCAMONFENO, MIGNANO and CERVARE, where there are Pretura courts within the circondario of the Tribunale of Cassino. All these centres were visited by the Officer i/c Italian Courts with the Legal Officers designated for the Provinces of Litteria and Grosinone. The report upon them cannot be complicated because in the case of MINTURNO, MIGNANO, and CERVARE the buildings which accommodated the Pretura courts have been razed to the ground. The following are extracts from the reports upon each centre.

MINTURNO

".....the town which had a population of 13,596 is evacuated with the exception of about 25 persons....."

".....It is reported that the Pretore De Stefano cav. Grazio left last October. The vice-pretore, Mazzucce

- 3 -

Merello. Filippo was seen about 1. months ago, nothing known of his present whereabouts. Cav. Pirre Teodora, the cancelliere, was last observed in October. The U.S. Ufficiale Giudizario was last seen in June. The Pretura has not functioned since August/September 1943." ⑨

SIGNANO

".....this town is practically non-existent....the remaining inhabitants are now living in caves and partially habitable foundations of a few of the houses. Signano in its present state makes Pompeii seem a modern metropolis....."

"The pretura, of course, does not exist. The edifice in which it was housed with the school and municipio, is only a mass of rock, debris and rubble. The pretore, Dr. Crescenzo cav. Agostino was deported by the Germans. The vice pretore Cav. Luigi Granetti was unknown and presumably also taken away by the Germans. Scotto Agostino, the cancelliere, came from Cassino only on days of court hearings. Nothing is known of him at present. Rosati Giovanni, the ufficiale giudiziario, also came from Cassino and at present his whereabouts are unknown."

CERVARE

"The town has suffered much from the war. The building which housed the pretura no longer exists. At one time Cervare had its own pretura but in 1924 Cervare was transferred from the Caserta province (which was abolished) to the Frosinone Province. The Cervare pretura lost its independent character and became dependent on Cassino. Every 15 days the pretore of Cassino came to Cervare to hold hearings. There have been no hearings in Cervare since August." 10

6. It will be a very long time before these towns are rehhabited and until then no action regarding the resuscitation of the preture need be taken.

7. The town of ROCCASOMPIGNO however has not been so badly damaged as the other three and the pretura court is now functioning there. The following is an extract from the report on this town -

"Storre Capocciaturo, 64 years of age is the pretore there. He carries on his judicial duties under great difficulties as the Pretura is occupied by troops. He was appointed on 31st May 1943 and seems like a person of ability and as far as we are able to learn was never associated with Fascism".

⑧

"The vice pretore Poteruti Gabriele was a fascist and does not now carry on any judicial function. The cancelliere, Vast Domenico, was anti-fascist, but had to leave the town because of poverty. He returned to his former home in Palermo. His office is unfilled at present. The N.M. Ufficiale Giudizario is Nunzio Umberto and apparently unobjectionable."

8. One of the chief troubles in towns which have suffered extensively from war damage is that records in official buildings which have been damaged or destroyed are exposed to wind and weather. It is often impossible in totally destroyed towns to find any place left in which these records could be preserved and further when the inhabitants have perforce had to evacuate the localities there is no one who could gather the records together and put them in such place as might be available. In order to assist the Italian Government in reconstructing the normal life of the nation S.C.A.C.'s with Corps have been asked to take such steps as may be practicable, with the help of the local officials, to preserve all available documents.

9. By order of the Chief Commissioner the island of Ponza which has a Pretura Court (with a sede distaccata on the island of Ventotene) within the circondario of the tribunale of Littoria has been placed under the administrative jurisdiction of the Regional Commissioner, Region 3. A report upon the condition of the Pretura there has been asked for from Region 3. (I am of opinion that as far as the judicial administration of that island is concerned, when the province of Littoria has been occupied, the AMG unit responsible for controlling the Tribunale should be responsible for all the Pretura courts within its circondario.)

10. PROCLAMATIONS AND GENERAL ORDERS.

All Proclamations and Notices from 1 to 13 inclusive, with the exception of number 3 have been published in the 5th Army area together with General Orders 1, 2, 3 where banks have been opened, 4 and 13.

J. V. M. Shields
 Lt. Col.
 Senior Legal Officer,
 A.M.C. 5th Army.

Appendix "A"

Number.	Rank.	Name.	Nationality.	Presently working with.
136210	Col.	G. Pollock.	B.	Legal Sub Commission ACC.
137055	Lt. Col.	J.V.M. Shields.	B.	A.M.G. 5th Army (S.L.C.)
37204	Lt. Col.	J.L. Willis.	B.	Legal Sub Commission ACC in Region II
Canadian.	Major.	W.O. Elder.	B.	Region IV. Region III.
86622	Lt. Cdr.	M.A. Musmanno.	A.	" " " "
O-123292	Major.	W.D. Stump.	A.	" " Region III but presently sick.
C-26677	Major	A.M. Woodward.	A.	" " Legal Div. 5 Army.
O-122475	Major.	W. Vaughn.	A.	" " AMO Legal Officer with 5 Army HQ at Caserta.
O-169416	Major.	W. Stebbins.	A.	" " Reg III.
O-168411	Capt.	H.L. Glenn.	A.	A.M.G. 5th Army (S.L.C.)
120214	Capt.	E.V. Falk.	B.	Region IV. Region III.
116325	Capt.	Howell Jones.	B.	" " Legal Officer 5th Army (Field) HQ.
O-280074	Lt.	E. Correa.	A.	Legal Sub-Commission ACC Region III.

⑦

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Added: 7th Army

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF FEBRUARY 1946.

A. CASES TRIED AND FINDINGS.

CORPS	Summary Court		Superior Court		General Court		Totals		Total.
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty Cases.	
I Corps		40					40	40	
VI Corps									
X Corps	4	31			1		5	31	36
III Corps		1					1	1	1
G. S. P.	3	52					3	52	55
Total.	7	124			1		8	134	132

As of 30th April

REPORT ON ALLIED MILITARY COURTES FOR THE MONTH OF FEBRUARY 1966.

B. CONVICTIONS.

COMPS.	Curtain and Violations	Theft and Poss. of Allied Prop.	Black Market	Looting	Use of Arms and Ammunition	Violations of Liaison Code	Others	Total
II Corps	25	5				4	5	40
V. Corps								
X Corps	5	20			1	1	3	31
XI. Corps					1			1
G. S. F.	15	15			6		15	52
Totals	46	41			3	5	24	124

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to be for 5th Army's report

4043/b

HEADQUARTERS
AMG 5th ARMY
A.P.O. 464 U.S. ARMY
Legal Division.

(4)

205/CA/33.

3 February 1944.

SUBJECT : Report of the work of the Legal Division, A.M.G.
5th Army, for the period 1st to 31st January 1944.

TO : Chief of Staff, HQ. A.M.G. 5th Army.

GENERAL.

1. This month has been a period of planning and waiting. The first half of the month was spent in the completion of the general plan of this division for the occupation of Rome. In the middle of the month the orders which were issued regarding the expected imminence of the capture of Rome increased immeasurably the tempo of the preparation. The officers who were attached to this division but who were temporarily working in Region 3 were warned for movement and everything was completed by 22nd January 1944. Since that date we have been waiting on a day to day basis to move forward so soon as required.

VISIT OF S.L.O. TO A.M.G. 15th ARMY GROUP.

2. On 2nd January 1944 the S.L.O. went to 15th Army Group HQ. to meet the C.L.O., A.M.G. 15th Army Group, the C.L.O. AGO/AMG and the R.C.L.O. Region IV primarily to discuss the question of legal staff for the occupation of such territory as would be captured by 5th Army including Rome. In addition other points requiring discussion and settlement were considered. The S.L.O. returned to this HQ. on 5th January 1944.

ALLIED MILITARY COURTS.

3. Within the Army and Corps areas Allied Military Courts have been held for the trial of those persons arrested for the commission of offences against the Proclamations and in connection with Black Market activity against the Italian law. A tabular return showing the number and types of such cases is attached.

4. In general none of these cases were serious, but three Allied Military General Courts were held. One for the trial of an alleged sabotage offence, the accused were found not guilty, and two for the trial of four alleged spies. These spies were all found guilty and sentenced to death, this sentence in respect to two was commuted on review by the Military

- 2 -

Governor to imprisonment for twenty years. The other two
accused were shot. (3)

PROCLAMATIONS AND DRAFTING.

5. The orders and notices prepared by various divisions for publication in Rome have been drafted or revised by this division, and all proclamations and orders to be posted completed and issued to the appropriate officers for posting.

6. It has been proposed that Proclamation 3 should be amended by the deletion of Article II thereof. This Article has always been unrealistic and impractical and by the fact that it has never been properly enforced it has cast some doubt upon our intention to enforce in detail our orders. It has been suggested by this division and is now being considered by the Economics Commission of ACC/AMG that this Article should be substituted by an article prescribing that all prices and wage rates will be fixed by order of the Allied Military Government.

STAFF.

6. A list of the officers attached to this division for the occupation of Rome is appended :

A.M.G. 5th Army.

S.L.O. Lt. Col. J.V.M. Shields (B) 137055.
D.S.L.O. Capt. H.L. Glenn. (A) O-162411.

Attached.

Col. George Pollock (B) 136210	from AMG/ACC.
Lt. Col. Willis (B) 37204	" "
Major A.G. Elder, (B) Canadian.	" Region IV.
Lt. Cdr. Musmanno (A) 86622.	" "
Major Stump (A) O-123292.	" "
Major H. Stebbins. (A) O-139416	" "
Capt. E.V. Falk (B) 120214	" "
Capt. Howell Jones, (B) 116326	" "
Lt. M. Correa (A) O-280074	" "
Major W. Vaughn (A) O-122478	From Region IV for Frosinone Prov.
Major R.M. Woodward (A) O-266777	" " " Littoria Prov

- 3 -

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7. Since 1st January 1944 Major Waugh has been with the A.M.G. Liaison Office with 5th Army Rear HQ. and has supervised the Courts in the Corps areas.

8. Although it has been continually canvassed that ten enlisted men will be required by this division for Rome, none has so far been posted or attached. There is presently only one clerk in my office No. S/57475 L/Cpl. D.J. Edwards (B), and one has been promised by Region IV.

(Sgd) J.V.M. SHIELDS.

J.V.M. Shields, Lt. Col.,
S.L.C. A.M.G. 5th Army.

A.M.G. 5th Army.

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

A. CASES TRIED AND FINDINGS.

CORPS	Summary Court		Superior Court		General Court		Totals.		Total. Cases.
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
II Corps		63						63	63
VI Corps					2		2		2
X Corps	4	83				4	4	87	91
C. E. F.	1	35					1	35	36
Totals.	5	181			2	4	7	135	190

A.M.C. 5th ARMY

REPORT ON ALLIED MILITARY COUNTS FOR THE MONTH OF JANUARY 1944.

3. CONVICTIONS.

CORPS.	Curfew and Pass Violations	Theft and Poss. of Allied Prop	Black Market	Looting	Poss. of Arms and Ammunition	Violations Of Italian Penal Code	Others.	Total.
II Corps	2	27	9		22	1	2	63
VI Corps							4 (springs)	97
X Corps	72	10	1		1			36
C. E. F.	27	7			23	1	6	185
Totals.	101	44	10					

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