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MONTHLY REPORT, REGION 8
JUN. 1944 - AUG. 1945

0004

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FILE CLOSED 8 August 1945

4043/12

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/gr.
8 August 1945.

REF: RIX/LE/502

SUBJECT: Supplemental Report (July).

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

1. Since forwarding our July and closing reports, PLO Modena has forwarded a further report of additional Superior Court cases tried.

2. There is attached hereto:
a) Supplementary Return of Superior Court Cases tried - Modena Province.
b) Form No. 13 - Modena Province.

For the Regional Commissioner:

WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

10 AUG 1945
ALLIED HEADQUARTERS

Encls. as above,

LEGAL SECTION
CO
LO
Asst Counsel
CWO
Interpreter Section
Clerk
10 AUG 1945

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

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Encls. as above,

LO
Counsel
Section
10 AUG 1945

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SUPPLEMENTARY AS FROM 2?/7/45

P R O V I N C E OF M O D E N A
SUPERIOR COURT CASES TRIED DURING MONTH OF JULY - AUGUST 1945

Total B/F
Accused
Charges

ACCUSED	Date of trial	CHARGES (including Particulars)	Find-Ings	SENTENCES	COMMENTS (including
LA FAUCI Francesco	30/31July	1. Proc.I,V,35 - offering bribe to U.S. soldier to acquire truck. 2. Proc. I,VI,I-Conspiring to acquire truck. 3. Proc. I,IV,II - Acquiring truck.	G G NG	3 years 18 months (concurrent)	A case of two men v purchased a Fiat tr dered forces' camp- the third accused.
GENITONI Giuseppe	"	1. Proc.I,VI,I- Conspiring to acquire truck 2. Proc.I.IV.II - Acquiring truck	G G	18 months 18 months (concurrent)	
STUARDI Giovanni	"	1. Proc.I,VI,I - Conspiring to acquire truck 2. Proc.I,IV,II- Acquiring truck	NG G	3 months and 400.000 Lire (fine pd.31/7/45)	
BERTACCHINI Aldo	31 July 1 and 3 August.	Proc.I,IV,5 - possession of 33 machine gums,35 hand bombs 22 rifles and ammunition	G	5 years	

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FROM 2?/7/45

APPROVED

PROVINCE OF MODENA
SUPERIOR COURT CASES TRIED DURING MONTH OF JULY - AUGUST 1945

Date of trial	CHARGES (including Particulars)	Find-Ings	SENTENCES	COMMENTS (including Points of interest)
30/31July	1. Proc.I,V,35 - offering bribe to U.S. soldier to acquire truck. 2. Proc. I,VI,I-Conspiring to acquire truck. 3. Proc. I,IV,II - Acquiring truck.	G G NG	3 years 18 months (concurrent)	A case of two men who conspired to purchase a Fiat truck in the surrendered forces' camp. It was resold to the third accused. (Stuardi).
"	1. Proc.I,VI,I- Conspiring to acquire truck 2. Proc.I.IV.II - Acquiring truck	G G	18 months 18 months (concurrent)	
"	1. Proc.I,VI,I - Conspiring to acquire truck 2. Proc.I,IV,II- Acquiring truck	NG G	3 months and 400.000 Lire (fine pd.31/7/45)	
31 July 1 and 3 August.	Proc.I,IV,5 - possession of 33 machine gums,35 hand bombs 22 rifles and ammunition	G	5 years	

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ALLIED MILITARY GOVERNMENT

PROVINCE OF MODENA

Sentences of imprisonment of over 1 year imposed during month of) JULY 1945
Sentenze di reclusione superiore ad un anno durante il mese di (

COGNOME	NOME	Paternità e Maternità	Età	Luogo e data di nascita	REATO	Senten.
LA FAUCI	Francesco	fu Salvatore e fu Anna Mordello	37	Messina 17/3/1908	1 Proc. I,V 35 2.Proc.I,VI I 3.Proc.I,IV II	anni 3 clusio 31/7/4
GENITONI	Giuseppe	fu Pietro e di Fiorini Domenica	38	Genova 15/6/07	1.Proc.I,V I 2.Proc.I,IV II	mesi 1 sonne

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ALLIED MILITARY GOVERNMENT

PROVINCE OF MODENA

Sentences of imprisonment of over 1 year imposed during month of) JULY 1945
Sentenze di reclusione superiore ad un anno durante il mese di (

	Paternità e Maternità	Età	Luogo e data di nascita	REATO	Senten. e data	Disposizione
cesco	fu Salvatore e fu Anna Mordello	37	Messina 17/3/1908	I Proc. I,V 35 2.Proc.I,VI I 3.Proc.I,IV II	anni 3 di reclusione 31/7/45	Parma
eppe	fu Pietro e di Fiorini Domenica	38	Genova 15/6/07	1.Proc.I,VI I 2.Proc.I,IV II	mesi 18 reclusione 31/7/45	Parma

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A L L I E D M I L I T A R Y G O V E R N M E N T

PROVINCE OF M O D E N A

Sentences of imprisonment of over 1 year imposed during month of) AUGUST 19
Sentenze di redlusione superiore ad un anno durante il mese di (

COGNOME	NOME	Paternita e Maternità	Età	Luogo e data di nascita	REATO	Sent
BERTACCHINI	Aldo	fu Angelo e di Monari Elidia	31	Mirandola 3/1/1914	ProC.I,IV,5	ann sio

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A L L I E D M I L I T A R Y G O V E R N M E N T

P R O V I N C E O F M O D E N A

ces of imprisonment of over 1 year imposed during month of) AUGUST 1945
e di reclusione superiore ad un anno durante il mese di (

Paternita e Maternità	Età	Luogo e data di nascita	REATO	Sentenza e data	Disposizione
fu Angelo e di Monari Elidia	31	Mirandola 3/1/1914	ProC.I,IV,5	anni 5 di reclusione	Parma

4443/12

HEADQUARTERS
PROVINCES OF SIENA, GROSSETO AND AREZZO
ALLIED MILITARY GOVERNMENT
REGION VIII

CFD/eg.

Rif. 19/8002

4 June 1945.

SUBJECT : Statistical Reports on Cases Tried in AMG Courts.

TO : Chief Legal Advisor, Headquarters, Allied Commission.

THRU : Regional Legal Officer, Toscana Region.

1. Enclosed herewith are three reports on the three Toscana Region Provinces of SIENA, GROSSETO and AREZZO. They are statistical reports of the cases tried by Allied Military Courts in those Provinces from July 1944 when those Provinces were occupied to 10 May 1945 when they reverted from Allied Military Government of the Italian Government.

2. These reports were compiled at the instance of the Toscana Regional Legal Officer, Colonel J. K. WEBER, in the belief that they will be valuable records of the work done by the A.M.G. Courts in these Provinces; and, furthermore, that they will give a graphic picture, a cross-section picture, of the various aspects of the enforcement of the Proclamations.

3. Under the first paragraph of each report are enumerated the total number of charges brought to trial and these in turn are subdivided into various headings. Then follow in subsequent paragraphs the charges tried under each section of the Proclamations and they in turn are broken down into various catagories, including the sentences rendered.

4. There are of course many different catagories into which the cases could be grouped and totaled. The groupings made in these reports were decided upon from a consideration of the usefulness of the reports not only in giving a picture of what has taken place but also for future reference concerning the effectiveness of Proclamations issued by the Military Government of an occupying military force. For example, inter alia, these reports show which sections of the Proclamations were most frequently violated, the average sentence imposed for violations of each, and the relative use of the Summary and Superior Courts as judicial bodies. Other catagories not enumerated can, if desired, be readily determined from those which have been set out in the reports.

5. It is believed it would be of interest to add that these reports were compiled solely from the efficient and highly practical card index system used by the Regional Legal Office. For every person tried by an A.M.G. Court in Toscana Region a printed, eight by six inch card has been filled out. Each card is divided into sections wherein are typed the Regional number given the case, the name and address of the accused, the name of the judge, the type of Court, the Province, the charge or charges, the date of trial, the plea, the finding, the sentence, and the decision on review. These cards are filled in by one of the civilian employees as each case comes into the Regional Legal Office for review and are filed in alphabetical order of the name of the accused. The total for the Region has now reached 11,117. The papers in each case are filed in numerical order of the Regional case number. These three reports were made up by the simple process of having one of the civilian employees extract the cards for the three Provinces of Siena, Grosseto and Arezzo and then, taking the cards for each Province in turn and glancing at the proper section of each card, sort

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...Legal Advisor, Headquarters, Allied Commission.

THRU : Regional Legal Officer, Toscana Region.

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HEADQUARTERS
9 JUN 1945
A. C.

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6. Reports on the closing out of the Legal sections of A.M.G. in the three Provinces of Siena, Grosseto and Arezzo will be the subject of a separate communication.

Charles F. Delbridge
CHARLES F. DELBRIDGE JR.,
Provincial Legal Officer,
Provinces of Siena, Grosseto and
Arezzo.

1st Ind.

RV111/19/1014
Headquarters, Toscana Region, AMG. 7 June 1945.
TO: LEGAL SUB-COMMISSION, Headquarters, AC.

1. Forwarded.

FOR THE REGIONAL COMMISSIONER:

JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer

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0016

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

REPORT O A.M.G. COURT CASES FOR SI A PROVINCE

This is a statistical report of all A.M.G. Court cases tried in Province of Siena, Toscana Region, from 20 July 1944 when the first cases were tried to 10 May 1945 when the Province reverted to the Italian Government.

1: General.

Total cases tried	
Summary Court cases	747
Superior Court cases	738
General Court cases	8
Total charges under A.M.G. Proclamations.	1
Charges tried in Summary Court	859
Charges tried in Superior Court	850
Charges tried in General Court	8
Total charges in which accused pleaded not guilty	1
" " " " accused was found not guilty by Court	141
Total charges in which sentence of the Court was modified by Reviewing Authority	102
Total charges in which conviction by the Court was reversed by Reviewing Authority	33
Total sections of AMG. Proclamations under which charges were tried	3
Cases containing more than one charge	24
Cases containing two charges	96
" " three charges	84
" " seven charges	11
	1

2. Charges under Procl. 1, Art. IV, sect. V = Possession firearms.

Total charges tried	
Summary Court cases	60
Superior Court cases	59
Charges to which plea was not guilty	1
" in which finding of Court was N.guilty	15
	9

Sentences imposed:

Imprisonment :

Up to 1 month	6
(in one of these fine also imposed & all of imprisonment (suspended.)	
1 to 4 months	7

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4 to (months 14
(in one of these, all of imprisonment suspended)
(in one, fine also imposed & all imprisonment sus=
(pended).
8 to 12 months 4
Fine only imposed :
Up to 5.000 lire 20
Charges in which sentence of Court was modified by Reviewing Authority. 7

3. Charges under Procl. 1, art. IV, sect. 20 = Forged documents.
Total charges tried 7
In Summary Court 5
In Superior Court 2
In all 7 cases accused were found guilty.
Sentences :
Imprisonment :
10 days 1
2 months 2
4 months (suspended) 1
18 months 1
Fines :
Up to 3.000 2
Charges in which sentence was modified by Reviewing Authority. 1

4. Charges under Procl. 1, art. V, sect. 24 = Curfew.
Total charges tried; all in Summary Court 25
Charges to which plea was not guilty 0
Charges in which finding of the Court was not guilty 1
Sentences imposed :
Imprisonment :
Up to 1/2 month 9
1/2 month to 1 month 2
Fine only imposed :
Up to 1.000 lire 13

5. Charges under Procl. 1, Art. V, sect. 27 = Allied Property under 10.000 lire.
Total charges tried, all in Summary Court 106
Charges to which plea was not guilty 28
" in which finding of the Court was N.G. 8

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Sentences :

Imprisonment imposed :

Up to 1 month 41

(fine also in 1 of these cases;fine added and imprison=
(ment suspended in 3 of these cases).

1 to 4 months 34

(imprisonment suspended - 3, fine added and imprison=
(ment suspended - 1; 20.000 lire fine added - 2).

4 to 8 months 4

Fine only :

Up to 5.000 18

30.000 1

Charges in which sentence of Court was modified by Reviewing Authority 7

6. Charges under Procl. 1, art. V, sect. 37 = Allied Property by gift or purchase.

Total charges tried, all in Summary Court 72

Charges to which plea was not guilty 8

" in " finding of the Court was not guilty 7

Sentences :

Imprisonment :

Up to 1 month 19

(imprisonment suspended - 2)

1 to 4 months 17

4 to 8 months 4

Fines only imposed :

Up to 5.000 lire 22

5.000 to 10.000 3

Charges in which sentence of Court was modified by Reviewing Authority. 3

7. Charges under Procl. 1, art. V, sect. 46 & General Order 24 = Travelling.

Total charges tried 490

in Summary Court 487

in Superior Court 3

Charges to which plea was not guilty 52

" in " finding of the Court was N.G. 48

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Sentences :

Imprisonment :	
0 to 1/2 month	107
1/2 month to 1 month	119
(all of sentence susp. - 1)	
1 month to 2 months	20
(fine imposed also - 3 -)	
over 2 months	8
(fine imposed also - 2)	
Fine only:	
0 to 5.000 lire	186
5.000 to 10.000 lire	2
Charges in which sentence was modified by Reviewing Authority	14
Charges in which conviction was reserved by Reviewing Authority	1

8. Charges under other Proclamations and sections thereof:

Proclamation I:

Art. IV, sect. 1 : 1 case, Lancellotti Gino, tried before General Court 5 to 8th September 1944; results were secret.

Art. IV, sect.10 : 4 charges in Summary Court; in 2, sentences were 6 weeks imprisonment; in 2, three months imprisonment.

Art. IV, sect. 11 :3 charges; 1 in Sup. Court, sentence 2 years, imprisonment; 2 in Summary Court, finding of not guilty in one and sentence of 6 months in the other.

Art. IV, sect.21 : 1 case in Superior Court in which Squazzi Catullo was found guilty of distributing literature designed to incite the town against the Fascists of the town; sentence, 2 years impris.

Art. V, sect.32 : 4 charges in Summary Court; in one, finding of not guilty; in 2, sentence of 3 months imprisonment; in one, 500 lire fine.

Art. V, sect.33 : 4 charges in Summary Court; one, finding of not guilty; in 3, sentences of 3.000 lire fine.

Art. V, sect.35 : 2 charges in Summary Court; finding not guilty.

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Art. V, sect. 41 : 26 charges in Summary Court; in 8 finding of not guilty; in 9 sentences up to 15 days; in 2, sentences from 1/2 month to 1 month; in 7, fines up to 1.000 lire.

Art. V, sect. 42 : 16 charges in Summary Court for disobeying Provincial Orders; in 5, finding of not guilty; in 6, fines up to 5.000 lire; in 2, sentences of 1 day imprisonment; in 1, sentence of 2 1/2 month imprisonment; in 2, sentences of 6 months impris.

Art. V, sect. 44 : 1 charge in Summ. Court; finding,not guilty.

Art. V, sect. 45 : 1 charge in Summ. Court; finding,not guilty.

Art. VI, sect. 1 : 5 charges in Summ. Court; in 1, finding not guilty; in 2, sentences of 1 month; in 2, sentences of 6 months.

Art. VI, sect. 2 : 1 charge in Summ. Court; finding, not guilty.

Proclamation II. :

Art. VII, sect.5 : 1 charge in Summ. Court in which accused found guilty of possession blue seal U.S. currency & sentenced to 1 day imprisonment.

Proclamation III. :

Art. II, sect. 1 : 2 cases in Summ. Court; finding guilty & ~~5.000~~ 500 lire fine imposed in both.

Art. II, sect. 2 : 1 camera charge in Summ. Court; finding guilty & sentence of 1 day in jail.

Art.III, sect. 1 : 3 cases in Summ. Court, all found guilty; in 2, fine of 500 lire, in other, fine of 2.000 lire.

Art. IV, sect. 1 & General Order 25 : 5 cases in Summary Court; in 3, accused found guilty of organizing meeting without authority & each fined 1500 lire; in 2, accused found guilty of attending inauthorized meeting & fined 500 lire each.

General Order 20 = Use of Motor Vehicles.

Art. I, sect. 1 : 5 charges of using vehicle without permit; 2 found not guilty; other 3, fined 40.000 lire each.

Art. IV, sect.1 : 11 charges of using vehicle for other purpose than authorized by permit; 4 of these found not guilty; of the other 7, 1 given 6 weeks imprisonment, 2 given 15 days each and 4 fined 5.000 lire each.

Charles F. Delbridge Jr.
Charles F. DELBRIDGE J.
Provincial Legal Offic.
Siena Province.

0021

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

REPORT OF A.M.G. CASES FOR GROSSETO PROVINCE

This is a statistical report of all A.M.G. Court cases tried in the Province of Grosseto, Toscana Region, from July 1944 when the first cases were tried to 10 May 1945 when the Province reverted to the Italian Government.

1. General.

Total cases tried :		167
Summary Court cases	143	
Superior Court cases	24	
General Court cases	0	
Total charges under proclamation		196
Charges tried in Summary Court	147	
" " in Superior Court	49	
Total charges in which accused pleaded not guilty		73
" " " " " found not guilty by Court		27
Total charges in which sentence of Court was modified by Reviewing Authority		10
Total sections of proclamations under which charges were tried		19
Cases in which there were more than one charge		23
" " " there were 2 charges		18
" " " " " 3 "		4
" " " " " 4 "		1

2. Charges under Procl. 1, Art. IV, sect. V= Possession of firearms.

Total charges tried		19
Summary Court cases	6	
Superior Court cases	13	
Charges to which plea was not guilty		15
Charges in which finding of Court was not guilty		3
Sentences :		
Imprisonment:		
Up to 1 month		0
1 month to 4 months		2 (both 2 months)
4 months to 8 months		9

(in 3 of these 5.000 fine imposed also & all of (imprisonment suspended).
(imprisonment suspended in 3 other cases).

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Fines only imposed:
Up to 5.000 lire 4
over 5.000 lire 1 (15.000)
Charges in which sentence was modified by Reviewing Authority 2

3. Charges under Procl. 1,Art. V,sect. 24 = Curfew.
Total charges tried,all in Summary Court — 23
Charges to which plea was not guilty 3
" " " Court found not guilty 5

Sentences :
Imprisonment :
Up to 1/2 month 4
(fine imposed also-1)
1/2 month to 1 month 2
Fines only :
Up to 1.000 12

4. Charges under Procl. 1,Art. V,sect. 27 = Allied property under 10.000 lire.

Total charges tried 65
Summary Court cases 41
Superior Court cases 24
Charges to which plea was not guilty 35
" " " Court found not guilty 8

Sentences:
Up to 1 month 11
(fine imposed also - 1)
1 to 4 months 12
(fine imposed also - 2)
(imprisonment susp.- 1)
4 to 8 months 24
(fines also imposed - 4)
(imprisonment suspended : all-3
(2/3 rds. - 3).
8 to 12 months 4
(imprisonment suspended - 1)
1 year to 2 years 6
(all are 15 months)
Fines only :
Up to 5.000 2
Charges in which sentence was modified by reviewing Authority 5

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5. Charges under Procl. 1,Art. V,sect. = Allied property by gift or purchase.

Total charges tried, all in Summary Court	8
Charges to which plea was not guilty	7
Charges to which Court found not guilty	0

Sentence:

Imprisonment :	
1 month to 4 months	8
(fine also imposed - 1)	
Charges in which sentence modified by Reviewing Authority	3

6. Charges under Procl. 1,art.V, sect. 46 & General Order 24 = Travel.

Total charges tried	62
in Summary Court	60
in Superior Court	2
Charges to which plea was not guilty	7
" " " Court found not guilty	3
Sentences :	
Imprisonment :	
0 to 1/2 month	16
1/2 month to 1 month	8
1 month to 2 months	31
6 months - 1 with 5 months suspended	
Fines only :	
0 to 5.000 lire	3

7. Charges under other sections of the Proclamations:

Proclamation I :
Art. IV, sect. 7 : 1 charge in Sup. Court;finding not guilty
Art. IV, sect.11 : 1 " " Sum. " " " " "
Art. IV, sect.12 : 1 " " Sup. " " " " "
Art. IV, sect.16 : 1 " " Sup. " finding guilty, sentence 18 months imprisonment.
Art. IV, sect.20 : 1 charge in Sup. Court;finding not guilty
Art. IV, sect.22 : 1 " " " " " guilty;sen= tence 10 months imprisonment.

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

Art. XV, se . 28 : 4 charges in Sup. urt; finding not guilty in 3 of them; sentence in other, 5000 lire fine

Art. XV, sect. 32 : Two charges in Sup. Court; finding in both guilty; sentence in one, to rising of the Court; sentence in other, 1 year imprisonment.

Art. XV, sect. 34 : 2 charges in Sup. Court; finding in both guil= ty; sentence, in one - 6 months, in other - 2 years.

Art. XV, sect. 35 : 2 charges, one in Sum. Court, 1 in Sup.Court; finding in both guilty; sentence in one, 3 months, in other 1 year.

Art. XV, sect. 42 : 4 charges in Sup. Court; ~~all~~ finding guilty; sentences : in one, 1 month, in one, 2 months, in two, 3 months.

Art. VI, sect. 1 : 1 charge in Sum. Court; finding not guilty.

Proclmation II.

Art. VII, sect. 5 : 1 case in Sup. Court, of illegal possession of British currency; finding, guilty; sentence, 5 months imprisonment.

Proclamation III.

Art. 1, sect. 1 : 1 case in Sum. Court of failure to declare radio set; finding, guilty; sentence, 20 days imprisonment.

Charles F. Delbridge Jr.

Charles F. DELBRIDGE J.
Provincial Legal Offic.
Grosseto Province.

0023

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

REPORT OF A.M.G. COURT CASES FOR AREZZ PROVINCE

This is a statistical report of all A.M.G. Court tried in Province of Arezzo, Toscana Region, from 17 July 1944 when the first cases were tried to 10 May 1945 when the Province reverted to Italian Government.

1. General

Total cases tried	1025
Summary Court cases	1018
Superior Court cases	5
General Court cases	2
Total charges under A.M.G. Proclamations	1132
Charges tried in Summary Court	1122
" " in Superior Court	6
" " in General Court	4
Total charges in which accused pleaded N.Guilty	279
" " " " " was found not guilty by the Court	163
Total charges in which sentence of the Court was modified by Reviewing Authority	56
Total charges in which conviction by the Court was reversed by Reviewing Authority	7
Total sections of A.M.G. Proclamations under which charges were tried	29
Cases containing more than 1 charge	97
" " 2 charges	90
" " 3 "	6
" " 4 "	1

2. Charges under Proclamation I,art. IV,sect. 5 = Possession of firearms.

Total charges tried	39
In Summary Court	37
In Superior Court	1
In General Court (charge in Storri murder (case).	1 (finding N.G.)
Charges to which plea was not guilty	20
Charges in which finding was not guilty	7

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1 Sentences imposed :
Imprisonment :
Up to 1 month 18
(in 6 of these a fine was also imposed;
(in 1, sentence was suspended).
1 month to 4 months 10
(in 1, fine also imposed; in 2, sentence
(suspended).
4 to 8 months 2
(in 1 fine also imposed)
8 to 12 months 2
(in both, fine also but imprisonment susp.)
Charges in which sentence was modified by
Reviewing Authority. 6
Charges in which conviction was reversed by
Reviewing Authority. 1

3. Charges under Proclamat. 1,art. IV, sect. 11 = Allied Property over 10.000 lire.
Total charges tried, all in Summary Court 24
Charges to which plea was not guilty 7
Charges in which finding was not guilty 7
Sentence :
Imprisonment :
Up to 1 month 7
(in 6 of these, 20 days plus 20000 lire fine)
(in 1 of these, 20 days plus 5000 lire fine)
1 to 4 months 7
4 to 8 months 0
8 to 12 months 3
Charges in which conviction by the Court was
reversed by Reviewing Authority 1

4. Charges under Procl. 1, Art. V, sect. 24 = Curfew.
Total charges tried, all in Summary Court 85
Charges to which plea was not guilty 6
Charges in which finding was not guilty 5
Sentences :
Imprisonment :
Up to 15 days 15
(in 3 of these, fine also; in 1, imprisonment susp.)
15 days to 1 month 3
2 months 1

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(Fines only imposed :
Up to 1.000 lire 61
Charges in which sentence of Court was modified
by Reviewing Authority 1

5. Charges under Procl. 1, art. V, sect. 27 = Allied property of less than 10.000 lire.
Total charges tried, all in Summ. Court 233
Charges to which plea was not guilty 87
Charges in which Court finding was N.Guilty 50
Sentences :
Imprisonment :
Up to 1 month 33
(fine also imposed - 39; impris.susp. -5)
1 to 4 months 48
(fine also imposed - 12; impris.susp. -4)
4 to 8 months 19
(fine also imposed - 4; imprison.susp.1)
8 to 12 months 6
Fines only imposed :
Up to 5000 lire 28
Charges in which sentence of the Court was modified
by Reviewing Authority 12

6. Charges under Procl. 1, art. V, sect. 41 = Means of identification.
Total charges tried, all in Summary Court 32
Charges to which plea was not guilty 5
Charges in which finding was not guilty 10
Sentences :
Imprisonment :
Up to 15 days 10
(imprisonment suspended in 1 of these)
15 days to 1 month 1
Fines only imposed :
Up to 1.000 lire 11
Charges in which sentence of Court was modified
by Reviewing Authority 2
Charges in which conviction by Court was reversed
by Reviewing Authority 1

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7. Charges under Procl. 1,Art. V,sect. 42 = Disobeys Allied order (various Provincial Orders)

Total charges tried, all in Summary Court	35
Charges to which plea was not guilty	3
Charges in which finding of Court was not guilty	3
Sentences :	
Imprisonment :	
Up to 1 month	14
1 to 4 months	8
4 to 8 months	6
Fines only :	
Up to 5.000 lire	4
Charges in which sentence of Court was modified by Reviewing Authority	12

8. Charges under Procl. 1,Art. V,sect. 45 = Prejudice of good order.

Total charges tried, all in Summary Court	18
Charges to which plea was not guilty	7
Charges in which finding was not guilty	0
Sentences :	
Imprisonment :	
Up to 1 month	5
(imprisonment suspended in 1 of these)	
1 to 2 months	6
2 to 3 months	4
(fine also imposed in 2 of these)	
Fines only :	
Up to 5.000 lire	3
Charges in which sentence of Court was modified by Reviewing Authority	3
Charges in which conviction by Court was reversed by Reviewing Authority	1

9. Charges under Procl. 1,Art. V, sect. 46 & General Order 24 = Travel.

Total charges tried, all in Summary Court	588
Charges to which plea was not guilty	86
Charges in which finding was not guilty	57
Sentences:	
Imprisonment :	
Up to 15 days	226
(fine also imposed in 96 of these)	
15 days to 1 month	106
(fine also imposed-14; imprison. susp. - 11)	

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1 to 2 months	18
(fine also imposed - 3)	
over 2 months	25
(fine also imposed - 8 -)	
Fines only imposed :	
Up to 5.000	145
5.000 to 10.000	10
15.000	1
Charges in which sentence of Court was modified by Reviewing Authority	18

10. Charges under other sections of the Proclamations :

Proclamation I.

Art. IV, sect. 10 : 4 charges in Summary Court; one, not guilty; in other 3, sentence of 15 days imprisonment.

Art. IV, sect. 12 : 3 charges in Summary Court; all guilty; in 2,sentences of 3 months; in the other,6 months

Art. IV, sect. 15 : 1 case in General Court of Storri Antonio for killing Allied soldier; sentenced to 5 years imprisonment.

Art. IV, sect. 16 : 5 cases: 4 in Superior Court in which sentences of 3 months, 6 months, 1 year & 18 months imprisonment given respectively; 1 in General Court, finding not guilty.

Art. IV, sect. 20 : 3 charges in Summary Court; sentences of 3 months plus fine of 10.000 lire in one, sentences of 1 month in each of other 2.

Art. IV, sect. 23 : 1 charge in Summary Court; sentence of 700 lire fine.

Art. V, sect. 28 : 1 charge in Summary Court; sentence of 200 lire fine.

Art. V, sect. 31 : 1 charge in Summ. Court; sentence of 3 months imprisonment.

Art. V, sect. 32 : 10 charges in Summary Court; in 8, pleas of not guilty but finding of guilty in all 10; in 4, sentences up to 1 month; and in 6, sentences from 1 month to 4 months Reviewing Authority modified 2 of the 10 sentences.

Art. V, sect. 34 : 1 charge in Summary Court; sentence of 10 days imprisonment.

Art. V, sect. 35 : 1 charge in Summ. Court; sentence of 1 month imprisonment.

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Art. V, sect. 37 : 1 charge in Summary Court, sentence of 1 month given.
Art. V, sect. 39 : 1 charge in Summary Court; sentence of 50.000 fine but conviction was reversed by the Review= ing Authority.
Art. V, sect. 40 : 1 charge in Summary Court, sentence of 100 lire fine.
Art. V, sect. 44 : 2 charges in Summary Court; sentence in 1 of 3 months plus 20.000 lire fine; and in other, 12.000 fine only; both convictions were rever= sed however by the Reviewing Authority.
Art. VI, sect. 1 : 1 charge in Summary Court found not guilty
Art. VI, sect. 2 : 4 charges; of the 3 charges in Summary Court, one was found not guilty, 1 received 2 months imprisonment, and 1 was given a 500 lire fine; of the 1 charge in General Court the accused was found not guilty.
Art. VII : 4 charges in Summary Court & in each a plea and finding of not guilty.

Proclamation III.
Art. II, sect. 2 : of 3 charges in Summary Court, 1 accused was found not guilty and other 2 received fines.
Art. IV, sect. 1 : 11 charges in Summary Court; in 5, finding of not guilty; in 3, imprisonment up to 1 month plus a fine was imposed in each; in 3, imprisonment from 1 to 4 months plus a fine was imposed in each.
Art. VI, ~~sect.~~ = : of 2 charges in Summary Court, in both fines only were imposed.

General Order 20 = Use of motor vehicles.
Art. 1, sect. 1 : 6 charges in Summary Court of using vehicle without permit; in 3, plea & finding was not guilty; in other 3, sentences of: 15 days plus 1.000 lire fine, 10 days only, and 2000 lire fine were imposed.

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Art. IV, sect. 1 : of 11 charges in Summary Court, 7 pleas of not guilty and 1 finding of not guilty; of the 10 found guilty 4 received sentences up to 1 month (in 2 of these fines also imposed), 3 received 2 months, and 3 received fines only.

Charles F Delbridge Jr

Charles F. DELBRIDGE Jr.
Provincial Legal Officer
Province of Arezzo.

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2nd June 45

Report of Legal Division, Toscana Region, for the month of May 1945. -

CHIEF LEGAL ADVISER, ALLIED COMMISSION.

1. STAFF : a) Attached at appendix "A", is a list of legal officers as ~~ig~~ned or attached to this Region as of 30th May 45.

b) it will be seen that during the month under review the region lost Lt. COL. TROYELL, Majors Mc COLM, KEYSELL, CALDWELL, Mc FADEON, and Capt. FIELDING.

c) During the month I secured the loan of a legal Officer Lt. Col. H.E. APPLETON, from P.B.S, who after a short period of training at the Regional Legal Office went to Livorno, to assist the P.L.O there.

d) Captain C.F.DELBRIDGE assumed duty as P.L.O Arezzo when Major Mc FADEAN left, thus being responsible for the three Provinces of Arezzo, Grosseto and Siena. Lieut. T.J. Simpson (upon the loss of Captain FIELDING) combined his work of Assistant to the Regional Legal Officer with that of Officer i/c Italian Courts.

2. GENERAL WORKING OF THE REGION.

a) All the Provinces in the Region functioned normally until the 10th of May 1945 when Arezzo, Grosseto and Siena reverted to Italian Administration.

b) Every Province shows a falling off in the number of cases tried, the total reaching a mere 801, as compared with the 1526 tried in the previous month. Livorno was easily——————

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top-scorer with 496 cases which was 35 less than April; Florence tried but 227 as against last month's 486; and the remaining provinces totalled but a few between them.

c) Sir Douglas YOUNG (Chief Justice of India) and Mr. SMITH of the English Bar were visitors for two days examining the system in force in the Regional Legal Office. Wing Commander ELLISTON spent a few days here on ~~leave~~ loan, where, after the usual preliminary instructions in the Office, we sat for a couple of days in the Summary Court at Florence, before departing for his post elsewhere.

3. MILITARY COURTS AND PROVINCIAL LEGAL ACTIVITIES.

APUANIA - Due to difficulties of communication, no monthly report has been received from the P.L.O. (Major GARDNER F. GOODWYN). It is known, however, that the number of cases tried has been very small. From this it can be assumed quite confidently that the situation is quite satisfactory so far as the enforcement of law and order is concerned. Permission has been given for the P.L.O. to sit alone as a Superior Court Judge.

AREZZO - No cases have been tried in ALLIED MILITARY GOVERNMENT COURTS during the month. On 10th May 1945, the Province reverted to Italian Administration. So far as court cases were concerned, this did not occasion any great upheaval, as for some months past the bulk of crimes had been turned over to Italian Courts. The P.L.O. left with the Procuratore del Regno a memorandum covering the salient points to be borne in mind with respect to ALLIED interest cases. The P.L.O. has taken possession

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of all papers and records and is now in course of preparing his final report on the closing of the Province, which will be submitted to HEADQUARTERS in due season.

FLORENCE - 1) PROVINCIAL ORDERS: The following Provincial Orders were made during the month of May:

a) Provincial Order n°17 fixing the maximum prices for sale of wood and charcoal at site of production, or roadside adjoining thereto, corresponding to Regional Order of similar import.

b) Provincial Order n°18 authorising wage increases of private employees under certain conditions, corresponding to Regional Order to the same effect.

c) Provincial Order n°19, changing the hours of curfew from 11 to 6, to 12 to 5, throughout the Province.

2) ALLIED MILITARY COURTS: A total of 227 cases were tried by Summary and Superior Courts in Florence during the last month. The usual tabulation and breakdown is annexed hereto. The withdrawal of Allied Police Personnel simultaneously with the withdrawal of Legal Officers resulted in an immediate diminution in the number of Proclamation offences charged. With the establishment of free circulation the number of Proclamation Offences arising in future is expected to be even less.

3) ITALIAN COURTS: The Procura and

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Tribunale are still falling behind in their calendar. This month there were 746 new cases and only 136 cases were disposed of. The backlog of cases amo nts to several thousand.

4) The previous lack of transport had been remidied by making available a civilian car of A.M.G. to the Giudice Istruttore until the last ten days of this month, when all civilian cars were taken away from this H.Q. Up to now it has not been possible to furnish any additional transport to the Giudice Istruttore and as far as I know the shortage of Sostituti Procuratori,Giudici Istruttori and underpayment of Italian magistrated still continues,notwithstanding the report of these conditions to the Acting Head of the Legal Sub-Commission.

5) The majority of the new cases 746, during the month of May are political offences arising under R.D.L. 159 of 27 July 1944. The pressure on Italian Courts would be greatly alleviated if DLL 142 of 22 April 1945 setting up special Courts of Assisi for the trial of Offences under art.5 of DLL 159 were applicable to Florence Province,but by its terms it is applicable only to areas in Northern Italy,unless an area is specified by decree of the Lieut.of the Realm on proposal of the Council of Ministers. The Procuratore del Regno has recommended to the Procuratore Generale ,who in turn;has recommended to the Minister of Justice,that such decree be made applicable to this area. The decree itself is effective in Flor.Prov.

6) MANETTI-ROBERTS CASE: This case

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has continued to be a hornets' nest for the Italian magistrates due to the continuance of attempts to intervene by ALLIED OFFICERS. In the early part of the month a British Captain,who said he was a relative of some sort of Morgan,the minority stock holder in the MANETTI-ROBERTS Corporation and the Italian Lawyer for Morgan,came to see the P.L.O. with the purpose of requesting him to ask the Giudice Istruttore and the Procuratore to lift the sequestration of the medicinal materials of the Corporation. The lawyer asserted that the Procuratore and the Giudice Istruttore were not properly applying the Italian Law. He was told that in that case he should be able to convince the tribunale to this effect,and that that was the proper agency to resort to instead of running from one Allied Officer to another. Shortly thereafter, the sequestration not having been lifted,the Prefect ordered the sale to MANETTI-ROBERTS,of approximately one third of the sequestrated medicines (L.24.000.000,approximately),enough to supply its plant and to give its employees employment for approximately six months. On the 25th of May the Prefect made another decree providing for the sale to the corporation of approximately L. 226.000 of chemicals constituting a part of the sequestered material. On/or about the 25th of May two Officers visited the Procuratore Generale and the Procuratore del Regno in their private houses(a full report of this incident has already been forwarded to Headquarters.).

7) ITALIAN LEGISLATION: The P.L.O. has been without assistance for the last two weeks. The two Italian Avvocati formerly in the Prosecuting Office have also

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left,one to work for the Prosecuting Office in Milan and the other to go to Venice. This has made it necessary to refer the few cases there has arisen to the Italian Courts. The machinery and theory of trying proclamation offences under corresponding sections of Italian law has been fully explained to a Sostituto Procuratore Generale,the Procuratore Militare of the Italian Military Tribunal, The Procuratore del Regno and the Pretore in charge of penal matters.

9) Arrest reports and accompanying papers are still shunted through the Prosecuting Office,where necessary translations into Italian are made,and card index records kept of the cases before forwarding same to the Italian Courts.

GROSSETO - This Province reverted to Italian Administration on May 10th 1945 and no ALLIED MILITARY GOVERNMENT Courts sat there during the month. The Procuratore del Regno has been given instructions regarding any Allied cases that may arise. The P.L.O. is now busily engaged in formulating his final report upon the closing of the Province. This will be forwarded to Headquarters shortly.

LIVORNO - The Provincial Legal Officer Reports as follows;

1 - ALLIED MILITARY COURTS: During this period,the Superior and Summary Courts disposed of 476 charges for violation of proclamations and General Orders. The number and nature of these offences and the toal amount of fines imposed,are shown in the schedule.

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2 - ITALIAN COURTS - The tribunale has completed 36 criminal trials involving 47 defendents, 11 of which were acquitted. The majority of cases involved looting, stealing and violations of the rationing law. Penalties inflicted ranged from 15 days to 6 years imprisonment. Two civil suits were heard, and 7 "istruttorie civili" were made.

The Pretura tried approximately 40 cases, mostly violations of various administrative regulations.

The vacancies in the judicial system in the Province, plus the lack of transport and physical properties, are well known to the Regional Legal Officer. The Prefect has been advised of the situation. Arrangements have been made to make the A.M.G. courtroom available to the Presidente of the Tribunale two days per week.

3 - EDUCATION: Reports have been recieved as follows:

a) Procuratore del Regno: by 20th May 1945, Italian Police Agencies had submitted 134 denounciations involving 804 alleged Fascists to the Procuratore del Regno. 39 of these denounciations have been sent for formal instructions to the "Giudice Istruttore"; 15 to the Pretura; 5 to the Procura; 5 to the Procura Generale; 10 already investigated by the Procura ~~Generale~~ have been forwarded for trial to the tribunale: 10 to other jurisdictions: 11 to the Questura for further investigations; 33 to the C.C.R.R. for further investigations: 3 to the Italian Military Tribunal and three have been tried by the Tribunale, and found guilty, sentenced to serve from 2 to 4 years imprisonment.

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b) Provincial Delegate for Epuration: The Provincial Delegate has submitted for decision to the Special Commission for Epuration denounciations concerning 54 employees of the Municipio, 26 for the "Amministrazione Provinciale" and 27 for Hospitals.

The Commission for Epuration of physicians, apothecaries and veterinarians has been appointed, but for the other categories Commissions will be appointed as soon as possible.

The Provincial Delegate has made all necessary investigations concerning the Epuration of Local Public Officials dependent upon the various Ministries in Rome. and results of these investigations have been forwarded to Rome.

c) Intendenza di Finanza: The property of 26 Fascists has been, or is being put under control of recievers by the President of the Tribunale, upon denounciations made by the Intendente di Finanza. Other investigations are being made by the Intendente di Finanza, involving alleged fascists, asprovided by D.L.L. nº 159. The " Sezione speciale della Commissione Provinciale delle Imposte" has been appointed and they will begin work as soon as possible. Undue enrichments will be investigated and necessary action taken by the proper authorities. The properties belonging to Fascists Party have been identified and title is being transferred to the Italian Government.

4) PROSTITUTION : Prostitution of course continues, but a new method of dealing with the prostitutes has been

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devised b the Military Police and has been in operation since 8 May 1945 with highly satisfactory results.

Three Questura Agents have been assigned to assist the Military Police in apprehending prostitutes. Those apprehended are first put in jail and then trasferred to the hospital where they are examined and treated for VD, if necessary. Upon release from the hospital to the jail, the prostitutes are put at the disposal of the Questura, except in thecase of second offenders who have been tried in An Allied Military Court and ordered to leave the Province. These cases are still tried by an Allied Military Court. Approximately 45 women have been arrested since 8th of May and 39 of them are still in the hospital. First offenders are usually ordered out of the Province by the Questura, and women who disobey this order are sentenced by the Pretura to from 1 to 6 months imprisonment. Report will be made to the Regional Legal Officer as to the disposition of the first cases of women arrested by the Military Police and put at thedisposition of the Questura.

5) GENERAL : The situation regarding jails, black market and number of arrests, remains virtually unchanged. There are at present 215 male and 37 female prisoners confined in the judiciary jail in Livorno, 86 of whome are alleged Fascists. Black market operations continue, and the number of civilian arrests by Allied Military authorities continues to decrease, the majority of arrests being made for wrongful possession of Allied Property.

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Lt.Col. W.E. Appleton has been acting as a Summary Allied Military Court since 21st of May 1945, and has rendered valuable assistance to this Office. ""

LUCCA - Lt.Col.Purcell, the Provincial Legal Officer reports:

Almost up to the time of my taking over the Province of Lucca ,or at least for not long before, there were only a few Communes of the Province and the town itself under A.M.G. and as neither the town nor any of its Legal Offices had been interfered with by the war, to any exteht, the legal Problems were few.

A.M.G. COURTS : I found the usual sort of wrongful possession Offences, but decided to begin by passing over to the Italian legal authorities all the more minor Proclamationx offences, retaining only the more serious ones, which are judged by me on thursdays at Lucca. Up to now, the offences reported from other parts of the Province do not justify theholding of an A.M.G. court other than that at Lucca, but again this is no doubt, largely due to the absence or severe cutting down, of arresting authorities.

The cases tried in A.M.G. courts during the month, disclose no unusual feature, except in one case heard on 31.5.45 which revealed a racket in flints for cigarette lighters. These had apparently been stolen in large quantities by Troops from a Depot in Leghorn, and sold at L.15 per flint.

ITALIAN COURTS.: I found, on taking over, that these Courts were functioning in a limited way. Certain allegations against the sostituto Procuratore del Regno, Lombardi Mario, whom

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apparently ,it was thought desireable to move,I was unable,on examination of the case,to justify. There are sufficient Magistrates for the work at present,and the courts function with the usual absence of celerity/

PRAETURE : Of the 6 Praeture in the Province,only four are functioning,those at Castelnuovo Garfagnana and Campogiano having been destroyed with most of ther cords. There is no Praetore at Borgo a Mozzano,which is being worked by a visiting Praetore from Lucca,at the moment.

The question of finding new premises for the two Praeture destroyed is occupying our attention.

EPURATION : This is in precisely the same position as in the Province of Pistoia,the local Commission not yet started to function. The preparatory work,however,is well up to date, and when the Commission starts its hearings,there will be no lack of material.

The PRISON here again is a bit over full of people awaiting trial for Fascist crimes,but as in the case of Pistoia hardly any undergoing sentence by the Italian authorities.

P I S A : Major CALDWELL (The Provincial Legal Officer) was called away suddenly as part of the Austrian team,leaving the Province without a legal Officer. Captain Clarence I. FARBER (A) the Provincial Public Safety Officer,quickly stepped into the breach and has handled matters in highly satisfactory fashion. He borrowed S/Sgt. McLaughlin (A) a lawyer from a neighboring unit and this Sgt. has been able to prepare 4

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Superior Court cases for trial. It had been arranged for S/SGT McLaughlin to prosecute in these 4 cases but the fact that he was raised to a Commission on 1st of June may mean his transfer elsewhere. Lt.Col. APPLETON ,Legal Offcer Livorno has been over to Pisa from time to time,in a General supervisory capacity. The monthly report (signed by Capt.Farber) raises the following points.:

CRIME : a) In the early part of May a hand grenade was thrown into a room where Allied soldiers were holding a dance. The incident happened in San Giulliano,one American soldier was killed and another seriously injured. The case is under investigation by CID,Livorno. -

b) On 24 May 45,a Negro soldier travelling south from Pisa in the vicinity of Riglione,overshot a curve,due to excessive speed,and killed two men standing on the sidewalk: an additional two men and woman were seriously injured. The driver of the vehicle failed to stop,however the number of the truck was noted and investigation is underway by CID,Livorno.

c) The case Baroni Renato will be tried shortly by a General court.

2 - LAW AND ORDER : a bell ringing epidemic swept the Province close on the victories of the Allied Armies early in the month.Reports were recieved from practically every city in the area of Communists and other political party members forcing ex-fascists of all degrees and alleged-ex-fascists to the church towers forcing them to ring the "liberation bells".In Ponte a Egola the house of an ex-squadrista was entered by

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young elements at the tail-end of a 2000 strong Communist parade and,after generally destroying the interior of his house,took pieces of furniture to the town square and burned it. The culprits are still unidentified... In Montecastelli on the 10th of May an argument reaching fisticuff proportions ensued between Christian Democrat Falconcini Ruggero and Communist Palestracci Giovanni over the distrubution of wine given to the public by Marchese Torriggiani Malaspina. After the first round,Palestracci promptly rounded up fifty of the boys from nearby La Rotta and returned to square matters with Falconcini.....At Vecchiano on May 21 two south-bound Fascists were hailed into the Carabinieri Caserma. Word spread and by mid-night 300 citizens were pounding on the CC.RR. door,forcing it,and about twenty of these succeeded in beating the two. They have since been removed to the Pisa jail. The CC.RR. are investigating these acts and intend to prosecute the leaders.

C) Military Courts : The Provincial Legal Officer, has by necessity turned over to the Procuratore del Regno all minor Summary Court cases. At present the Province is without a Legal Officer but we have been fortunate in borrowing S/Sgt. McLaughlin who has acted as prosecutor. The Sgt. will be commissioned within a few days and arrangements will be attempted to retain him until such time as the more important cases are cleared The Military Police have loaned us an MP who will supervise cases handed to Italian Courts that are of interest to AMG,and will prosecute the more important cases.

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d) Prisons and Prisoners: There are approximately 39 prisoners in the Pisa jail. Conditions are quite normal.

e) Italian Courts, Judicial personnel and Italian advocates: The Tribunals is functioning satisfactorily. The "Floating Court" sits in outlying communes of the Province as the need arises.

PISTOIA : The material parts of the report of the Provincial Legal Officer are as follows:

A.M.G. COURTS - Since the Peace, these have greatly fallen off. Only at Pistoia has a regular weekly Court been held with a reduced calendar. At Monsummano and Pescia, there have not been any Courts held during the greater part of the month. In all "possession" cases, with hardly an exception, the defence is that that the articles were sold or given to the accused by the "soldati neri". In view of the very large number of troops already arrived, and to be concentrated at Montecatini for some time to come, the question of dealing with the many offences, which are bou to happen after the handing over of the Province to the Italian authorities, is one for consideration. It would seem that a special AMG Court may be required to continue in that zone.

ITALIAN COURTS - These are functioning normally and have greatly improved in their rate of work. Both the President of the Tribunale and the Procuratore sostituto del Regno are being transferred to Florence (the former has already gone) and will be replaced. Shortage of transport for Judges and Court Officials still retards the functioning of the Courts as well as the additional work thrown on the Officials by Defascistisation. This applies equally to Praetore. The Italian Courts will

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be in a position to take over the trial of Proclamation Offences at any moment. Their Officials have had preliminary instructions from me.

EPURATION - The preliminary examination of cases proceeds normally. The Provincial Commission under DLL 159,art.8 ,has been appointed but has not yet begun to function. It is expecting to do so at once. The special sections for examining the question of profits from the regime are functioning. 104 cases were examined during the month. 5 Employees of Statal institutions were suspended and 27 of Local and Parastatal Institutions. The Epuration of Profess is also under way and some preliminary suspensions made or requested.

PRISONS - The Pistoia prison is full owing to the large number of alleged fascists who continue to flow in sometimes from outside the Province. In spite of this there is really no serious congestion. The Prison is clean and well kept and work for the Prison has been introduced on a limited scale which greatly improves the morale..

S I E N A : The Province reverted to the Italian administration on the 10th of May and the position is identical with that of Arezzo and Grosseto.

4 ITALIAN COURTS — Captain W.T. FIELDING ,who took over from Major Holt as Officer i/c Italian Courts was withdrawn as a part of the Austrian team on the 11th of May 1945. Thereupon,Lieut. F.J. SIMPSON,of the Regional Legal Office assumed responsibility for the work on a part-time basis. Unfortunately,the small car former assigned to the Office was seized by the MT Officer the day Capt. FIELDING left and it was assigned to another Officer. Since no replacement has been forthcoming time has been lost in going to and from the Corte d'Assisi and the Regional Legal Office. Morever, the car is not now availabel to transport judges,etc on essential journeys. On the 17th of May 3 Judges were conveyed to Siena on Assisi work in the car kindly lent by Col.Weber.Subsequently a special vehicle was dispatched to Siena for their return journey.

The suggested appointment of Sgr.Colagrosso as Procuratore Generale was withdrawn and on the 16th of May the appointment

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of Sig. Giuseppe MELONI to the Office was approved, after consultation with the First President of the Court of Appeal.

Relations between the Regional Legal Officer and the Officer i/c Italian Courts on the one hand and the first President of the Court of Appeal, the Procuratore Generale and other Senior Italian Of continues in an atmosphere of the utmost cordiality and collaboratio A joint tour of the Italian Courts at Pistoia and Lucca was made by Weber, the first Presidentof the Court of Appeal and the Procuratore Generale on the 19th May 1945, where business was found to be g ing forward satisfactorily.

On the 25th of May 1945, two Officers interviewed the Procuratore del Regno Firenze and the Procuratore Generale in their respective private houses in connection with the Manetti-Roberts case. A full report upon this matter was sent to HQ AC on the 28th for any action it might be thought proper to take.

Italian Courts are functioning well in all the Provinces of the Region. The Italian Courts at Massa (Apuania Province) is functioning under the jurisdiction of the court of appeal Genoa. It is thus outside the direct jurisdiction of the Officer i/c Italian Courts.

Movements and replacements of judicial personnel has proceeded as opportunity permits, the chief obstacle being (as always) transport.

Efforts are being made through HQ AC to secure 4 Jeep tyres for the First president of the Court of Appeal. He has a car but no tyres. It is hoped that the present unhappy situation, whereby the Senior Italian Judge of Tuscany is left without a car while numerous minor officials are well provided for, will thus be remedied.

5 - GENERALLY - 1) As already reported to Headquarter the Reg-

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ional Legal Office is now situated at Palazzo Vecchio,Florence. The inevitable disturbance consequent upon the move and a complete change of civilian staff has now been overcome. Petitions for revie are pouring in in large numbers as now that the war in Euprope is over clemency is confidently expected.

2 - - The acute shortage of Legal Officers has resulted in more and more cases being shifted over to the Italian Courts for trial. This is particularly true of Florence. The raising of the travel restrictions and the movement of Police,road checks,etc. has reduced the volume of cases enormously.

3 - - At appendix "B" is set forth a table of cases tried within the region fortheperiod under review; and at appendix "C" an analysis of the types of such cases.

J. K. WEBER
Colonel Infantry
Regional Legal Officer.

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Appendix "A"

List of Officers assigned or attached to Region as of the 31st of May 1945.

Colonel John K. WEBER (A)	Regional Legal Officer
Lieut. F.J. STIMPSON (B)	Legal Officer(assn.RLO) Officer i/c Italian Courts
Major Gardner F. GOODWYN (A)	P.L.O. Apuania
Major H.L. GLENN (A)	P.L.O. Florence
Lt.Col. W.J. PURCELL (B)	P.L.O Lucca P.L.O. Pistoai
Lieut.A. JOHNSON (A)	P.L.O. Livorno
Lieut.Col. W.E. APPLETON (A)	Legal Officer Livorno (on loan from P.B.S)
Captain C.F. DELBRIDGE (A)	P.L.O. Arezzo Grosseto Siena

Appendix "B"

Table of cases tried within the Region during May 1945. -

Provinces	Summ.Courts NG	Summ.Courts G	Super.Courts NG	Super.Courts G	Gen.Courts NG	Gen.Courts G	Totals NG	Totals G	Total Cases	Remarks
APUANIA										no details available reverted to It.admin. 10/5.
AREZZO										
FLORENCE	14	198	2	13			16	211	227	
GROSSETO										ditto.
LIVORNO	25	391	26	34			51	425	476	
LUCCA	2	38					2	38	40	
PISA	3	25					3	25	28	
PISTOIA	1	29					1	29	30	
SIENA										ditto
	45	682	28	47			73	728	801	

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APPENDIX "C"

TYPES OF CASES TRIED IN THE REGION DURING THE MONTH OF MAY 1945.

Provinces	curfew & passes	theft & possession	black market	looting	arms & ammo	Italian code	other offences	TOTAL
APUANIA	no details							
AREZZO	reverted to Italian administration				-	- -	- -	
FLORENCE	110	50			5		62	227
GROSSETO	reverted to Italian administration				---		- -	
LIVORNO	188	143	18		1 0	14	103	476
LUCCA	14	24			2			40
PISA	12	16						28
PISTO IA	14	16						30
SIENA	reverted to Italian administration -							
	338	249	18		17	14	165	801

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HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

RVIII/19/2002. 21 June 1945.

SUBJECT : Final Report as at 19th June 1945 of the Regional Legal Office TOSCANA upon the closure of the Regional Legal Office.

TO : Chief Legal Advisor, Headquarters, Allied Commission.

1. Reversion to Italian Administration.

(a) At 0001 hours 19th June 1945 TOSCANA Region AMG as such, ceased to function and the following Provinces were restored to Italian Administration:

FIRENZE
PISTOIA
PISA (less the Commune of Pisa)
LIVORNO (less the Communes of Livorno and Colle Salvetti)

The Provinces of LUCCA AND APUANIA were placed under the jurisdiction of the Regional Commissioner LIGURIA Region, and the Communes of PISA, LIVORNO and COLLE SALVETTI passed to the command of the Commissioner LIVORNO Commune. The Provinces of AREZZO, GROSSETO, and SIENA had reverted to Italian Administration on 10th May 1945.

(b) The handing over of the territory was marked with appropriate ceremony. All the Officers and staff of Headquarters paraded outside Palazzo Vecchio FLORENCE at 1030 hours on the 19th June 1945 when in the presence of the local dignitaries and a large concourse of citizens, the Adjutant read from the Balcony the Order applying the closure of AMG in the territory mentioned. Upon the command "Present Arms" the U.S. and British flags were lowered and the Italian Flag was run up, the whole parade standing at the salute.

(c) Later in the day, an informal cocktail party at the Commissioner's Villa was followed by a farewell dinner at the Savoia Hotel, where the last rites were celebrated in traditional fashion.

(d) To allow necessary time for winding up, the Regional Commissioner has fixed 26th June 1945 as the last day upon which the

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2. STAFF:

(a) Major GARDNER GOODWYN (A) remains at APUANIA as does Lieut. ARBER JOHNSON (A) at LIVORNO. The latter is being reinforced by Capt. CHARLES F. DELBRIDGE (A) (late P.L.O. AREZZO, GROSSETO and SIENA). The rest of the Legal Officers have been assigned elsewhere as follows:

Colonel	JOHN K. WEBER (A)	R.L.O.	to ROME
Lt. Col.	W.J. PURCELL (B)	(LUCCA & PISTOIA)	to VENEZIA
Major	H.L. GLENN (A)	(FLORENCE)	to VENEZIA
Lieutenant	F.J. STIMPSON (B)	(Italian Courts and Legal Officer)	to LOMBARDIA.

(b) Lt. Col., W.E. APPLETON (A) on loan from P.B.S. is still rendering yeoman assistance at LIVORNO while 2nd. Lieutenant MACLAUGHLIN (on loan from a local transportation corps) is holding the fort at PISA. Both of these gentlemen are experienced lawyers who have stepped into the breach and their services have been warmly appreciated.

3. WINDING UP:

(a) The R.L.O. (Col. WEBER) upon his proceeding to his new post at ROME, will arrange for the Regional Legal Office records and the complete card-index system to accompany him. The system is being preserved as a complete entity.

(b) The case files relating to APUANIA and LUCCA have of necessity to be lifted out and transferred to R.L.O. LIGURIA but in every matter a sheet giving the essential data of the case has been substituted in the TOSCANA files. The index cards relating to such cases have been duplicated so that the whole index remains intact, the duplicates being furnished to LIGURIA. LUCCA and APUANIA therefore still continue uninterruptedly but under different auspices.

(c) It was not possible or necessary to divorce the records of the Commune of LIVORNO and COLLE SALVETTI from the general records of LIVORNO Province. The same applies to PISA Commune in reference to the Province.

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Lt. Col.	W.J. PURCELL (B)	(LUCCA & PISTOIA)	to VENEZIA
Major	H.L. GLENN (A)	(FLORENCE)	to VENEZIA
Lieutenant	F.J. STIMPSON (B)	(Italian Courts and Legal Officer)	to LOMBARDIA.

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(c) It was not possible or necessary to divorce the records of the Commune of LIVORNO and COLLE SALVETTI from the general records of LIVORNO Province. The same applies to PISA Commune in reference to the Province. The Provincial Legal Office at LIVORNO will therefore be left in undisturbed possession of its own case records covering the whole of the Province, as will PISA. The offices at LIVORNO and PISA will thus continue to function as heretofore except that the size of their territories will be noticeably reduced.

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(d) Color. WEBER will continue (in ROME) review cases relating to TOSCANA Region and having his files and card-index system available (less APUANIA and LUCCA transferred to LIGURIA) there will be no loss of continuity) in that respect.

4. General Act ivities since last report. All hands have been occupied in the winding up and very few cases have been tried in AMG Courts. The Italian Courts had, per force, to be instructed in the way that they should go and nearly every current case was remitted to them. Col PURCELL at LUCCA and Major GOODWYN at APUANIA were exceptions to the rule. At a very late stage, Regional Orders were published to give effect (a) to the new currency regulations effecting French Francs and (b) to price restrictions relating to fresh silk cocoons. These measures were put into effect at the request of the Departments concerned, although in view of the lateness of the hour, their utility seemed doubtful.

5. Military Courts and Provincial Legal Activities.

APUANIA. Since this Province is continuing the even tenor of its way under LIGURIA Region, it calls for no special reports. As observed previously, the case records and duplicates of the relevant card-index system are being handed on to the new over-lords.

AREZZO, GROSSETO and SIENA. As more time has been available to wind up the affairs of these Provinces, Captain DELBRIDGE was able to submit (under date 4th June 1945) a set of statistical reports from July 1944 to the 10th May 1945. These reports have been sent to Headquarters Legal Sub-Commission.

AREZZO. Shows a total number of 1132 charges disposed of, of which 163 were declared "Not Guilty". A very large number of Allied interest cases were tried (in addition to the above) in the Italian Courts.

GROSSETO. Disposed of 196 charges for proclamation offences, but the over-whelming majority of crimes reported were dealt with by the Italian Courts. Capt. DELBRIDGE has unearthed an alleged "war crime" case and has written thereon as follows:

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Included in the Legal files for the Province is a file, "GROSSETO, Legal, 29-B". This file contains correspondence on alleged war crimes involving Italian civilians named: TURCHI, Ivo, MASSIERI, Anatolio, BERNABEI, Egisto in the assaulting of American aviators forced down near GROSSETO in April 1943.

There is in the file a great deal of correspondence. The last letter from Major ROBERT M. HILL, the previous PLO of Grosseto was addressed to Regional Legal Officer, Toscana Region and dated 7 February 1945 and in it he stated that he believed that there was only sufficient proof to sustain a charge against TURCHI for striking the pilot with the butt of a rifle, and against MASSIERI and BERNABEI for simple assault with their hands.

The only other letter in the file since the above-mentioned letter is one dated 11th of April 1945 fromthe Questore in Grosseto stating that MASSIERI would like to get out of jail. It appears that all 3 have been in jail since last August when the investigation began.

Major HILL left me no word on this case and I had no suspicion it was still pending, if indeed it still is, until two days ago when I happened to read them the case merely from a matter of incidental interest.

Request therefore information on the status of this case to know at least whether or not it has passed beyond my responsibility as Provincial Legal Officer."

SIENA adjudicated upon 859 cases over the whole period with 102 "not guily" verdicts recorded. Again, the Italian Courts were responsible for a large number of additional trials.

FLORENCE Major GLENN (The only Legal officer left in the Province) has been hard at work winding up the affairs of his office. His reports are incorporated under the various treads in the Schedules hereto. Since the last monthly report, all cases have been shunted over to the Italian Courts who have received due instruction as to the policy to be pursued. In particular, the Director of Prisons Florence Province has been advised that (with two exceptions) all prisoners held under charges subject to the disposition

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LIVORNO is continuing its life under AMG as to the Communes of LIVORNO and COLLE SALVETTI. A Superior Court case isscheduled to start on the 28th June by way of re-trial against an Italian Major who on the previous hearing was sentenced to 7 years for conspiracy in relation to a large consignment of beans. Reviews and Appeals from this area will fall to be dealt with by Colonel WEBER in Rome. The schedules hereto do not contain any reference to LIVORNO since it is a continuing entity.

PISA A murder charge against Italian soldiers for bomb-throwing at a dance starts on the 22nd under Major NUGENT's presidency. The rest of the panel is being made up of experienced officers specially made available for the purpose by a local truck company. For the time being 2nd. Lieutenant MACLAUGHLIN (loaned by Transportation Corps PBS) is filling the breach as Provincial Legal Officer. The matters contained in the Schedules do not include PISA Province since it has a continued existence under the new arrangement.

LUCCA calls for no special reports since the Province is continuing its AMG life under LIGURIA.

PISTOIA The P.L.O. reports as follows:

The Province of PISTOIA was formally handed back to the Italian Government at a ceremony held in the square at 1000 hrs on 19th June 1945.

The final phases of Military Control in the Province were typical of most last phases. The feeling of impending release, by no means, however, cheered the Population, but rather, it was felt there was a certain sadness and misgiving at the parting.

As there had been a gradual passing over to the Italian Authorities, the number of cases for Military Courts during the Month of June was light, though there were some substantial quantities of Allied property found in the possession of some accused. The cases consisted entirely of that type of case, with one or two cases of failure to declare and selling of blocked material.

Some half dozen cases in which arrests were made prior to the

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Some half dozen cases in which arrests were made prior to the handing over date, were tried at Monsummano on the day after (20th June) and 2 adjourned cases will be tried at Pistoia on 22nd June. That will complete the cases for Military Courts in this Province.

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A report i. ttached of cases in which at l. st one year of the sentence is still outstanding.

In only five cases are there still fines outstanding. In one of these (BETTI Ciro - P. 228. d. 18/6/45), where a fine of 40.000 lire and 1 year imprisonment were imposed (the former largely for the sake of impressing the public) it is no expected that the fine will be paid as no imprisonment for failure could be imposed in the Summary Court.

ITALIAN COURTS. The Officials of these Courts have been fully instructed with regard to the procedure to be adopted in future cases and they are well aware of their duties.

All the Courts in the Province are functioning but it must be pointed out that the additional and unusual work entailed by the Policy of Defascistization and Epuration has made a serious demand upon the Staff of the Judicial Offices. Some of the best Judges and Officials have been diverted to these temporary Courts and Commissions, and they are difficult to replace.

The Office of the Procuratore del Regno, too, is over preoccupied with the work entailed by the arrest of alleged Fascist criminals, but it is hoped this will right itself in time.

PRISONS. The position is stable at the moment.

EPURATION. The Provincial Commission for Epuration of local bodies is about to hold its settings. All the preparatory work is practically completed, and the Process of elimination almost now complete, the office is extremely active and well-staffed.

6. ITALIAN COURTS. The office at the Corte D'Assize was closed up on the morning of the 19th and the staff removed to the Regional Legal Office. The borrowed typewriters were restored to the proper custody and the files borne to the Regional Legal Office for transmission to ROME. No inventony had ever been signed for the furniture and effects in the office but the Secretary of the First President, the Procuratore Generale and other officials to thank them warmly for their help throughout.

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7. Reports called for by Executive Memornadum No. 72.

In the Schedules annexed hereto are reports as called for in paragraph 16 of the above-mentioned Memorandum. The Schedules (in each case) being lettered to correspond with the sub-headings after said paragraph 16.

CONCLUSION. Altogether, some 18,000 persons were tried in AMG Courts during the lifetime of the Region. The number of charges preferred exceeds 25,000. In addition to the routine "Decision on Review" rendered by the Regional Legal Officer in each and every case, upwards of 10,000 appeals were adjudicated upon.

For the Regional Commissioner:

JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.

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LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
2 6 JUN 1945

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Schedule "A"

General Report up to date of Restoration

(as per preceding sheets)

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Schedule "B"

Recommendations regarding severe sentences when original military consideration no longer apply.

1. No specific recommendations fall to be made individual cases because

(a) All outstanding sentences have already been reviewed in those cases where the PLO's are no longer available. In other cases the Provincial Legal Officer's recommendations have been followed.

(b) A constant process of revisions has been going on, each sentence being re-examined by type as circumstances changed.

(c) In any but the smallest sentences, a steady stream of petitions, informal applications, personal calls, and demands for grace have been received. These have been scrupulously examined on the merits. It is by no means uncommon to receive in a single case petitions calling for 6 decisions by way of re-considerations.

(d) P.L.O.'s (acting under instructions from the Regional Legal Officer) have been encouraged to submit recommendations in any case where they consider a reduction of sentence or clemency desirable by illness, family circumstances or any undue hardships.

(e) Cases to be reviewed by Headquarters have in every case been accompanied by a recommendation from the Judge who tried the case, and where appropriate, from this office.

2. Colonel Weber will be available at Headquarters Legal Sub-Commission to reconsider any case relating to the Region which may call for decision.

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Schedule "C".

Reports concerning unpaid fines.

APUANIA			Liguria Region.
AREZZO			Nil
FLORENCE	Montellone Mario	L. 3000	payable 9/5/45 Said to be in Naples
	Mastrodomencia Gennaro	L. 3000	payable 9/5/45 "
	Mariotti, Archimede	L. 3000	payable 22/2/45 Said to be in Rome
	Ferraro Armando	L. 10.000	payable 20/4/45 Said to be in Naples.

(Note: The CC.RR have been instructed to apprehend the above, and to commit them to prison in default of payment).

GROSSETO			Nil
LIVORNO			Still functioning.
LUCCA			Liguria Region.
PISA			Still functioning
PISTOIA	Betti Ciro	L. 40.000	No default term imposed as maximum sentence of 1 yrs imprisonment imposed in Summary Court.
	BROCATELLI Maria	L. 500	
	PERINI Felicetta	L. 500	
	ANTONUCCI Otello	L. 1600	
	FEDI Lisimaco	L. 5000	
	MARCHI Romeo	L. 5000	
SIENA			Nil

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Schedule "E"

Report concerning detainees.

APUANIA		Liguria Region.
AREZZO		NIL
FLORENCE	Fredi Dario	Held by American Provost Marshall Office Florence for investigation.
GROSSETO		NIL (See however Capt. Delbridge's report in para 5 of the General Report).
LIVORNO		Still functioning.
LUCCA		Liguria Region.
PISA		Still functioning.
PISTOIA		NIL
SIENA		NIL

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Schedule "F"

Names of Legal Officers attached to First President.

NIL. None available for the duty.

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Schedule "G"

Report regarding unopened Italian Courts.

1. Italian Courts are functioning in all Provinces of the Region, those of APUANIA being under the jurisdiction of the Court of Appeal GENOA.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

2 May 1945.

SUBJECT : Report of Legal Division, Toscana Region for month of April 1945.

TO : Chief Legal Adviser Allied Commission.

1. STAFF (1) Attached at Appendix A is a list of the Legal Officers assigned or attached to this Region as of 30th April 1945.

The only new Legal Officer to arrive in the Region during the month was Major G. W.Mc FADYEAN (B) who has now taken up duty as P.L.O. Arezzo (in place of Major Stump (A))

(2) Officers taken from the Region were:

Major Anthony P. Nugent (A) (Assist. R.L.O.)
Major W.D. Stump (A) (P.L.O. Arezzo)
Major C.Holt (B), (Italian Courts)
Major R.M. Woodward (A) (P.L.O. Livorno)
Capt. Granai (A) (Livorno)
Lieut. Becker (A) (Livorno)
Capt. L.L. Miller (A) (P.L.O. Lucca)
Lieut. E.E. Nevans (A) (P?L.O. Pisa)
Major B.E. Dreyfus (B) (P.L.O. Siena)

(3) In addition, the following Officers formerly attached from 5th Army to Florence Province for duty have been sent elsewhere:

Lt. Col. Waugh (A) (in charge prosecuting Office Florence)
Major F.C. Bader (B) (Hospital)
Lt. Col. Welsford (B) (Rome)
Major G.M. Davis (A)
Capt. E.N. Blacklock (B)
Lieut. F.J. Moran (A)
Major L.L. Cox (A)
Major Bayliss (B)

(4) Thus it will be observed that the Region has lost the Assist. R.L.O. and 5 P.L.Ols. Of the 28 Legal Officers formerly available only 13 remain and of these 13 the undermentioned (if not already departed) are expected to leave within the next day or so:

Lt. Col. Troxell (A)
Major Mc Colm (B)
Major Keysell (B)

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The position of the Region with 10 Legal Officers leaves Florence to function with Major G[illegible]n (PLO) and Capt. Fielding (Italian Courts), and Livorno with Lieut. A. Johnson (PLO). Lt. Col. Purcell has had to assume the duty of PLO for Lucca as well as for Pistoia, as has Capt. Delbridge in respect of Siena and Grosseto.

2. GENERAL WORKING OF THE REGION

All the Provinces of the Region are now under the control of the Regional Commissioner (as from 30/4/45) including ~~those~~ those parts formerly under Fifth Army. APUANIA, the latest acquisition, has had dispatched to it Major Gardner F. Goodwyn (A) as P.L.O. with his office at MASSA. He took up his duty there on the 26th April 1945.

During the month the number of cases tried fell by almost exactly 1000 as compared with last month; Livorno having 454 cases less and Florence 461 less. In fact every Province in the region shows a falling off.

3. MILITARY COURTS AND PROVINCIAL LEGAL ACTIVITIES

APUANIA : The new P.L.O. Major Gardner F. Goodwyn (A) assumed his duties at Massa on 26/4/45. The Regional Legal Officer (Col. Weber) visited the Province on Sunday 29 April 45 and found that the P.L.O. had already tried about a dozen cases (mostly on 10 km charges). It is said that Fascist and undesirable elements have already been purged from the community. Application has been made for Major Goodwyn to be allowed to sit alone as a Superior Court Judge.

AREZZO: Major Stump the P.L.O. has departed from the Region and his office of P.L.O. has been assumed by Major G.W. Mac Fadyean (B). The P.L.O. reports as follows:

A.M.G. and Italian Courts.

A. The trial of Allied Interest cases has gone forward during the month of April in the manner heretofore outlined in that cases of a minor nature have been tried by the Italian Courts and those of a more serious nature by A.M.G. Officers. The results of this program have continued to be very

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satisfactory. The Italian Courts are prompt in disposing of the cases assigned to them and have generally exercised good judgement in passing on Allied Interest cases. I am confident that this agrangement will prove expecially beneficial to all concerned on the approaching transfer of many A.M.G. O fficers to newly liberated areas. The Italian Courts here are prepared to carry forward this important aspect of Allied Military Government and look with pride on the fact that they have been permitted to serve in the Allied cause. I believe the administration of Justice will continue without interruption even when the number of A.M.G. Officers will be reduced by their impeding assignment to other areas.

B. The Corte D'Assise convened here in Arezzo on April 24 for the trial of important Italian cases which have been pending for some time, including two serious fascist cases. This is the first session of this Court in Arezzo since the liberation.

C. The lack of transportation continues to present a problem in the efficient administration of Justice by the Italian Courts.

D. The prevailing offenses in this Province still continue to be: (1) travel without pernit and (2) wrongful possession of Allied property. Very few cases are of a serious nature, although there have been several serious offenses between Italian civilians which are entirely within the jurisdiction of the Italian authorities.

E. In order to assist my successor in efficiemtly carrying on the work of this office when the time comes for my transfer to my new field of service, I have written out a general outline of my office proceedure and files, including aldo the arrangements in effect with the police units and the Italian Courts and, likewise, the names and addresses of the Delegates of this Province for the Alto Commissário per l'Epurazione and the Commissione Provinciale di Epurazione per il personale degli Enti Locali. It is my hope that my successor will find this office easy to take over when the time comes.

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Jails

Plans have been worked out whereby the Arezzo Jail has been relieved of its previously overcrowded condition.

The Commissioner Provincial di Epurazione per il personale degli Enti locali of this Province were recently appointed consisting of

1) Dr Bucciarelli Brunetto, Giudice Istruttore presso il locale Tribunale Civile e Penale, President.

2) Dr Ferro Salvatore, Consigliere presso la locale Prefettura, Componente.

3) Geom. Tani Francesco, Libero professionista, Componente.

These men appear to be well qualified for this task and it is hoped they will discharge their responsibility energatically and justly.

The Delegates of this Province for the Alto Commissario per l'Epurazione have a number of cases ready to present to the Commissione Provinciale di Epurazione and it is expected that hearings of these cases will be begun during the week of April 30th.

FLORENCE: The material parts of the P.L.O's report is a follows:

Orders

An order drawn by 5 Army AMG imposing a speed limit on certain roads in the Province was promulgated during the first week of April.

The new tariff rates for civilian transport annexed to Regional Order No. 11 was made effective in this Province as of the 1st of April by publication by the Ufficio Autotrasporti, the semi-governmental body created by Provincial Order No. 3 for control of civilian transport in this Province. Under such order new rates may be made effective at any time by the publication of the new tariffs, subject to the approval of the Allied Military Government. It was, therefore, unnecessary to post a new Provincial Order as authorised by AMG 5 Army.

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Provincial Order No. 16 was posted which revised the curfew hours in the rest of the Province to correspond with those already in effect in Florence City to wit : 2300 to 0600 hours. The posting in Corps area was subject to the approval of Corps. In Prato, due to the commencement of work in factories at 6 a.m. a supplemental order was made fixing 0500 hours as the end of the curfew period.

A local order was posted in the Communes of Reggello and Pelago, with the consent of AMG 5 Army, providing for circulation of civilians in such communes and free crossing of the Arno at Incisa without permits to travel.

Allied Military Courts

Summary Courts, Superior Courts and General Courts continued to sit in Florence City during the month, and Summary and Superior Courts have continued to sit at Prato and Borgo San Lorenzo until last week, when XIII Corps, including all police officers and C.A.O's, withdrew. The Borgo cases (and the Prato cases, upon the withdrawal of the local C.A.O) will then be shunted through the Prosecuting Office in Florence City which will further increase the burden on the Allied Courts in the City, which has become heavier due to the withdrawal of personnel hereinafter referred to.

Italian Courts

The Procura and Tribunal have not been able to cope with their calendar and unless present conditions are remedied, the rate of disposition of cases is likely to continue to fall behind the number of new cases arising, not to mention the backlog. Taking average figures for the Tribunale only, approximately 300 new cases with the competency of the Tribunale are received each month, whereas the Tribunale succeeds in disposing of an average of about 120 cases a month (although the cases recently disposed of per month by the Tribunale has exceeded the former average). Among the causes contributing to this condition are, the lack of transport, the

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shortage of Sostituti Procuratori and Giudici Istruttori, and the comparatively low rate of pay received by Italian Jddges and prosecuting personnel. It is hoped to remedy soon deficiency in transport, and the other two matters were recently discussed with the head of the Legal Sub-Commission when he was in Florence.

Italian Legislation

The decrees contanied in Gazzette Ufficiali Nos. 27 to 32 inclusive and 35, 36 ans 39 have been made effective in this Province during the last month.

Epuration

Pursuant to the directive of HQ Allied Commission (DL/2.A/CA) dated 29 March, the President of the Tribunale, the Intendente di Finanza, and the Provincial Delegate of the High Commissioner have been instructed to rendet a report stating the facts on the basis of which all sequestrations previously ordered pursuant to Art. 35 of D.L.L. 159 of 27 July 1944 have been made so that any sequestration of property which was not in jeopardy and which tends to hamper the rehabilitation of the country may be reversed. They were further infromed, in accordance with such directive, that the normal procedure to be followed is the publication of a decree by the High Commissioner pursuant to Art. 36 of such Law, the effect of which is to freeze property abd accounts in the hands of third persons for 60 days and that it should rarely be necessary to sequestrate by order of the President of the Tribunale pursuant to Art. 35.

The Prefect, Procuratore del Regno, Provincial Delegate of the High Commissioner, and Commanding Officer of the CCRR were also advised, pursuant to such directive, not to make arrests for fascist crimes under D.L.L. 159 unless the person is apt to abscont before trial, or the charge is so serious as to carry a death sentence or a sentence of not less than 10 years and there is prima facie evidence to warrant the conclusion that there will be a conviction. They were

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further requested to render a report containing the names of all persons arrested for such Fascist crimes, the charges against them, and a summary of the evidence in support thereof, so that a decision may be made as to whether any of such persons presently in jail may be released from custody pending trial. In accordance with the foregoing, one person has already been released on provisional Liberty.

Personnel

Of the 15 officers formerly in the Legal division only 6 remains as of today, to wit : Lt. Col. Troxell, Major McColm and Keysell, Captains Delbridge and Fielding and the undersigned. Capt. Fielding has, as you know, taken over the Regional Office concerning the Italian Courts. Those already departed are, Lt.Col. Waugh and Welsford, Majors Bayliss, Cox, Captains Blacklock, Cahn, Lts. Moran and Morris. The two enlisted men formerly on duty in the Prosecuting Office, Sgt. Naheum and Corp. Ciardella, have also gone.

Col. Troxell, Majors McColm and Keysell have received orders to be prepared to move on the 29th April.

GROSSETO: Due to the departure of the P.L.O. no monthly report has been received from this Province. So far as known the legal work within the Province continued to function smoothly and efficiently and nothing undue has been reported. Capt. C.F. Delbridge has assumed his duties as P.L.O. of the Province (He is also the P.L.O. for Siena). The number of cases tried etc appears to have been up to the average for the Province (probably about 30)

LIVORNO: Lieut. A. Johnson (A) a recent recruit to the Legal Sub-Commission is now the sole Legal Officer in this Province. The report give the following information:

Allied Military Courts - During this period, the Superior and Summary Courts disposed of 511 charges for violation of Proclamations and General Orders.

Italian Courts - The Italian Courts are loaded with cases and progress is rather slow due largely to their rather cumbersome procedure. A new Procuratore del Regno

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has been appointed, and with a more youthful prosecutor there is hope of greater spee and efficienty i. .he disposition of cases. Lack c transportation, funds and permits to travel still hamper Italian Court Officials in the prosecution of their offices. This office has endeavored to aid these in every way possible.

Jails - The situation at the gail inLivorno remains virtually unchanged. Jail facilities are still out of proportion to the incomes of the civilians.

Decrease of Arrests - The number of arresting agencies in the area has been reduced, and there is a strong possibility that they will be reduced further as the troops move north. There has been a marked reduction in the number of arrests.

Offences - The number and nature of the various proclamations offences are shown in the attached statistical report.

Important cases - A number of important cases have been tried by the Superior Court. Several of these cases involved the transporting of large quantities of liquor. All these have been tried, with one exception, and the liquor has been seized at the request of the Provincial Commissioner. A policy should be established in cases of this nature so that it may be uniform throughout the Province.

Fines Collected - This office has collected, during the period covered by this report, the sum of L. 541,600 in fines imposed.

Prostitution - The enforcement of this phase of the law should be given to the Italian Authorities at the earliest possible moment.

Epuration - Epuration has now reached the serious stage ans should be given a great of attention. The local Committee is working daily, on this problem Avv. Bassano

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and his assistant are able. Only those Fascists that belong in jail are being held there.

Major Woodward, Capt. Granai and Lt. Becker have all left the Province, and the undersigned has assumed the duties of the Provincial Legal Officer this date.

LUCCA : The P.L.O. Capt. L.L. Miller (A) has left and Lt. Col. Purcell has assumed the duties of P.L.O. for this Province in addition to his duties as P.L.O. Pistoia. The P.L.O's report is as follows:

As of today 28/4/45 this office is being turned over to Lt. Col. Purcell, P.L.O. Pistoia.

All outstanding A.M.G. cases havebeen dispoded of prior to giving control over to Lt.Col. Purcell.

Italian Courts are functioning most satisfactorily, and now with the complete liberation of the Province, Giudici Istruttori will be able to circulate in order to gather necessary evidence for processing cases held up on that account.

All duplicate copies of records of proceedings, routine files, office register, and card index system, are left for the new P.L.O.

PISA: Lieut. E.E.Nevans (A) the P.L.O. has left the Region. The new P.L.O. is Major W.A. Caldwell (B) who has been assisting in the Province for some time and know the work throroughly. No comments are available from this Province but the record of cases tried shows a total of 202 or a decrease of 20 over last month figures. Nothing undue has been reported and the Legal work has gone forward with normal efficiancy and dispatch.

PISTOIA: Lt.Col. Purcell is one of the few P.L.O's to remain in office. As pointed out above, he has now to combine this Province with his duties as P.L.O. Lucca. He reports as follows:

The liberation of the remainder of the Province of Pistoia during the latter part of the month, will have little effect upon the legal position, as this N.W. corner is lightly inhabited and for the moment at least, is practically crimeless.

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Again, there are no prisons about that Region, and any serious offenders will have to be brought to Pistoi where they can possibly be tri more covenàently.

The Proclamations, on the whole, are being reasonably respected, save possibly in the matter of sporting guns. The people and particularly the farmers, are inclined not to take seriously the command to hand in their guns. Every Court at Pistoia and Monsummano had its quote of cases of this form of violation, and the attitude of most offenders is one of wonder that such an injunction should be really be sought to be enforced of holding on to their guns might be fraught with danger in their present co-belligerant state, is to them almost too far fetched.

The Month has not been marked b y any serious crime. One Superior Court case at Pistoia, revealed what looked like a major racket in Army blankets. No less than 100 of these having been found, in bales, in a garage, owned by the accused. Although this man was convicted and sentenced to 2 years imprisonment, it was felt that others concerned managed to avoid getting implicated.

Now that the Q.M. Food Depot has left Pistoia, it is expected that cases of possession of Allied Property, which were at no time abnormal, will be less frequent.

Some case of failure to declare material blocked by V Army Order (chiefly leather) have come before the Court. These cases sometimes present diffuclties and are generally very keenly defended by the local Bar. Shoes offer a very profitable black market nowdays.

The restablishment of Sporting Clubs in the Province, and the re-awakening of interest in boxing and other forms of exercise have a salutary effect on the younger population and will, no doubt, help to keep the work of the Legal and Public Safety branches within moderate limits. This sort of thing, it is felt, is deserving of every encouragement, and should avoid the necessity of undesirable repressive punishment.

Italian Courts

These Courts are improving. They are still hampered by lack of means of

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transport for Judicial Officers, witnesses etc. and by the almost too great preoccupation of the Procuratore del Regno with cases of Fascist crimes. Nevertheless, the number of casestried during the Month and the number of convictions have increased. The Pretore of Pistoia, who had been suspended at the request of the Provincial Delegate for various alleged Fascist connections, has been reinstated at the instigation of the Ministry.

Prisons

There are no Prisoners awaiting trial by A.M.G. Courts, but nearly 140 are awaiting trial by the Italian Authorities. There are nearly all awaiting trial by the Court of Assize and are largely persons accused of Fascist Crimes, of the more serious kind.

Although the Prison of Pistoia is loaded to above its normal capacity, there is no discomfort, nor any danger of disease, etc.

Epuration

The preliminaries are proceeding energetically pending the setting up of the Local Commission. 18 Decrees of Suspension have been made during the month up to 25th, of State Employees, and 42 of Local and Parastatal Employees. The progress of Epuration is being watched very carefully by the people, and it has been noticed that, where a person is arrested, for alleged fascist crimes, and released again for any reason, the fact is adversely commented on, and sometimes the person's life is made a little unconfortable. There seems to be definite hostility to those persons, allowed free on bail, and it leads to criticism of the Regime.

SIENA: The P.L.O. Major Dreyfus (B) has left and his duties have been assumed by Capt. Delbridge (who is also P.L.O. Grosseto). The monthly report reads:

The great majority of cases were again permit cases, the FSS dett. at Chiusi being responsible for a large proportion. They may be expected to fall off in futu-

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re, as both CMP and FSS dett.are being moved. Also it is hoped that the rear Arr. Control line wil be shifted. The maintenance of South is line as far and so many months has been a nuisance both, to the inhabitants of the province who were unable to visit their natural capital, Florence, and to the police and the Courts, who were responsible for issuing passes and enforcing the order.

The only case worth mentioning is one in which the proprietors of PIPAS, a large pipe factory, were charged with using a car without a licence. Actually they had transferred a number plate from a licenced vehicle to an unlicenced vehicle, for which a specific penalty is provided under Italian Law. In view of the complicated procedure involved before a prosecution under Italian law can be undertaken, it was decided ~~bot~~ not to proceed, but to try the case under Gen. Order 20.

It is a matter for consideration whether this procedure should not be simplified. The present position is that the right to try cases under Italian law conferred by Procl. I Art.VII is seriously restricted.

Italian Courts

Nearly 10 months after the occupation a Court of Assizes is sitting here, with a faitly lenghty calender. Sentences so far have been exemplary.

Tribunale : 125

a) Siena

The Procuratore del Regno, Arduino, was relieved on Monday, having been placed in the retired list on account of old age. He has done useful work since I have been here.

b) Montepulciano

I understand from the Officer i/c Italian Courts that it has not yet been possible to find a substitute for the Procuratore del Regno, who has been transferred. The Giudice Istruttore is acting as Procuratore and arrears are heavy. Only 11 persons are however detained in custody, the rest being in bail. As a temporary measure a judge is being sent to replace the Giudice Istruttore

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in the Tribunale, but he has not arrived yet, as far as I know.

La. and Order

Agrarian agitation continues, and arrests have been made. The orders appear to come from outside the province, probably Rome. Some cases of holding meetings without permission have again been prosecuted, but in none of them was it alleged that any illegal incitement was given.

Disorderly demonstrations took place in 3 towns (in the NW of the Province), at which the crowd demanded the arrest of certain alleged fascists. These were arrested, but subsequently released. Clear instructions have now been issued that the RRCC should only arrest at the request of the Procuratore del Regno, and the situation appears calm at the moment.

Epuration

a) Epuration proper

The members of the local Judicial Commission have at least been confirmed, which means that sittings to hear individual cases will now commence. The delegate reports that istruzione has now been completed for the following:

i) Persons employed by the Commune of Siena.

ii) Provincial Employes

iii) Employes of public utilities such as electricity and telephones.

iV) Employes of certain hospitals.

The preparation of cases against State employes is in progress. I understand that local branches of the central committees will be set up in Siena. This shoukd be expedited.

b) Fascist Crimes

The Judicial Commission for trying crimes of particular gravity is not yet completed. Several cases of ordinary importance have already been decided by the normal Tribunale and others are pending.

4. ITALIAN COURTS : Major Holt (B) who was in charge of this branch has now gone elsewhere and his post has been taken over by Capt. Fielding (B).Capt. Fiel-

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ding has been under-studying Major Holt for some time past and he is thus quite familiar with the work. No monthly report in regard to this matter has been received. Being one of the very few officers remaining in Florence the pressure of work upon Capt. Fielding is likely to be considerable as a big effort will undoubtedly be made to shunt as many allied interest cases as possible to the Italian Courts.

GENERALLY

(1) The work of the Regional Legal Office has continued normally throughout the month. For the past 3 weeks a move of the entire Regional Head-quarters (including the Regional Legal Office) to Flornce City has been in contemplation but has been postponed from time to time. Latest indications are that this move may take place within the next few days. If and when such a move takes place, the Regional Legal Office will be situated at Palazzo Vecchio, Florence.

(2) As pointed out under the heading STAFF, the Region has now to function with a total of 10 officers. Taking from that total the Regional Legal Officer, Col. Weber, his assistant (lieut. Stimpson) and Capt. Fielding (Italian Courts) it will be seen that 7 officers remain to handle 9 Provinces. Pressure upon Florence and Livorno provinces (in particular) is likely to be considerable until it is seen how far the Italian Courts are able to alleviate the situation. Nevertheless, it is hoped that, with the general surge of the battle north-wards, crime will tend to become less and less even though APUANIA and territory controlled by Fifth Army has now come under the dominion of the Regional Commissioner. It may be, also, that the capture of GENOA will take much of the strain from Livorno, for potential criminals and racheteers will surely gravitable to any big new port that seems a likely hunting-ground.

In any event, the wholesale withdrawal of military police will make the detection of offences far more difficult, due to absence of road-blocks and checpoints.

(3) At appendix "B" is set forth a table of the cases tried within the

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region for the month under review; and at appendix "C" an analysis of the types of cases so tried.

JOHN K. WEBER,
Colonel, Infantry
Regional Legal Officer.

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APPENDIX "A"

LIST OF LEGAL OFFICERS ASSIGNED OR ATTACHED TO REGION AS AT 30 April 1945.

COLONEL JOHN K. WEBER (A)	Regional Legal Officer
LIEUT. F.J. STIMPSON (B)	Legal Officer, ASSN R.L.O.
MAJOR GARDNER F. GOODWYN (A)	P.L.O. APUANIA
MAJOR D.D. Mc COLM (B)	Temporary duty Florence
Lt. COL. A.R. TROXELL (A)	" " "
MAJOR W.J. KEYSELL (B)	" " "
MAJOR H.L. GLENN (A)	P.L.O. FLORENCE
CAPT. W.T. FIELDING (B)	Italian Courts, Florence and Region
MAJOR W.A. CALDWELL (B)	P.L.O. PISA
LIEUT.COL. W.J. PURCELL (B)	(P.L.O. PISTOIA :
LIEUT. A. JOHNSON (A)	(P.L.O. LUCCA P.L.O. LIVORNO
CAPT. C.F. DELBRIDGE (B)	(P.L.O. SIENA :
MAJOR G.W. McFADYEAN (B)	(P.L.O. GROSSETO P.L.O. AREZZO

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APPENDIX "B"

TABLE OF CASES TRIED WITHIN THE REGION DURING APRIL 1945.

PROVINCES	Summ. Courts NG	Summ. Courts G	Super. Courts NG	Super. Courts G	Gen. Courts NG	Gen. Courts G	Totals NG	Totals G	Total cases	Italian Courts Allied Interest NG	Italian Courts Allied Interest G	
APUANIA												About a dozen cases. Details not yet available.
AREZZO	6	31					6	31	37	11	289	
FLORENCE	38	410	7	29		2	45	441	486			
GROSSETO												Due to the departure of PLO no details available. Probably about 30 cases.
LIVORNO	50	449		12			50	461	511			
LUCCA	9	140		8			9	148	157			
PISA	4	174	3	21			7	195	202			
PISTOIA	1	67		2			1	69	70			
SIENA	4	59					4	59	63		199	
TOTALS	112	1330	10	72		2	122	1404	1526	11	488	

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A P P E N D I X "C"

TYPES OF CASES TRIED IN THE REGION DURING THE MONTH OF APRIL 1945.

PROVINCES	CURFEW & PASSES	THEFT & POSSESSION	BLACK MARKET	LOOTING	ARMS & AMMO	ITALIAN CODE	OTHER OFFENCES	TOTAL	
APUANIA									No details
AREZZO	231	57			26		23	337	
FLORENCE	275	112			21		78	486	
GROSSETO									No details
LIVORNO	304	123		1	21		62	511	
LUCCA	81	15			16	10	35	157	
PISA	72	60	19		22		29	202	
PISTOIA	25	19			11		16	71	
SIENA	39	15				201	7	262	
TOTALS	1027	401	19	1	117	211	250	2026	

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H E A D Q U A R T E R S
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

RDIII/14/2002

2 April 45.

SUBJECT : Report of legal Division, Toscana Region for month of March 1945.

TO : Chief legal Adviser Allied Commission.

1. STAFF : Attached Appendix "A" is a list of the Legal Officers assigned or attached to this Region as of 31 March 1945.

2. All Provinces in the Region, exept Apuania, are now functioning, though parts of the northern provinces are still occupied by the enemy. Grosseto, Livorno, Siena, Arezzo and Pisa are now under the administration of the Regional Commissioner; the remaining provinces are under control 5th Army.

The increase of business throughout the Region seems to be in two Provinces, Livorno and Florence. Running neck and neck, Livorno handled 965 cases and Florence 947. Livorno cases were Superior and Summary Court and Florence, in addition, included 50 General Court cases. It is anticipated that the General Court cases will decline in Florence but Summary Court cases will hold up for some time to come. The total increase of all cases throughout the Region was 716 over the previous month.

3. MILITARY COURTS AND PROVINCIAL LEGAL ACTIVITIES:

AREZZO: The report of the Provincial Legal Officer is short and will be quoted in full:

A.M.G. and Italian Courts.

The adjudication of Allied Interest cases has gone forward during the month of March in accordance with the program outlined in previous reports, viz: minor cases being tried by the Italian Courts and those of a more serious nature by AMG Courts. The writer has been in the Arezzo Hospital for past two weeks as the result of an attack of bronchitis. Other Officers have accordingly been designated to conduct the trials of AMG cases were necessary. Other routine office matters have been brought to me here in the Hospital where I have continued to give them my personal attention. I am pleased to report that the Doctor checked me up this morning and says that I am improving, although it is likely that I will be here in the Hospital several days yet.

The Italian Courts have generally continued to give satisfactory service in the Trial of Allied Interest cases.

Cases are being tried promptly and there is no accumulation of untried AMG cases.

Jails.

There has been considerable overcrowding of the Arezzo jail, especially by reason of the large number of travel violations. I have had several conferences recently with the Police officials and the Procuratore del Regno in an effort to clear up this condition. It is believed that a plan is now being marked out which will naturally improve this situation.

Epuration.

This work is now going forward under the direction of the "Delegati dell'Alto Commissario pe l'Epurazione" mentioned in my previous report. I am confident that these officials are competemt and are honestly endeavoring to discharge this responsability to the best of their ability.

Enclosed is a schedule showing the number and character of AMG cases tried by both AMG and Italian Courts during the month of March. The predominating type of offense continues to be violation of travel restrictions. There were no sentences imposed during the month of March in excess of one year and hence no Form No. 13 is submitted.

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FLORENCE:

Orders

Provincial Order No. 15 and City Order No. 21 (copies annexed), and General Order No.37 were promulgated during the past month. Provincial Order No. 15 after rescinding a previous order because of certain number of vehicles each week for conversion to Methane Gas, the number to be selected to depend upon the Methane facilities available. The new order also requires the declaration of possession of apparatus for the use of Methane Gas so that such apparatus, of which there is a scarcity, may be purchased by C.I.P. and sold to tose whose cars are selected for conversion.

The City Order No. 21 re-institutes the traffic rules formerly in effect in Florence for the control of pedestrian and cyclist traffic. It was felt by the Florence Command that more stringent control of pedestrian and cyclist traffic was necessary in view of the fact that approximately 50 traffic accidents were happening a week, several of which were always fatal. Substantive provisions of the Italian Law (T.U. Tutela delle Strade) were entirely adequate for the purpose, but unfortunately the penalties provided thereby were utterly inadequate, since the maximum penalty that could be imposed was Lire 100. The provisions of the national Law prohibit any local ordinance of the national law, prohibiting in the opinion of the office of the Procuratore del Regno any attempt to increase the penalties by an ordinance of the Sindaco or decree of the Prefect. For that reason it was found necessary to promulgate an order of the Allied Military Governments.

In order to avoid saddling the Allied Military Courts with the job of trying two or three hundred violators a day, especially in the light of the probability that many AMG officers may be taken out of this area in the near future, the S.C.A.O., AMG, Florence City, ordered by the Italian Prefetura to be vested with jurisdiction to adjudicate violators of this order in accordance with their own practice, which permits people to come in and pay fines without trial in the absence of a formal objection (Art. 506, Codice Procedura Penale). The Italian authorities were entirely willing to handle the matter. This has the merit of requiring the Italians to do the work required to enforce provisions, which are in the last analysis for their own benefit.

While the two orders mentioned above were printed and posted in the usual manner, General Order No. 37 (providing for certain anticipatory increases in social insurance and work accident payments) was merely published in the Florence City papers, and a copy thereof sent by the Prefect to the Sindaco of each Commune. This was deemed adequate promulgation in view of the fact that the order is merely informative, rather than of a penal nature.

Allied Military Courts.

The Prosecuting Office and the various Allied Military Courts in Florence City, Prato, Borgo S. Lorenzo and other parts of the Province are keeping abreast of the proclamation offences that occur and are handling a far greater number of Italian law olive oil offences than the Italian Courts themselves. A Summary Court has been in session every day and Superior Courts and General Courts have been in session frequently throughout the month of March, although the number of General Court cases has recently fallen off drastically due to the scraping of the barrel as far as espionage cases are concerned.

Olive Oil case.

In an effort to speed up the Italian Courts the chief of the division of the Guardia di Finanza charged with enforcement of olive oil regulations has been instructed, with approval of the Procuratore del Regno, to arrest in all cases in which a prison term of more than 15 days would normally be imposed, to the end that such cases may be tried by "direttissima" (summary trial), which are held approximately within ten days of the date of arrest, without going through the cumbersome and lengthy procedure which is necessary in the normal type of Italian Trial. This in turn raised the question of transportation to transport those arrested from the site in the country to a place of detention, and it was necessary to arrange for an amended budget containing an appropriation for the hiring of trucks from Communes of the Ufficio Autotrasporti for such purpose. This has enabled the Italian Courts to act more promptly; and

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Lt. Col. Troxell, with Capts. Fielding and Delbridge prosecuting, has tried and additional 71 olive oil c ;s in various parts of the 'rov e.

The Guardie di Finaza have been requested to return all olive oil seq tered in connection with arrests in olive oil cases to the Ammassi so that the oil may be returned to normal consumption as soon as possible without awaiting for trial. This is the practice under the Italian law and is being followed even though the trial takes place before am Allied Military Court. The proceeds of sale of the olive oil are forfeited, in case of conviction by the Allied Military Court to the Allied Military Government; if the accused are acquitted, the proceeds of sale are returned to the owner.

Cloth Confiscated by Allied Courts at Prato.

The P.C. has tentavilely determined at the request of the P.L.O. to turn over to the Committee on Devastated Regions, as a gift, the vast amount of cloth confiscated by the Allied Military Court at Prato from time to time, amounting to a value of something over 50.000.000.- lire. The material is in the process of being inventoried, and upon receipt of the inventory it will be checked to determine which portion thereof has been the subject of a decision on review affirming the order of forfeiture, before delivery to the Committee.

GROSSETO: Allied Military Government Courts:

General Court cases tried: None. Superior Court cases tried were nine. Four of these were for theft and wrongful pos ession of Allied property, two were for possession of firearms or ammunition, and the remaining three were for miscellaneous offenses. There were only two Summary Court cases each being for wrongful possession; these were handled in AMG rather than Italian Courts because defendants were suspected of being black market operators.

Italian Court trials of cases Affecting Allied Interests.

The Tribunale tried one cases of 'wrongful possession' finding the defendant guilty. The Pretura Courts tried 19 such cases involving 28 defendants, 26 of whom were found guilty.

Prisoners in jail.

Grosseto judicial Jail: 142, of which 26 are serving sentences already imposed and 63 await trial. Massa Marittima: 9 all of whom are serving sentences imposed. Orbetello and Pitigliano: 13, of which 11 await trial and other 2 serving sentences already imposed.

LIVORNO: Allied Military Courts, during this month the Superior and Summary Courts disposed of 965 charges for violations of Proclamations.

Jails.

A daily check by representative of our office is made of the jail roster to ascertain the status of all accused and see to it that charges are usually prepared and cases brought to trial within 3 days after receipt of report of arrest. The jail is greatly overtaxed. It was built to accomodate 170 prisoners and now has more than 300. The Regional Prison Officer has been advised of this condition.

Offences by Military: There have been only five complaints against military personnel.

Black Market: Black market operations continue, mainly in sugar, flour and clothing The Prices for civilian necessities such as shoes and clothing have skyrocketed, prices are out of all proportions to the incomes of the civilians.

Increase of arrests: The 16 arresting Agencies operating in this area have brought into the Allied Courts a number of cases which has reached the highest figure since occupation, and it is evident this will continue to rise with the steady increase of troops and civilians.

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Important cases:

A number of important cases have been tried involving large quantities of property stolen from A. Warehouse and the Salvage Depo these cases involve Allied Military Personnel including Italian Army Officers. The Allied Officers and Personn[illegible]re being tried by Court-Martials and the Italian Military Personnel are being tried by the Allied Military Courts authority to take jurisdiction of these cases having been obtained.

This office has returned to the Allied Depots during the month large quantities of Allied property as a result of orders entered by the Courts.

This office has collected during the month in fines imposed the sum of L. 1.122.000.

Prisoners of war:

the large number of Italian Prisoners of War in this area present a grave problem and has created a situation which requires serious attention. In Livorno hundreds of prisoners of war are roaming the streets, dressed in American Uniform and they cannot be distinguished from any other American soldier as the only difference is a little insigna of metal, detachable, in the shape of the map of Italy on their sleeve. When they remove this and commit crimes the American soldiers are blamed for same. There is little enforcement of their curfew regulations. Reports have reached us thta a considerable number of them threatened civilian girls to cut their hair if they are seen with Allied soldiers. They are insulting to the Carabinieri because they know they will not be arrested. They are boasting that they are pro-Fascist, they circulate often drunk, singing fascist songs. They enjoy unlimitated freedom, they are not concerned about discipline as this generally amounts only to Company punishment which is only a temporary detention in a open camp. The Italian Police are afraid to interfere because they are told that they come under the protection of the Allies. Many of them possess arms. Some of them have resorted to looting and molestation of private property. Their activities have increased black market operations as a number of them are employed as drivers by Allied Forces. It is recognised that under the Hague Convention they are to be treated in accordance with international law. It is suggested that a special Court through A.M.G. may be established for the purpose of controlling this situation keeping in mind the principals laid down in the rules of land warfare.

Prostitution:

this problem often reported and discussed has not been solved. The arrest of women suspected as prostitutes continues. At present 125 are awaiting trial, 85 in the V.D. ward in the Civilian Hospital, 40 in jail. All of them, except 4, have come here from other provinces and therefore are prosecuted for travelling more than 10 km. withouta permit. Most of these women were supported by soldiers on stolen Government rations as they cannot get Italian rations cards. Their presence increases black market activities and is one of the causes that soldier steal or dispose of Allied property. The situation has overtaxed the hospital and jail. When they are tried any order is entered for their return to their former homes. Violators of Court orders are severely punished, however the number of prostitutes continue to increase.

LUCCA: the Provincial team of Lucca continues to administer Military Government under the supervision of the S.C.A.O. 4th Corps, whose C.A.O.s in the forward areas, handle summary court cases in close liaison with this office. A new innovation to expedite people awaiting trial as in having a legal officer, Major Young of La Spezia Province ride the circuit to all liberated communes, holding court on specific days of the week, previously arranged. This had been working out most satisfactorily.

Crime:

there has been an average amount of criminal activity in the Province. Due to the giving of foodstuffs to civilians by soldiers, gratuitously or otherwise, wrongful possession cases keep coming up. This constitutes a basis for black market activities and high prices which have risen tremendously since the occupation of Lucca.

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The most serious case this month was one at Viareggio wherein the accused was sentenced to five years imprisonment for having a large cache of arms in his attic. In all a total of one hundred and eight two (182) cases were tried this month. It represents a comparatively substantial decrease over the previous month.

PISA: Crime:

the month of March was the most quiet one in this province since the liberation from a standpoint of crimes of violence.

Two american soldiers from 1st Division on the 11 March 45 shot and killed a civilian woman at Rivalto. They were drinking apparently and were shooting at random to make noise. The Procuratore del Re has made a complete investigation of the incident. The verbale he prepared has been turned over to the Military Police.

The British soldier who was shot and seriously wounded by a civilian at Bientina on the 29 Jan 45 will be released from a hospital shortly. Application will be made upon his release for trial by a General Military Court of the civilian who committed the offence.

Offences committed by negro American troops in the Province have declined substantially.

The eleven civilians charged with conspiracy to assist a member of the enemy armed forces to evade capture (a German SS trooper who had deserted) were tried during the month. The case proved to have many mitigating circumstances. Six of the accused were convicted, four were acquitted and one was too ill to stand trial. Sentences ranging from 18 months to three years were imposed.

Requests were made to the Legal Sub-Commission through your office for instructions in two cases previously reported. Instructions have been received and acted upon. The two cases were:

a- the shooting of a British Indian soldier by an Italian boy at Castelmaggiore on 13 Feb 45 in defence of his sister whom the soldier was attempting to rape. A shot gun was used and the soldier was not critically wounded. This office redommended that a nulle prosequi be ordered. The Commission acted favorably on this recommendation.

b- In connection with the investigation of the shooting reported in paragraph 3 a British S.I.B. agent filed a complaint that the brigadiere of the CCRR in Bientina willfully withheld information from him. A recommendation was made to the Legal Sub-Commission that this carabiniere be prosecuted by an Italian Military Tribunal rather than an Allied Military Court because of the unfavorable publicity to the CCRR organization which such a prosecution would entail. This recommendation was also favorably acted upon.

For sometime it has been known that substantial amounts of Allied Force property have been stolen from a Q.M. depot near Pontedera. The S.I.S. section of the 56 M.P. Co of Pisa have succeeded in rounding up the group responsible. A number of Italian soldiers as well as civilians are involved. As the case is still under investigation by the M.Ps no action has been taken by this office as yet. It is probable that a request will be made to the Legal Sub-Commission to try the case in an Allied Military Court because of the nature of the case and because a case to serve as deterrent to other Italian soldiers working in depots in this Province is desirable.

Law and Order:

there no was no labour trouble in this Province during the month.

The three arrests made last month of three members of a local gang who were arrested after curfew carrying arms have proved as expected to reveal that this gang has been respondible for to a large extent for the lawlessness prevalent in the City for the past several months. One of the three is the gang leader. He will be prosecuted by the Italian Courts as well as an Allied Military Court as he has many charges against him. The other two are Italian soldiers who

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will be prosecuted by an Italian Military tribunal. The CCRs and Questura are attempting to round up other members of the gang.

Close liaison and cooperation have continued between this Legal Office, the Provincial Public Safety Division, the C.I.C. and the Military Police.

Prostitution has developed into a problem here in Pisa as elsewhere but particularly here because the city of Pisa is more or less a one day vacation attraction. The matter is being handled well by the Public Safety Office and the local prison. A period of observation for each such accused is ordered during which three microscopic examinations are made. If infected the women are treated until they become non-infectuous before being tried. If non-infectuous they are tried immediately after such certification. Prosecutions are handled by the Italian Courts.

Complaints continue to come regarding Italian women being brought up to this area by negro American troops. The two replacement depot are arresting them and charging them with possession of Allied Forces property or prostitution. Such cases are handled before trial in the same way as set forth in paragraph 4.

Military Courts:

the number of cases tried in the Province increased materially over last month. The increase is confined to the area around the city of Pisa. Unauthorized circulation and possession of Allied Force property make up the bulk of the cases.

Major Gram the Provincial Officer handling approximately 16 communes in the Pontedera area has been placed on temporary duty in Naples to attend a school for officers going into Austria. This order will necessitate the handling of his cases by this office.

Prisons and Prisoners:

An investigation has been made into the asphyiation of two prisoners at Saline on 5 Feb 1945 by the Procuratore Del Re. It appears that there is sufficient evidence of negligence on the part of the jail guard to prefer charges against him. This has been done by the Procuratore del Re and he will stand trial in the Italian Courts.

The industries Unit of P.B.S. finally promised to furnish electricity for the local prison within the next week. The lack of lighting was a serious problem from a security standpoint.

The writer visited the Pisa Prison during the month and found that it is being handled very capably. The inmates are satisfied with the treatment they are receiving. The food is good and sanitation is very good.

The Province of Livorno has been sending prisoners to Pisa presumably because of overcrowded conditions of institutions in that Province. As the capacity of the Pisa Prison has been about reached, Livorno Province has been requested to send no additional prisoners here.

PISTOIA: March being a month of unusual activity in the country, the Farmers were generally more usefully employed than in committing Proclamation offences, and such crime as there has been (which was not above the normal), was on the whole more confined to the town redidents.

The prohibition to Civilians, owing to military exigency, of the use of electric current, which had up to recently been available to them, might have resulted, it is thought, in an outbreak of violations, but all things considered, the Population has payed up well, and the cases of violation of this particular Order, have been surprisingly few.

Apart from the usual "wrongful possession of Allied Property" cases, the more serious of which come from Montecatini, there have not been any "prevalent" cases in the Province during the month. Many of the cases from Montecatini emanate from or are concerned in some way with the "leave Centres" there. Much Allied Property finds its way out of these places, into the houses of Civilians, and generally, it is thought, through the instrumentality of the civilian employees, who either steal it or buy from some of those in charge. Some accused employees of these Centres contended that they had not got any pay, and had received this property instead. However considering the number of troops in this important leave Centre, offences are not at all alarming.

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There is little crime in the North of the Province. Occasional Courts are held at San Marcello by an Officer of IV Corps, involving mostly Travel violations.

SIENA: There has been a considerable increase in the numbers of cases reported this month, due to a very large extent to the CMP and FSS., who have been very active. All prosecuting cases chiefly permits or prostitutes in possession of Allied property.

Apart from 61 cases involving 112 persons, which were transferred to the Italian Courts, I have personally disposed of 52 cases with 72 accused. Of the Italian cases above mentioned, 24 (45 persons) have been reported as already decided.

In view of the increasing number of public meetings which were being held in outlying parts of the Province without permit, the police recently prosecuted 4 persons charged with organizing such meetings. The meetings, in themselves, were not important and I contended myself with imposing a fine in each case, with a warning that a sentence of imprisonment might be awarded in future. Publicity is being given to this in the local press.

Law and Order:

demonstrations have recently occurred in 3 neighbouring towns obviously organized by some central agency. The ostensible reason for which is the delay by the local Epuration Committee in dealing with cases of ex-Fascists. In the course of one of these, the agent of a landowner was shot dead. Inquires are going on; in the meantime I have suggested publicity to enlighten the public on the subject. People generally are apparently under the misapprehension that the Commission should deal with Fascists generally, whereas the truth is, of course, that they deal with persons charged with Fascist crimes, or officials with Fascist records.

Jails:

In view of overcrowding in the local jail, we had been transferring prisoners to the penitentiary at San Gimignano. Now this latter place is full.

Some sort of action would appear necessary.

4. ITALIAN COURTS:

The report of Major Holt contains so many matters of importance it is quoted in its entirely. Also his report of 20 March 1945 to AMG 5th Army concerning congestion of Florence jail.

Excerps from Provincial Legal Officers reports will be set out where not conflicting or repetition.

The Court of Appeal, Florence.

The hearing of Appeals from the dependant Tribunali although hampered by the serious impediments imposed by inadequate means of transportation has progressed during the past month. Penal Appeals from sentences of the Tribunali of Arezzo and Pistoia passed in the months of November and December 1944, have been disposed of by the 2nd Penal Section of this Court of Appeal, in addition to the several appeals from the Tribunale of Florence.

Further appointments and transfers of judicial personnel, proposed by the Minister of Grace and Justice, have received approval and been made effective by authorising the required movements of the magistrates concerned.

The Court of Assizes.

A Session of the Assizes opened in Grosseto on the 6th of this month and has disposed of a number of grave offences including proceedings against persons charged under the decree providing for sanctions against fascism.

Satisfadtory arrangements were made to provide for the accomodation of Court personnel and for their transportation to and from the Court.

The session at Grosseto will be followed by one in Siena which has been fixed to open on the 18th day of April 45, and a second session for Florence and Pistoia is to be held in Florence.

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The functioning of these Courts in penal cases has been adversely affected, in a very marked degree, by the difficulties encountered in carrying out the formal instruction in these cases. It is again a problem of finding adequate transportation for the instructional judges who must of necessity travel over considerable areas and visit many inaccessible places to interrogate material witnesses and complete the very thorough investigations required by the Italian procedure.

Requisitioning of automobiles by the Prefect of the various provinces for the use of the Courts has not proved to be very satisfactory.

In many instances although cars have been obtained, the condition of the tyres has been such that no practical use be made of the vehicles.

In Florence, where the instructional offices of the Tribunale and the Unified Pretura are the largest in the Region, the work of investigation has been interrupted and suspended in the majority of cases, due to the failure to obtain serviceable tyres for the car assigned to these offices.

The suspension of the instruction inevitably delays the final disposal of a penal case by the Tribunale, and the immediate result has been a regrettable increase in the number of accused who are detained in prison pending trial.

A temporary measure has been adopted to releave the congestion in the prisons of Florence, by granting provisional liberty to many prisoners who would in normal times be detained during the instructional phase of the prodeedings against them.

The retirement of the Procuratore del Regno of Siena and the transfer of the Procuratore del Regno of Montepulciano to another Court of Appeal district, have made it necessary to provide re-placement for these magistrates. This has been done through the Ministry in Rome by the assignment of the Provuratore SCLAFANI formerly of Lucca, to Livorno in substitution of CINOTTI Comm. Francesco who has been transferred to Siena.

The vacancy of President of the Tribunale of Grosseto created by the transfer of LANERI Cav. Uff, Leone to Naples has been filled by the appointment of Massi dott. Cesare, and GIANNELLI dott. Cesare, uditore of the Tribunale of Florence has been transferred to Grosseto with the functions of a giudice.

The appointment of giudice COLONNA Cav. Perseo with functions of President of the Tribunale of Pistoia to replace Comm. CARLOMAGNO has been authorised and approved.

Preture Courts

These Courts are functioning well in penal matters where circumstances permit the movement of civilians. The volume of cases tried by the Pretore is growing as a result of the transfer of many proceedings from AMG Courts and the tendency towards an increase in criminal delinquency following in the wake of the war.

Congestion in Florence Gaol:

the current situation in the S. Teresa gaol, in which it is reported there are 119 persons awaiting trial by the Italian Courts, can be directly attributed to the difficulties encountered by the personnel of the 'ufficio d'Istituzione dei Processi Penali', in carrying out their investigations of penal cases.

What is known as the formal instruction of the case is an essential preliminary proceeding under the Italian pemal proceedure and involves a complete and exhaustive investigation by a magistrate of all facts and circumstances of the offence.

In normal times this work, which included the interrogation of material witnesses wherever they may be located, was effected by making use of the existing means of travel and communication.

At present no such means of travel are available to the giudici istruttori and it has become necessary to provide the office of instruction with an automobile in order that this work may be carried on.

Unfortunately the car placed at the disposal of this office (Fiat 508 27778 FI) is now immobilised due to the fact that its tires have become completely unserviceable, and the instruction of penal cases is practicably at a standstill.

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To overcome the problem of transport it is urgently requested that 4 tires (5.50 or 6-16), new or partly worn be made available from existing Allied Stocks.

Arrangements could be made for the purchase of these tires if it is not deemed advisable to lend or lease them for the purpose.

FLORENCE: It is ascertained that the prepared medicines and raw medical materials sequestered by the Italian authorities in the case of Orsalesi, Mazzi and Sassolli, who are officials of the Manetti Roberts Corp., a large drug corporation in which approximately 30 % of the stock is owned by British subjects, amounting to over 100000000.- lire in prepared medicines and over 500.000.000,- lire of raw materials. The three individuals are charged with clandestine purchase to corner the market.

The Italian law provides that in connection with such cases there shall be a sequestration of the property acquired even though acquired for the Corporation; secondly, that such material shall be sold and returned to consumption; and thirdly that in the event of conviction the proceeds of the sale shall be forfeited to the Italian Government. The remedy of the Manetti Roberts stock holders in such event is against the individuals who are responsible for such corporate loss. An attempt will be made at leatt to see that the Manetti Roberts Corp. has an opportunity of purchasing back enough of such sequestered material to permit them to operate without injury to the innocent minority stock holders.

Italian Law.

Italian Legislation contained in Gazzette Ufficiali Nos. 12 to 26, inclusive, has been made operative in the Province of Florence during the last month.

GROSSETO: The Italian Courts generally are giving reasonably severe sentences and conducting their trials well.. The court of Assizes pronounced the death penalty on 3 Fascists (in absentia) for divulging to the Germans a year ago the whereabouts of 3 British ORs, who were shot..... The Court of Assizes tried several other political crimes (separate report being forwarded)..... They will return to Grosseto in May for another session.... The LAWYERS and Avvocati organized and elected all officers under AUL decree during this month... His Excellency the Minister of Grace and Justice visited Grossdto during month and the PLO met with him andall judges, lawyers, judicial officials, et als... 300 more political cases await trial by Tribunale, 50 of which are prepared and ready; old pardons are being revoked now in 53 such cases. The Ct. of Assizes and Military Tribunal have approximately 100 such political cases which await trial.

LIVORNO: this Office is keeping in close touch with the Italian Courts. A great number of cases are in the process of preparation for trial for violation of the amassing law regarding olive oil. 112 fascists have been arrested and in jail awaiting trial by the proper Italian Tribunal. Due to the restriction on movements in this area Court Officials have been handicapped because have not been approved by the 5th Army.

Epuration: the Epuration Committee went into high gear, 112 fascists have been arrested and are awaiting trial by proper Italian Tribunal. This tbo has crowded our jails. This office has spent considerable tim in keeping in touch with the subject matter and the work of the Commission.

LUCCA: the Italian Court s are functioning as well as can be expected under the circumstances. Due to the fact that restrictions in travelling to close line areas, and also since the Province, in part, is still in enemy hands, gathering of evidence is difficult, and certain cases must, of necessity, await processing until this situation cleans up. All other cases not confronted with this difficulty are being disposed of with a minimum of delay. The acting Procuratore del Regno has been performing his job most capably.

PISA: the Tribunale, due to the difficulties of transportation, is holding one or more sittings monthly at Volterra and San Miniato. It is sitting regularly in Pisa.

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A judge of the Tribunale of Apuania is a refugee in Pisa. Due to the Epuration and wartime civilian crimes the office of the Procuratore del Re is overtaxed. As this judge is being paid his salary anyway and is willing to assist the Procuratore del Re he has been appointed on a temporary basis as a substitute of theProcuratore del Re. The appointment will not require additional compensation.

Due to a shortage of clerical help in the Tribunale, the Presidente has been authorized to employ on a temporary basis one or more clerks as required.

PISTOIA: the hearing of Penal cases has been greatly improved and accelerated, but these Courts, hampered as they are by their Codes of Procedure and the still serious limitation of means of communication, are still not ideal. Even in time of peace the dumbersome machinery of the Italian Courts Criminal Procedure, showed down the progress of justice, and even now, when, as a result of pressure, the Magistrates make an effort to free thenselves from the leaden chains of custom, the unseemly haste is resented not alone by them but by the Bar, and who knows even by the accused.

"If this provihce, at the moment, and no doubt, elsewhere, the Prisons are filling up with persons awaiting trial by the Italian Courts. Many of these Persons are fascists, and are to stand their trial for various fascists delinquencies during the Regime. Nearly all are Assize case. This cause alone has necessitated a watchful eye on the Prisons. The number of people in Prison as a result of Italian Court decisions for the normal crimes is small in the extreme."

Epuration - The number of ticklish questions which arise in connection with epuration continues to increase, as the machinery gets more into its stride. The subject of school teachers is one which has arisen more than once in this Province, and the extent to which the intervention of the Allied Military Government is called for or is desirable, in this purely italian activity, is doubtful. The Provincial Delegate for Epuration feels called upon to suspendal school teachers, who have been Members of G.I.L., invoking the appropriate clause of D.L.L. 159. The Provveditore agli Studi for the Province, however, who has always had an internal "epuration" Commission which Sorted out the sheep from the lambs, claims that Membership of G.I.L. , particularly for those teachers who were young and unmarried, was obligatory, and this "offence" was beyond their control, and the wholesale suspension of these tachers tends to disorganise the administration of the schools. His attitude is "let their cases be examined certainly, but refrain from suspension during the Progess". The Provincial Delegate thinks otherwise. It is a point of some importance.

SIENA: the replacement for the Procuratore del Regno of Montepulciano has not yet arrived. Major Holt has promised to look into the matter. Reports of cases decided by the Tribunale were not received during the month, and I have ordered the Cancelliere to submit explanation.

The new President of the Tribunale announced his arrival on 5 March.

"In view of rumours that an excessive number of persons are waiting trial in this Province, I would point out that there has been no Court of Assize since the occupation nearly 9 months ago. One is now fixed for 18th of April, and it is hoped that all prisoners awaiting trial by Court of Assise, where istruzione has been completed, will be dealt with. The number, in any case, is not large."

Epuration -"A representative from the High Commissioner, with Lt. Col. White of AC. HQ visited this Province on 10 March. He undertook at my request to press for confirmation of the two members of the Siena Judicial Commission. Nothing has been heard since then. The local representation, Signor Montigiani, went to Rome, but returned yesterday having accomplished nothing. Meanwhile popular excitement at the lack of action against ex-Fascists, as evidenced by the demonstrations referred to in par. 4), is growing. I held a meeting with the Prefect and the members of the Epurazione Committee this morning, at which the whole positions was discussed and action decided."

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LEGISLATION: A regional order was drafted making the rates charged by the owners and operators or both, uniform in conformity with preser conditions, covering civilian road haulage vehicles for the transportation of commodities.

GENERAL : Special attention is called to that part of the Livorno Report dealing with the Prisoner of War question, which is becoming more difficult to control, and could easily cause considerable trouble if measures are not taken promptly to remedy conditions set out in that report.

During the month many officers have been sent to this office for instruction. The Regional Legal Officer has given each of them personal instruction covering more than ten hours. Epuration, Defascistization, and Italian Courts have consumed most of that time. Besides being given the Regional side of the legal functions they were taken into the busiest provinces and shown the actual working of a provincial legal office.

In the course of their instruction in the Regional Legal Office they were given the actual experience of being part of an office that handles more than one thousand cases per month, along with the drawing of orders and the giving advice to the various departments of the Region. In reviewing cases they were teamed with a reviewing officer and permitted to write their own opinions and make such suggestions as occurred to them in the examination of cases. None of the officers sent in had any previous experience and some had not begun to practice law in civil life. It is reported that those who haev gone out in the provinces to assist are giving a very good account of themselves. They were British and American.

The files on Elba administration of law under Major Smith have been closed and the decisions rendered as suggested by Major Hill and approved by the Deputy Chief Legal Adviser.

JOHN K. WEBER,
Colonel, Infantry
Regional Legal Officer

Major A.P.M.

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A P P E N D I X "A"

LIST OF LEGAL O FICERS ASSIGNED OR ATTACHED TO REGION AS OF 31 March 1945.

COLONEL JOHN K. WEEER (A)	REGIONAL LEGAL OFFICER
MAJOR ANTHONY P. NUGENT (A)	ASSISTANT REGIONAL LEGAL OFFICER (ASSN. LOMBARDIA)
MAJOR GARDNER F. GOODYN (A)	LEGAL OFFICER, ASSN. H.L.O.
LIEUT. F.J. STEMPSON (B)	LEGAL OFFICER " " " "
MAJOR D,D. McCOLM (B)	TEMPORARY DUTY FLORENCE
LT. COL. A.R. TROXELL (A)	APUANIA (TEMPORARY DUTY FLORENCE)
MAJOR W.D. STUMP (A)	PLO AREZZO
MAJOR H.L. GLENN (A)	PLO FLORENCE
CAPT. W.T. FIELDING (B)	ASST. PLO FLORENCE
MAJOR M.C. HOLT (B)	ITALIAN COURTS, FLORENCE AND REGION
MAJOR WOODWARD R.M. (A)	PLO LIVORNO
LIEUT. L.C. BECKER (A)	ASST. PLO LIVORNO
CAPT. L.L. MILLER (A)	PLO LUCCA
LIEUT. E.E. NEVANS (A)	PLO PISA
MAJOR W.A. CALDWELL (B)	ASST. PLO PISA
LT COL. W.J. PURCELL (B)	PLO PISTOIA
MAJOR B.E. DREYFUS (B)	PLO SIENA
CAPT. CORNELIUS GRANAI (A)	SPECIAL INVESTIGATION LIVORNO

In accordance with agreement with 5th Army 12 November 1944, the following officers are temporarly attached to Florence Province for duty:

LT.COL. WELSFORD (B)	LIGURIA REGION
MAJOR F,C, BADER (A)	LOMBARDIA REGION, (sent to Hospital during March and will not return to duty)
MAJOR G.M. DAVIS (A)	EMILIA REGION
CAPT. C.F. DELBRIDGE (B)	" "
CAPT. E.N. BLACKLOCK (B)	" "
LIEUT. F.J. MORAN (A)	HQ ALLIED COMMISSION (In Hospital)
MAJOR L.L. COX (A)	BOLOGNA PROVINCE

Lt. Col. W.F. Waugh (A) Lombardia Region, remains in charge of Prosecuting Office in Florence.

Major W.C. Cates has been transferred and replaced temporaly by major Bayliss (B).

A P P E N D I X "B"

TABLE OF CASES TRIED IN THE REGION DURING MARCH 1945.

PROVINCES	Summary Courts NG	G	Super. Courts NG	G	Gen. Courts NG	G	Totals NG	G	Total Cases	Italian Courts Allied Interest.	
AREZZO	4	35	0	0	0	0	4	35	39	9	218
FLORENCE	68	753	8	68	14	36	90	857	947	42	246
GROSSETO	0	2	0	9	0	0	2	9	11	3	26
LIVORNO	109	768	17	71	0	0	126	839	965	0	0
LUCCA	18	165	0	0	0	0	18	165	183	0	0
PISA	16	192	6	8	0	0	22	200	222	0	0
PISTOIA	5	83	0	0	0	0	0	0	88	0	0
SIENA	3	69	0	0	0	0	3	69	72	0	0
TOTALS	223	2067	31	156	14	36	265	2174	2527	54	490

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A P P E N D I X "C"

TYPES OF CASES TRIED IN THE REGION DURING THE MONTH OF MARCH

PROVINCES	CURFEW & PASSES	THEFT & POSSESSION BLACK MARKET	LOOTING	ARMS & AMMO	ITALIAN CODE	OTHER OFFENCES	TOTAL
AREZZO	3	26	0	0	0	10	39
FLORENCE	245	236	0	0	56	0	220	857
GROSSETO	0	2	0	4	2	0	3	11
LIVORNO	447	385	0	0	26	0	107	965
LUCCA	96	44	0	0	9	1	33	183
PISA	126	36	18	0	22	0	32	234
PISTOIA	22	37	0	0	9	0	30,	98
SIENA	25	31	0	0	9	0	4	69
TOTALS	964	797	18	4	133	1	439	2456

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H E A D Q U A R T E R S
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

2 March 45.

SUBJECT : Report of Legal Division, Toscana Region for month of February 1945.

TO : Chief Legal Adviser Allied Commission.

1. STAFF : Attached Appendix "A" is a list of the Legal Officers assigned or attached to this Region as of 28 February 1945.

2. All Provinces in the Region, exept Apuania, are now functioning, though parts of the northern provinces are still occupied by the enemy. Grosseto, Livorno, Siena, Arezzo and Pisa are now under the administration of the Regional Commissioner; the remaining provinces are under control 5th Army.

A slight encrease is shown in number of cases tried throughout the Region. Livorno and Florence leading followed by Lucca and Pisa. Suggestions have been offered by this office which should cause a steady decrease as many of the offenders are repeaters.

3. MILITARY COURTS AND PROVINCIAL LEGAL ACTIVITIES:

AREZZO: The report of the Provincial Legal Officer is not lengthy but only the essential parts will be quoted.

A.M.G. and Italian Courts.

Allied Interest cases have been tried during the month of February in accordance with the program outlined in my report for January 1945. All Allied Interest cases of a minor nature have been tried by the Italian Courts and the cases of a more serious nature by me. The results of this program have continued to be very satisfactory.

The trial of Allied Interest cases by Italian Courts has given rise to a question of policy with respect to the "fedine penali" of persons convicted by these courts. The Italian Law directs the courts to note the sentences imposed by them on what is known as the "fedine penali" of each person convicted. It constitutes the penal history of the individual and is regarded by the Italians as an important document. When cases are tried by A.M.G. courts there is no notation of sentences made on these "fedine penali". But if the same case were tried by the Italian Court such a notation would be made. Hence, the Italian tried by his own court would be ina worse situation than if he had been tried by an A.M.G. court. It also true that the exigencies of war there are many convictions under the Proclamations which do not actually involve any question of moral turpitude or criminal intent. For these reasons the Italian courts of the Province have been authorized to exercise their sound discretion with respect to entering such notations on the "fedine penali" of persons convicted by them of Allied Interest offences and to make such notations only in cases of conviction which actually involve moral turpitude or criminal intent.

It is our understanding that sooner or later an A.M.G. order may be issued whereby privately owned shot-guns and pistols which have been taken from civilians found guilty of possessing them whitout an A.M.G. permit may be restored to the rightful owners. Many of these cases are now being tried by the Italian courts, Accordingly, we have directed that all the Italian Courts see to it that all such guns are properly conserved and that an accurate record be maintained by each court showing the ownership of each gun so taken from civilians so that the same can be restored to the true owners if and when such an order should be issued.

The lack of transportation still presents a problem in the efficient administration of justice by the Italian Courts.

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Prevailing offenses.

The prevailing types of offenses coming before A.M.G. Courts and the prevailing types of Allied Interest cases coming before Italian Courts are: (1) Travel without permit and (2) wrongful possession of Allied property. Most of the cases are of a minor nature.

Jails.

The Arezzo jail continues to be overcrowded. This condition arises from the fact that a number of persons are temporarily held in this jail by the police units of the Army on security grounds. Also, there are a number of purely Italian cases pending investigation, although nearly all of the cases of this nature have already been scheduled for trial by their courts. There is no accumulation of Allied Interest cases awaiting trial in any of the jails of the Province. At times there has been some delay in trials of Allied Interest cases on account of the failure of police units to make out the arrest reports at the time a person is imprisoned. We have insisted that there be no imprisonment without an arrest report, execpting only in security cases.

. FLORENCE: Allied Military Courts - The prosecuting office, the Florence Summary, Superior and General Courts are still keeping up with their calendars; in addition the Summary and Superior Courts held at Prato and Borgo S. Lorenzo every week heve kept pace with the cases arising in those districts.

In addition, because of the great importance of the olive oil campaign to this country and because the campaign would be over before the d terrent effect of conviction in the Italian Courts would be felt, a special Allied Military Court has been set up to try olive oil offences sitting as assessor and an Allied Military prosecutor.

Approximately 50 cases have been tried so far in Prato with Lt. Col. Troxell sitting and Capt. Delbridge prosecuting. A few cases have been turned over to the Procuratore del Regno to present to the Tribunale and an effort made to expedite such hearings with the idea in mind of having the benefit of the deterrent effect of conviction in as many cases as possible both by the A.M.G. Courts and the Italian Courts.

The Guardie di Finanza have the power to search, without a search warrant, houses suspected of possession of arms or tobacco. No such power exist in respect to violators of olive oil legislation. Nevertheless, because of the utter impracticability of the Guardie di Finanza out in the Province, having no transportation, going to the nearest Pretore to obtain such warrant and then returning to the house they intended to search, the owner of which has had ample opportunity to remove the oil after seeing the Guardie di Finanza in the vicinity before his return with the search warrant, has made use of their power to search in arms and tobacco cases, to search at the same time for olive oil. Olive oil so found, it appears, is subject to sequestration notwithstanding the fact that it was found under such circumstances without a search warrant. However, it was desired to regularize such practice and for that reason I requested permission to authorize the Guardie di Finanza to search houses of suspected violators of olive oil rules without a special search warrant. Since this authorization would lapse at the end of the olive oil harvesting season, which is the early part of April, and since they already have the blanket power of search in arms and tobacco cases, no harm was anticipated to result from such authorization.

The usual monthly tabulation of cases and breack down is annexed hereto.

Personnel.

Capt. Fielding, Capt. Blacklock and Major Welsford were assigned for temporary duty outside the Province during the past monthe for periods of five to eight days approximately.

GROSSETO:

Most cases are being tried by Italian Courts, however in February cases tried

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by A.M.G. Courts exc ied January by five.

For additional Fascist crimes (under RDL 159) were tried by the Tribunale Court. The Court of Assizes (from Florence) is holding a session (expected to continue for more than a month) here at Grosseto beginning 6 March 45. Between 50 and 60 additional cases of Fascist crimes (under 159) will be tried.

The PLO spent a week working under temporary duty at the Isle of Elba during the month, report on which was forwarded headquarters, Region VIII on February 20th. At request of the RLO, a special report thereon was also made at Rome to AC by the PLO accompanied by Major Nugent ....(Formal report to be filed later).

LIVORNO: During this month the Allied Courts sat every day, and disposed of 735 charges for violation of proclamations.

In jail awaiting trial by Allied Courts : This office checks the jail roster daily in order to ascertain the status of all accused and sees to it that charges are prepared and cases brought to trial within three days after receipt of report of arrest.

Jails: The jails in Livorno Province are greatly overcrowded. Request has been made to the P.P.S.O. to communicate with the Prison Officer to give this matter immediate attention. Due to the large number of cases involving vagrant women it is intended to reserve the jail at Campiglia Marittima solely for female prisoners. Despite this planned move the jails will still be over-taxed, conditions such as these breed disease.

Black Market: There are large scale black market operations in this Province, mainly in sugar, flour, clothing and so forth.

Offences by Military: There has been very few complaints against military personnel. A complete report dealing with conduct of military personnel was submitted to the R.C. with copy to R.L.O. on February 17th.

Petitions for pardon: Petitions for pardon have declined to the minimum. This is due to the realization on the part of the applicants that frivolous pleas do not constitute grounds for pardons.

Important cases: There have been a number of very important cases tried by the Allied Courts this month. In one case 13 accused were convicted for theft and possession of 18.000 detonators. The sentences of most of the accused run from 2 to 3 years. Other important cases concern mail pilferage and a case involving military personnel and civilians in a conspiracy to defraud the Allied Forces in a $ 80.000 salvaged vehicle deal.

Increase of Arrests: It is evident that 16 arresting Agencies operating in this area have greatly increased the work of this office and Court. This month the Courts have tried in excess of 500 cases. It will be noted in the statistical report hereto attached that in many cases the various offences committed involve from 2 to 6 defendants. The statistical report only lists those cased completely docketed and registered and does not represent all of the cases tried. There have been approximately 150 cases tried in addition to those reported on, same are in the process of registration.

Return of property: This office has returned to Allied depots during the month large amount of Allied property as the result of orders entered by the Courts.

Juveniles: An increase in juvenile delinquency has been noted this month. Groups of children ranging in age from 12 to 15 years roam the depot areas and military

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barracks areas. Questioning reveals that the majority of them have come to Livorno from Rome following in the wake of the troops. They commit petty thefts at the depots and act as middlemen between dishonest soldiers and black marketers. At the present time no satisfactory Italian Organization exists for handling of this problem Due to their ages they are not prosecuted, usually the Court in cooperation with the police send them back to Rome, invariably they re-appear in Livorno having made the return trip by unauthorized travel on the railroad.

Publication of sentences: This office prepares for publication reports of sentences imposed for posting in the Port Area and in the local newspaper. This is deemed advisable by PBS and the Port Authorities and serves as a deterrent.

Statistical information: This office prepares statistical information for PBS Provost Marshal, and the Property Controll Loss Section; concerning subject matter, place and names of accused.

Commission and Liaison: Considerable time is spent with the Commissions on Epuration and Defascism, Housing Commission, Labor Commission and various other agencies functioning in this area; also liaison is maintained between the various law enforcement agencies of P.B.S., Royal Navy, Port Authorities, Italian Courts and public officials.

Population increase: The civilian population has now reached 82.000, the military population, American, British, and Italian is in excess of 60.000. This represents an increase of 15.000 over pre-invasion times. A great proportion of these civilians are emplyed by the Allied Forces; the congested conditions, availability of large quantities of supplies and the ever-present black market tend to promote criminal activities.

An analysis of cases shows that racketeers from Southern Italy, counterfaiters, prostitutes and undesirables are finding their way to Livorno. They are often arrested for various reasons and brought to trial as soon as possible. This office has been able to keep abreast of the many problems and has met the situation as required. We are not behind in our Court calender and we are confident that we will be able to continue to dispose cases on schedule.

While the detailed report of Livorno shows no Superior Court Cases tried during February there were many in fact tried, the records of which were not completed until March and will therefore appear on the report for that month.

LUCCA: The monthly report for Lucca Province is submitted herewith.

The number of cases tried has risen from 140 in the month of January to 200 for this month.

It is expected that a steady increase in the number of cases to be tried in the future will gradually rise with the further liberation of this Province.

PISA: Crime:

There were two assaults, with possible intent to kill, involving Allied Forces soldiers reported in the Province during the month.

The first assault occurred at Bientina the night of 29 January 1945. A civilian shot a British soldier twice in the grain with a revolver while the soldier was allegedly attempting to steal some domestic animals from the civilian's residence. The soldier's conditions was still critical at the time of the last report so charge have not been filed against the civilian. He is in custody, however and an application for bail has been denied.

The second assault took place at Castelmaggiore the afternoon of 13 Feb. 45

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A British Indian soldier attempted to rape a young Italian girl who was gathering wood in a isolated area. Her brother, 20 years of age, came to her aid but was driven off by the soldier. They boy then secured a shot gun, returned, found the attempted rape still taking place, and fired a number of shots at the soldier. A report from the Indian Command states that the soldier received moderately severe injuries and is hospitalized. The italian youth was apprehended. No charges have been filed as yet. The complete report having been received only today.

Numerous complaints continue to be received about colored American troops. They not only continue to be the source of supply for Black Market operations but a group of them are operating with W D transportation and a group of armed Italian civilians terrorizing a particular area of the province by robbery and burglary. The latter complaints are being thoroughly investigated by A.M.G. police, the Military Police, and the CCRR.

A German S.S. trooper was apprehended living in the city of Pisa in January. A complete investigation was made by the local C.I.C. unit and eleven Italian civilians were charged with having assisted a member of the enemy armed Forces to evade capture. The conclusion reached by the C.I.C. wes that the soldier was a deserter, rather than a spy, and was attempting to hide out for the duration. The eleven civilians will be tried by a Superior Court here 7 March 1945.

A rather grimly humorous aspect of the case is that the S.S. trooper was harbored first, directly across the street from, and then, next door to the A.M.G. officer's billet from September to January. It may will be that he was eating Allied Force rations as many next door neighbours of military messes do.

Two case of interest reported last month were tried during February. The first, a wire cutting with a possibility of sabotage, proved to be lacking in that respect. Three minors cut an Air Corps communication line to repair a bycycle. They were given indeterminate sentences in the local reformatory.

The second case which involved the cutting of an Italian girl's hair, who was in the company of a Brazilian soldier, was dealt with by a Superior Court. Eight Italiane soldiers were charged and convicted of a conspiracy to commit this offence. Each received one year in prison of which six months was suspended because of their good record as co-beliggerents. Permission had been requested and received from the Legal Sub-Commission to try the Italian soldiers. The case, it appears, had its desired deterrent effect in the Province.

The first cases prosecuted under Provincial No.3, published to enforce the Italian Government Salt Monopbly and the Black Market of salt in the province, were tried in February. Seventeen cases have been tried so far. Sentences ranging from 3 months to 6 months and 5000 lire have been imposed. The judicial Officials of the Province have commented favorably on the effectiveness of this enforcement of the Provincial Order in reducing offences.

The eighty cases which occurred before the publication of this Provincial Order are being dealt with by the Italian Courts. A section of the Tribunale is now setting in Volterra dealing with the more flagrant offences of this nature.

Law and Order

A treatened strike in Pontedera failed to materialize.

An arrest of three armed civilians who were circulating after curfew is the first of a series of arrests anticipated in breaking up a gang of hoodlums alleged to be engaged in Black Market activities and crimes of violance. The Public Safety Division is following this matter closely.

Close liason and cooperation have been effected between the Provincial Public Safety Division, the Legal Office, the C.I.C. and the Military Police.

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The transfer of the 198th M.P.Co, which actually consisted of a platoon, to Lucina from Pisa, and its replacement by the 56th M.P.Co should aid materially in the control of military personnel and their contacts with civilians. The latter unit has a Special Investigative Unit which concentrates on Black Market. While stationed temporarily in Pontedera several weeks ago, this unit did some effective work. The transfer of the units is expected within the next week.

Quite a number of complaints have been received of colored soldiers bringing Italian girls up from southern Italy, particularly Naples. A number of arrests have been made of such women who have been charged either with prostitution or possession of Allied Force property. The Allied Military Courts are dealing with the latter class of cases; the Italian Courts with the former. Approved medical examinations are given in every case.

Military Courts.

The number of cases tried in the Province increased again this month. Ten Superior Court cases involving twenty defendants were tried.

It has been necessary to maintain the almost daily operation of two Summary Courts in the Province as the volume of cases continued here.

Prison and Prisoners.

An investigation of the mortality rate in criminal section of the Volterra Psychopathic Hospital was requested of the Tribunale by the Ministry of Justice, This report revealed that an alarming increase had occurred within the past few months. An investigation ordered by the Provincial Commissioner here verified this fact but revealed that an equally large increase in the number of deaths had occurred in all other sections of the Hospital. The causes were malnutrition over a period of about two years before the liberation of the area, the lack of sufficient heating materials, and the absence of necessary glass to repair damaged buildings.

On 5 February 1945 two civilians were arrested for violation of the salt monopoly at Saline by the Finance Guards. They were held in custody in the security room there overnight. Due to faulty circulation and possibly the criminal negligence of the Finance Guards on duty, they were asphyxiated. A preliminary investigation was conducted by the Procuratore del Re of Pisa. A through investigation is now being made to determine the criminal responsibility of the guards.

Neither the Prison in Pisa nor the Reformatory here have received electricity which, it is stressed, they should have, from a public safety standpoint. Requests for current for these two institutions has been refused by P.B.S.

Running water has been piped into Pisa during the month. Sanitation at the penal institutions will be improved as a consequence.

PISTOIA: One significant fact which emanates from the Redords of A.M.G. Courts in this Province, at least, is that in every case of possession of Arms (as distinguished from shot-guns), the accused are of the Communist Party. There has not been, it is believed, any exception.

This fact tends to a certain uneasiness on the part of those Members of the population who are not particularly red, or who are quite otherwise, and it is indeed possible that they have good grounds for their anxiety. The word "Partisan" has now become synonymous with "Communist", which is a pity, as, while there is no reproach whatever attaching to the better elements of both, their respectives classes suffer from the activity of the turbulent few, whose minds react towards a violent dominion, which, it would seem, they hope the exercise.

The month's cases, otherwise, reflected the usual, inevitable "Wrongful

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possession of Allied Property" (mostly food stuffs), not amounting to anything serious, except perhaps in the prevalence of cases involving blankets. These are on the increase, especially in Hospital areas, and it it though that the Civilian Employees, of the Hospitals are heavily concerned, though few, if any have been detected or brought to Justice here. A considerable number of blankets, however has been recovered through these "Possession" cases.

SIENA: The number of cases tried rose to 38 this month. In addition, 102 cases involving 146 persons were sent to the Italian Courts for disposal. The great majority of these cases were for pass offences, due to a tightening up of control. There was no serious case.

The Canadian Provost Section at Chianciano searched an apartment house and found two shotguns, two pistols and a quantity of explosive. Unfortunately before the hearing, the Section was moved, and left, taking all the exhibits except the explosives. The case was adjourned and efforts are being made to trace the Section. The F.S.S. investigated and reported that there was no political significance, despite the presence of Fascist literature in the apartment.

The trial of CIOCE (vide last report) is fixed for next Saturday.

Law and Order: largely as a result of measures taken by the PP.S.O. 6 persons have been arrested in connection with the armed robberies mentioned in last Month's report, and a considerable amount of cash and property recovered. Also three persons concerned in the murder of a University Professor during the month have been arrested at Rome and have made confessions. This has caused a great deal of satisfaction locally.

Jails: Returns are received regularly and cases of undue delay in bringing prisoners to trial are investigated.

4. ITALIAN COURTS: with detailed Appendices.

Since Maj. Holt handles Italian Courts for the Region most of his report will be included herein. Provinces will only receive such reference as we deem necessary to complete the picture, thus avoiding repetition.

AREZZO: The Italian Court Situation is interwoven into the report of Provincial Legal Officer heretofore set out, we have lifted Epuration from his report which he discusses as follows:

"The Italian program of Epuration was somewhat delayed in this Province on account of the death of Avv. Severi who was first appointed as the Provincial Delegate of the High Commissioner for Epuration. Recently, the appointment of three delegates of the High Commissioner has come through. These three are the Procuratore de Regno, Avv. Rossi Ulderigo, the Sostituto Procuratore del Regno, Avv, Romani Filippo and Dr. Bartolomei Ferdinando. It is anticipated that this work will be carried forward promptly. This committee will need dome transportation. While they will be able to use the car regularly assigned to the office of the Procura, this car does not have adequate tires. We have taken this matter up with the appropriate officials in an effort to supply the needed tires."

GROSSETO: See A.M.G. Courts.

LIVORNO: During this month the Italian Courts sat many days and disposed of 934 charges for violation of decrees and various Italian oil regulations.

PISA: Judiciary Personnel and Italian Advocates.

The Tribunale and all Preture have continued to function during the month.

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As the Praetor of Vc orra has been delinquent in for. rding verbali to the judicial authorities of Pisa and has appeared negligent in some other matters, an inquiry was requested of the Procuratore del Re to determine whether it would be desirable to replace him.

Several violations of ethics on the part of Avvocati having occurred in the Province, the matter was given to the Bar Association which immediately took action warning the offenders that disciplinary measures would be taken if the practices were not discontinued.

PISTOIA: The slow pace at which the Italian Criminal Courts function is a source of worry to Provincial Commissioners. It sometimes happens that quick decisions are required in the interests of some provincial activity, such as Oil ammassing, or to discourage backsliders. These cases, I think rightly, are confided to the Italian Courts, but as one of the methods of swift Justice, Direttissima, was taken away, largely by the Cancellation of the Fascist laws, the result is that a final hearing of a case is a long business, and this would even be so without the added complications of the absence of transport.

It is not always appreciated that the speed with which we can get cases tried, is due to the fact that ours are emergency Courts, equipped with the emergency procedure, while the Italians are bound by the letter of the Penal Codes of the Country and Codes of Procedure.

Any attempted interference with the prescribed procedure in these cases generally meets with a storm of protest from the Bar, and weakens the authority of the Judges, which, it is thought, is undesirable.

Epuration: While awaiting the appointment of the Provincial Commission, the Provincial Delegate has been very busy in the Province on the preliminaries, and his Office has been working full time. From the first to the 21st February the cases of 705 persons were examined, of whom 184 were State Employees, 376 Employees of local Concerns, 15 employees of Banks, 130 Employees of Public Services.

19 Decrees of Suspension have been nade during that time by the Prefect in respect of Employees, as follows:

State and Parastatal Employees	11
Local Concerns	4
Banks	3.

SIENA: (a) Siena. Work continues to be satisfactory.

(b) Montepulciano. There has been a decided improvement, though istruzione is still in arrears. The president has died and his successor has not arrived. The Procuratore, who was a decided weakness, is, at my request, being moved. I believe that Major Holt is arranging a capable replacement, and, given, this the work should now go on satisfactorily, as the other members of the Tribunale are young and energetic.

Of the cases mentioned in para 1 as having been sent to Italian Courts, 34 have so far been reported as having been decided, all ending in conviction.

REPORT OF MAJ. M.C. HOLT:

"Court of Appeal, Florence.

The Penal and Civil Sections of the Court of Appeal are functioning regularly within the limitations referred to in previous reports, and progress towards the normal hearing of Appeals from the dependant Tribunali of those Provinces released from Army Comtrol is considered to be as satisfactory as circumstances will permit.

Seven appeals from judgments of the Tribunale of Florence in cases where

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charges had been laid under the R.D.L. od 22 April 1943 N. 245. (rationing offences) have been heard, and the sentences of the lower court confirmed or modified by a conditional suspensions for five years in accordance with the provisions of the decree law.

In addition eight penal appeals from sentences of the Tribunali of Florence and Siena for offences under the Italian penal code have been dealt with during the current month.

The failure of H.E. VOLPE Giuseppe, formerly First President of the Court of Appeal, Cagliari, Sardinia, to assume the post of Procuratore Generale, Florence, resulted in the nomination by the Minister of Justice of COLAGROSSO Enrico for this position.

While concurring in this appointment to avoid creating difficulties for the Ministry it has been agreed that this Magistrate will not be transferred to Florence for the time being, as his presence here during the period of Allied occupation is not considered to be desirable.

The functioning of Procuratore Generale are being performed most satistactorily by the incumbent Avvocato Generale MARRI Comm. Stefano, who has an enviable record as a Magistrate and citizen.

The promotion of RIPOLI Comm. Ranieri from Consigliere of the Court of Appeal Florence to Avvocato Generale and his posting to the Court of Appeal, Perugia, was approved and authorised at the request of the Minister of Grace and Justice.

GABRIELLI Cav. Emilio, giudice of the Tribunale of Florence, has been made a Consigliere of the Court of Appeal, Florence to re-place Comm. RIPOLI.

The suggestion of the Minister of Justice to transfer D(AMATO dott. Nicola, Consigliere of the Court of Appeal, Perugia, to Florence, has been disapproved. A younger, more active and efficient Consigliere is desired to fill the vacancy.

Court of Assizes.

The Session of the Assizes which opened in Florence on the 16th of January completed its hearings during the first week of February.

A session has been concened for Grosseto commencing on the 6th of March, and this will be followed by a Session in Siena during the months of April.

Satisfactory arrangements have been concluded for the accomodation of the personnel of the Court during its sojourn in Grosseto through the efforts of the Provincial Legal Officer. It is proposed to provide transportation to Grosseto for the members of the Court on Sunday 4 Mar.'45 in order that all necessary preparations can be completed in time for the opening of the Session on the following Tuesday.

Satisfactory progress has been made in the compilation of lists of 'Giudici popolari' which have received the approval of the Minister of Justice.

Session for the provinces of Arezzo, Livorno, Lucca and Pisa, are in course of preparation, as is a Second Session probably in the month of May for Florence and Pistoia.

Tribunali Civili e Penali.

Deficiencies in personnel contribute to the difficulties under which the dependant Tribunali are operating.

This may be illustrated by reference to the situation as it exists in Florence, where at present there are absent:

1. Judge Gabrielli, appointed by the High Commissioner for Epuration as Provincial Delegate for Florence.
2. Judge Civiletti, called up for Military Service, and now a prisoner

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of war in Germany.

3. Judge BIANCHI D'ESPINOSA applied to the High Commission for the repression of Fascist Crimes, now in ROME.

4. Judge BERETTA applied to the Ministry for occupied territories.

5. Judge MUTI, also applied in Rome to the High Commission.

6. Judge SQUILLACI, who departed on leave to Calabria in August 1943, and who has never returned. His present whereabouts is unknown.

7. Acting judge GERI called up as an Officer of Military justice and at present in German occupied territory.

8. Uditore CAPPELLINI detached from Florence and applied to the High Commis ion for Epuration.

9. Uditore CIRUZZI applied to the Ministry for occupied territory.

10. Uditore BANTINI, in Military Service and now in Nothern Italy.

Thee absentees comprise nearly one third of the Magistrates of the Florence Tribunale.

With the appreciable increase in penal proceedings it has been necessary to apply eleven Magistrates including the uditori, to the office of instruction alone, where normally there is assigned only the Consigliere istruttore and four judges.

Similar shortages although less extensive exist throughout the Tribunali of the other Provinces of Tuscany.

Suspensions from duty must be kept to a minimum if the work of the Tribunali is to remain unimpaired by reductions is personnel.

During the month of February 101 cases have been transmitted by the AMG prosecution office for trial by the Italian Courts of Florence.

Preture Courts

While the instruction of penal cases continues to be slow in the majority of the Preture, due to the adverse conditions under which they must operate, these Courts are disposing of many additional offenders who come within their jurisdiction.

Italian Courts

Attached hereto as appendices 'A' and 'B'/are summaries of penal cases tried by the Tribunale and Pretura Unificata of Florence during the period 15 Jan 45 to 15 Feb. 45.

LEGISLATION: Considerable steady and attention was required in the drafting of administrative Order Number 9 dealing with Article 10 of DDL No 328 of 18 Nov. 44, contained with Gazzetta Ufficiale No. 86.

Another matter requiring special attention was the question search and seizure by Carabinieri in respect to Olive oil law violations. In order to avoid abuses which might result from a blanket authority, a special mode of proceedure had to be prescribed.

GENERAL: On Sunday February 25th a conference of all provincial legal Officers was held at Florence, lasting till late afternoon. Many improtant matters were discussed and the question and answer period was very instructive to all. This office prepared, from its files of seven thousand cases, an alphabetical list of all offenders who had been tried twice in this region together with a separate list of those twice convicted who had suspended sentences hanging over them. The provincial legal officers expressed appreciation for this assistance in checking offenders who had been convicted in other provinces. As a result of this complete check of our records, many offenders will be compelled to return to or remain in jail to complete such sentences suspended during the continuance of Allied Military Government, conditioned upon their good behavior. Such a check of the records of this office, has revealed on two occasions that spies, since executed

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had been before 3 courts and released from Pass violations with small fines.

Capt. Granai completed his special report on the soldier crime situation in Livorno Province and filed it with the Regional Commissioner. It has since been transmitted to this office, together with a letter from the Provincial Commissioner of Livorno.

Major R.M. Hill, completed a thorough report on the conditions on Isle of Elba prior to that Island coming under Control of the Regional Commissioner of Toscana. Which report has since been submitted to and approved by the Deputy Chief Legal Adviser Allied Commission.

JOHN K. WEBER,
Colonel, Infantry
Regional Legal Officer.

MAJ.APN

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APPENDIX "A"

LIST OF LEGAL OFFICERS ASSIGNED OR ATTACHED TO REGION OF 28 FEBRUARY 1945.

Colonel J.K. Weber (A)	Regional Legal Officer
Major Anthony P. Nugent (A)	Assistant Regional Legal Officer
Major D.D. Mc Colm (B)	Temporary duty, Florence
Lt. Col. A.R. Troxell (A)	Apuania PLO (Temporary duty Florence)
Major W.D. Stump (A)	PLO Arezzo
Major H.L. Glenn (A)	PLO Florence
Capt. W.T. Fielding (B)	Assistant PLO Florence
Major M.C. Holt (B)	Italian Courts, Florence and Region
Major R.M. Woodward (A)	PLO Livorno
Lieut. L.C. Becker (A)	Assistant PLO Livorno
Capt. L.L. Miller (A)	PLO Lucca
Lieut. E.E. Nevans (A)	PLO Pisa
Major W.A. Caldwell (B)	Assistant PLO Pisa
Lt. Col. W.J. Purcell (B)	PLO Pistoia
Major B.E. Dreyfus (B)	PLO Siena
Capt. Cornelius Granai (A)	Special Investigation Livorno

In accordance with agreement with 5th Army 12 November 1944, the following officers are on temporary duty with Florence Province:

Major	G.M. Welsford	Liguria Region
Major	F.C. Bader	Lombardia Region
Major	G.M. Davis	Emilia Region
Capt.	C.F. Delbridge	" "
Capt.	E.N. Blacklock	" "
Lieut.	F.J. Moran	Hq Allied Commission
Major	L.L. Cox	Bologna Province

Lt.Col. W.F. Waugh remains in charge of Prosecuting Office of Florence.

Major Welsford, Capt. Blacklock and Fielding were taken away on temporary duty and this office has not been informed of their return.

A P P E N D I X "B"

TABLE OF CASES TRIED IN THE REGION DURING FEBRUARY 1945.

PROVINCES	Summary Courts		Super. Courts		Gen. Courts		Totals		Total Cases	Italian Courts Allied interest.	
	NG	G	NG	G	NG	G	NG	G		NG	G
AREZZO	20	37	0	0	0	0	20	37	57	5	189
FLORENCE	29	470	4	34	2	3	35	507	542	41	86
GROSSETO	0	1	0	11	0	0	1	11	12	1	70
LIVORNO	82	655	0	0	0	0	82	655	737	0	0
LUCCA	10	193	0	0	0	0	10	193	203	0	0
PISA	8	97	0	20	0	0	8	117	125	0	0
PISTOIA	6	80	0	1	0	0	6	81	87	0	0
SIENA	2	46	0	0	0	0	2	46	48	0	0
TOTALS	157	1579	4	66	2	3	164	1647	1811	47	345

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APPENDIX "C"

TYPES OF CASES TRIED IN THE REGION DURING THE MONTH OF FEBRUARY.

PROVINCES	CURFEW & PASSES	THEFT & POSSESSION	BLACK MARKET	LOOTING	ARMS & AMMO	ITALIAN CODE	OTHER OFFENCES	TOTAL
AREZZO	7	44	0	0	2	0	6	59
FIORENCE	162	192	0	0	27	0	126	507
GROSSETO	0	7	0	0	3	0	1	11
LIVORNO	436	200	0	0	16	0	95	747
LUCCA	102	53	0	0	11	8	29	203
PISA	31	38	13	0	19	0	28	129
PISTOIA	21	27	0	0	17	0	22	87
SIENA	27	14	0	0	5	0	0	46
TOTALS	786	575	13	0	100	8	307	1789

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Appendix "A" - Italian Courts -

PENAL TRIBUNAL OF FLORENCE.

Summary of cases heard before the Penal Tribunal of Florence from the 15th January 1945 to the 15th February 1945.

Offence	Cases	Aquittals	Convictions			
			Maximum sentence		Minimum sentence.	
			Impris.	Fine	Impris.	Fine
Manslaughter	2	=	1 year	--	--	--
Wounding	1	--	1 year	--	--	--
Theft	53	16	10 years	12.000.=	1 month	300.=
Receiving stolen goods	26	5	1Yr.7 mos.	4.500.=	20 days	200.=
Rationing	15	4	4 years	50.000.=	1 month	300.=
P.S. offences	18	15	1 month	1.500.=	--	--
Various	12	1	12 years	50.000.=	20 days	1000.=
	127	41				

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Appendix "B" - Italian Courts -

UNIFIED PRETURA OF FLORENCE

Summary of cases heard in the Unified Preture of Florence from the 15th January 1945 to the 15th February 1945.

Offence	Cases	Aquittals	Convictions			
			Maximum sentence		Minimum sentence	
			Impris.	Fine	Impris.	Fine
Wounding	1	—	--	3.000.=	--	--
Theft	3	—	1 yr.6 mos.	3.000.=	1 year	1.000.=
Prostitution	14	4	2 years	10.000.=	8 months	200.=
Fraud	3	1	1 year	1.600.=	6 months	1.000.=
P.S. offences	1	1	--	—	--	--
Control of Prices	11	--	1 year	9.000.=	--	1.000.=
Rationing	83	--	10 months	10.000.=	1 month	400.=
Various	2	--	15 months	--	6 months	--
	118	6				

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H E A D Q U A R T E R S
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

2 February 1945

SUBJECT : Report of Legal Division, Toscana Region for month of January 1945.

TO : Chief Legal Adviser Allied Commission.

1. STAFF: Attached Appendix "A" is a list of the Legal Officers assigned or attached to this Region as of 31 January 1945.

2. PROVINCES: All provinces in the Region, except Apuania, are now functioning, though parts of the northern provinces are still occupied by the enemy. Grosseto, Livorno, Siena, Arezzo and Pisa are now under the administration of the Regional Commissioner; the remaining provinces are under control 5th Army.

There has been a general increase in the number of cases tried in the Region during January, except Arezzo showing a decrease of forty-four due, as will be seen, to the number of cases involving allied interest tried by Italian Courts. Grosseto exactly the same number as December. Pisa a decrease of three and Siena a decrease of eighty-seven. The overall increase in the Region was two hundred seventy nine cases. The largest increase occours at Livorno showing exactly seven hundred cases for only twenty five days in January as compared with five hundred thirty six for the full month of December. Florence follows with an increase of seventy in General, Superior and Summary Courts.

3. MILITARY COURTS AND PROVINCIAL LEGAL ACTIVITIES:
AREZZO: By submitting most of the minor Allied Interest cases to the Italian courts for trial the Provincial Legal Officer is able to get over the Province and try all the A.M.G. cases of a more serious nature. Accordingly a weekly schedule has been established whereby the Provincial Legal Officer gets to the various cities of the Province on a fixed weekly schedule for the trial of the more important cases and at the same time for conference with and checking the work of the local Italian Courts.

I am confident that the procedure above indicated has created in the Province an attitude of mutual trust and confidence that is distinctly beneficial to the Highest aims and pruposes of A.M.G.

a) Prevailing offences.

The prevailing offences coming before A.M.G. courts and the prevailing types of Allied Interest cases coming before Italian Courts are : (1) Pass and curfew violations and (2) wrongful possession of Allied property. Most of the cases continue to be of a minor nature. There is a relatively small amount of actual crime and there has been a decrease in the number of cases as compared with preceding months.

b) Jails.

The Arezzo Jail has been overcrowded for some time and there has been suffering from shortage of blankets and beds for prisoners. This condition became critical to the point where emergency measures were deemed necessary and accordingly the condition has been relieved for the time being by a temporary loan of a number of military blankets. In the meantime the appropriate Italian officials have been urged to redouble their efforts to take care of this condition through the regular Italian agencies.

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FLORENCE: The prosecuting office continues to function smoothly and has no difficulty in coping ith its calender including the damage cases which are ~~now~~ known to be substantial in number but which require some additional preparation before they are ready for submission to the Prosecuting Office. A Summary Court has been sitting every day in Florence and Superior and General Courts from time to time, including on occasions, a Superior Court and two General Courts sitting at the same time. In addition, Summary and Superior Courts have been held by an Legal Officer at Prato and Borgo S. Lorenzo. The usual monthly tabulation of cases and breakdown is annexed hereto.

We have lost during the past month, one of our most able Legal Officers Major Baulet, who has been posted to AFHQ, and acquired a new Legal Officer, Major D.D. McColm, who comes to Allied Military Government from an anti-aircraft outfit.

On one or two occasions the Prosecuting Office has inadvertently released a prisoner after conviction without authority from the R.L.O. or the P.L.O. Prisoners released without authority have been returned to jail and assurance is given that there will be no repetition of this irregularity.

A big civilian lorry was forfeited to the Allied Military Government by an order of the Allied Military Court which had previously belonged to a civilian who had violated Provincial Order No. 3. The Provincial Commissioner has directed that the truck be added to the A.M.G. Provincial transport. The Provincial Commissioner has also directed that all arms and ammunitions confiscated by Allied Military Courts to date be turned over to the local Carabinieri.

There are charges pending against an Italian soldier for killing an Allied soldier and against an Italian sailor for theft of Allied property. Whether they or either should be tried by our Allied Military Courts or turned over to their units for trial by their own military tribunals has been submitted to higher authority.

The CA/C XIII Corps has pending charges against a Catholic priest for saying words disrespectful to the Allied forces in contravention of Par. 31 of Proclamation No.1 in that he expressed his opinion that a certain family in a certain town had been permitted to remain after the evacuation of the other inhabitants because the F.S.S. were having sexual relations with the daughters of the family remaining, which is alleged to be untrue.

GROSSETO: Six Superior Court cases for possession of firearms and "wrongful possession" were tried resulting in guilty verdicts in each and sentences of imprisonment ranging from 8 months to two years. Five additional Superior Court cases will be tried on the last day of this month. Six of the above were cases involving former Partisans from Follonica who persisted in keeping of their arms after our occupation. They had reputations of black market activity. The people of Follonica had grown afraid of them. The cases attracted rather wide interest.

No general courts cases were tried. The Summary Court (smaller cases) were left, as usual, to the Italian courts who continue to handle them satisfactory.

LIVORNO: "During this month the Allied Courts sat every day. Cases are disposed at an average of 35 per day.

The jail in Livorno is greatly over-crowded, request will be made thru P.P.S.O. to Regional Prison Officer to transfer long term prisoners to other jails.

a) Awaiting trial in jail by Allied Courts: There are only a few persons awaiting trial in jail as cases are usually tried within three days after arrest. If not possible to do so, a system has been arranged for the release of the prisoners on bail, unless such action is not warranted.

b) Black market: There is a great deal of Black Market operation in this Province, mainly dealing in sugar, this is due at the present time to fact that a large shipment of sugar arrived in the port during the month. There is also considerable dealing in American flour, cigarettes and clothing. The latter is being dyed by the possessor. Some dyeing establishment operators have been arrested and have tried by the Allied Courts.

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a)Offences by Military: There have been only a few complaints against the military personnel, with the exception of a report that a soldier is alleged to have committed rape. A complete report dealing with the offences by military personnel against civilians will be submitted on February 3rd, 1945.
d) Petition for pardon: There were no petitions for pardon presented this month.
e) Political cases: A number of cases involving political parties have been tried for violation of proclamations in that they held meetings and demonstrations and also published and distributed publications without permit. Several cases of this nature are still pending and will be tried within the next ten days.
f) Other important cases: Several cases were tried involving possession of a large amount of counterfeit money. In one case the accused were convicted and sentenced to 9 and 7 years respectively. There are also pending several cases for interfering with the mails.
g) Prostitution: There have been many arrests for prostitution. The Allied Court has no particular order upon which the charge is based and therefore these cases are being tried under Proclamation 1, Art. 5, Paragraph 16. Prostitutes are being sent by order of the Court to the V.D. Clinic. It appears that many of the prostitutes are being brought here by Military personnel from Naples, or these women follow them to his city.
h) There has been an increase of cases for failure to surrender pistols and failure to declare cameras."
i) Return of property: During this month we have returned to the Allied Depots 2000 pounds of sugar, 1200 pairs of shoelaces and a large quantity of other Allied property. Four or five times a week deliveries are made to the Depots of property ordered returned by the Court."
l) CIMA: The island of ELBA is being reported with proclamations and orders. A number of arrests and trials by Allied Court will soon be had. The functioning of the Allied Court on the island is receiving our attention."
" Increase of arrests: As the activities of the many arresting agencies (16) increase, the number of cases have greatly increased and it is expected this will continue with the increase of concentration of troops in this area which is evident. This month the Allied Courts have tried 700 cases. The statistical reports indicate the various offences committed, some of the cases involve from 2 to 5 accused. Statistical report does not list the figure indicated in this paragraph due to the fact that many files are still to be written up and recorded in the docket and register."

"It will be noted that the problems in LIVORNO are many and are increasing as the days go by. While smaller than NAPLES there is a greater concentration of activity. It is the pivotal point of operations for supply, labor and general needs of the Army. This office has kept abreast with the problems and has met the situations accordingly. In Livorno there is a great deal of political activity, this has been throughout its history."

LUCCA: The average number of cases tried during the past month has risen to approximately eighty per cent over the previous month. There has been a great amount of military activity of late which to some extent explain this rise.
PISA : The month was a quiet one in the province from a standpoint of crimes of violence between civilians.
Colored American troops have continued to cause trouble, however, with the civilian populace. Numerous complaints have been received of breaking and entering residences, assaulting and robbing civilians and forcing civilians to purchase Allied Force Property.
One case of possible sabotage : occurred. A telephone line in use by the Air Corps was cut by three minors. From the preliminary investigation made by the Military Police, the case appears to be one of criminal negligence rather than one of sabotage. The matter was referred to the C.I.C. however for complete investigation.

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A group of eight to twelve Italian soldiers stationed in Pisa found a Brazilian soldier walking an Italian girl. They drove him awa seized her, and cut her hair. The reason g n was that she was being seen l Allied Force soldiers in public. Eight of the Italian soldiers were apprehended.

The Local American Military Police have received two other complaint from Italian woman here have received threats of hair cutting for the same reason. As the safety of Allied Military Government employees is particularly involved and clashes between Allied Forces soldiers and Italian soldiers or civilians are likely, unless the matter is handled quickly and firmly, a request was made to permit an Allied Military Court to take jurisdiction of the case in Pisa.

Thefts of bicycles from civilians are widespread in the Province. The principals offenders appear to be Allied Force troops. As bicycles are the principal means of locomotion of civilians, and are selling for, as high as 30000 lire, such thefts are comparable to automobile thefts in the United States.

The violation of the salt monopoly of the Italian Government, and the consequent Black Market traffic in salt in and around Volterra, having continued, made necessary the preparation and publication of a provincial order to attempt to correct the situation. The order was published in Volterra on the 23 January 1945 and in the balance of the Province subsequently. No violations have been reported at headquarters as yet.

Law and Order . There was one strike by factory workers reported in the province of Pontedera. It was of very short duration and was settled by a wage concession being made. No disturbance occurred.

A statue of the sculptor Ciovanni Pisano in the city of Pisa was blown up by a person or persons unknown. The statue was erected during the Fascist era but no other reason is known for destroying it.

Reports have been received of Communist and Partisan groups having caches of arms and explosives hidden with a view toward using them after the Allied Forces leave Italy. The matter is receiving the close attention of the Public Safety Division.

Military Courts. Five Superior Court cases were handled in the Province during the month.

Convictions were secured in Superior Court in cases involving the three principal military unit installations in the Province. There are two replacement depots and one staging area. The Military police at the three installations believe that the sentences given in these cases will aid materially in clearing up civilian trading in Allied Force property in these localities. A close check is being made of military personnel leaving unit areas and disciplinary action is being taken against offenders.

The Summary Courts continued to operate almost daily in Pisa because the volume of Summary Court cases continued to be large.

Prisons and Prisoners. During the month electricity was brought into the city of Pisa. Except for the public fountains in the city, there is no running water. As in the prison nor has ever two hundred prisoners, it is highly important from a standpoint of public safety that electric current for illumination be furnished. Because of a shortage of electric power, requests for electric current for both the prison and reformatory have been refused by P.B.S.

Water must be carried into both the prison and reformatory daily from the public fountains. Sanitation will continue to improve in these institutions when running water can again be obtained.

The conflict in policy between Fifth Army ACG and AC over the detention of those ex Fascists or German collaborators whose personal safety would be jeopardized by their release, or whose release would cause public disturbances, has caused both Public Safety and Legal some concern. A number of persons are being detained at both Volterra and Pisa on the recommendation of the CC.RR and the Questura.

PISTOIA : This Provincial Legal Officer couches his montly report in poetic meanderings and it is passed on in its entirety untarnished by any remarks from the Regional Legal Officer:

"The happiest countries are notoriously those without any particular history, and although no Province of Italy can be said to be really happy at the moment, the absence of any particular disturbing feature in the Province of

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Pistoia during January must entitle it, at least, to what small share of happiness may be going."

AMG COURTS : The fact that during the past month we have only had one Superior Court case, and no General Court, argues a satisfactory state of affairs, and in this connection, it may be of interest to consider the lists of Mr. Leon Tolstoi and indeed of Mr. Oscar Wilde who held that " .. Community was infinitely more brutalised by the habitual employment of punishment than it was by the occasional occurrence of crime".

In Italy, the thoughtful must have remarked that the contemplation of eventual punishment, does not seem to have been present in the mind of the wrong-doer, when he has violated the law, and what we refer to as deterrent punishments, would seem to me to have failed of their effect. Certainly, in the Province of Pistoia, the absence or prevalence of any particular offence cannot be said to be related to any system of repression or otherwise. When the Italian feels like committing an offence, he commits it, " sene'altro."

However, we mustnt wander into the realm of metaphisics nor forget that this is a report on the Province of Pistoia as seen through legal eyes.

"The Partisan Complex, to which I have referred in previous report, is ever present. It is largely allied with the Communist cause. In fact, in a serious "Possession of Arms" case here the other day the accused, when asked to raise the right hand, preliminary to taking the oath, instinctively gave the communist salute, and only unclenched the first when pulled by the coat by his Counsel. This particular prisoner was at some pains to explain that the arms were very necessary to protect himself from Republican Fascists, who let it be said, if they exist at all in any number, are certainly not infringers of the law here about.

"As usual, the greater number of cases are those involving wrongful possession of Cigarettes, soap, tins of food etc. and in only one of those was there evidence of a major black market transaction. No doubt, a few cigarettes and bits of soap are sold, by a few of the poorer and more negligible part of the Community, but this will always be where you have large ration Dumps, as we have in Pistoia, and numbers of black troops. There is no evidence that the thing is on a scale at all alarming."

SIENA : "The number of cases disposed of shows a further fall due to

(1) an increasing number of minor cases (36) sent for disposal to Italian Courts.

(2) the transfer of the CIC Coy. which had being doing useful work in connection with pass offences and possession of Allied Property. A new Coy. has now taken over and is already doing useful work in this connection.

Two cases from Chianciano were by arrangement tried by RLO Piemonte Region, now at Chianciano.

"One man arrested by the FSS for travelling without a pass and being in possession of a revolver claimed diplomatic immunity as being Cancelliere of the Argentine Ministri Embassy to the Vatican. The PPSO has received telegrams from Italian Ministries asking for his release, but he is still at the disposal of the FSS. who are inquiring about certain information found in his possession. The question of diplomatic immunity has been reported to you. Pending receipt of your reply he will be released on bail, if and when the FSS turn him over to AMG.

Law and order. The hopes I expressed last month on the subject of armed robberies proved premature, as there have been at least two serious cases since then, committed by armed gangs in the MM. of the Province. In one case a bailiff was shot dead, and in the other an isolated villa was attacked and the inmates robbed. Naturally proprietors living in isolated places are in a state of alarm, but we are still not authorized to issue permits for firearms for purposes of protection.

The PrSO. is also commenting on this in his report."

Jails. Overcrowding at Montepulciano has been relieved by the transfer of prisoners to San Gimignano.

The conditions at Montepulciano are still not good and the Prefect at my request has promised 30 blankets, as a serious shortage is reported at that jail.

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4. ITALIAN COURTS:

a) APUANIA : STILL COUNTED BY THE ENEMY.

b) AREZZO : Provincial Legal Officer Reports as follows:
AMG and Italian Courts.

"In accordance with my report for the month of December 1944 and the procedure therein outlined, The Italian Courts of the Province have tried most of the Allied Interests cases of a minor character arising during the month of January. The work of these courts has continued to be highly satisfactory, not only to us, but so far as I have been able to ascertain, to the various police agencies as well. Only one decision has been questioned as being to lenient. That was a case tried by the Tribunale. When my attention was directed to this case, a full report was obtained from the court covering the trial of the case. After investigation it was concluded that while the decision in that case might have been somewhat more lenient than the facts warranted, the criticism was primarily due to the deficiences of the Interpreter, a circumstance which presents its difficulties to both Italian and AMG Courts. Copies of all arrest reports and weekly reports of cases tried are received at my office, all of which are abstracted in a register. In this way we are kept informed as to the nature of pending cases, the promptness with which they are tried and the disposition of each case."

"The lack of transportation still presents a problem in the efficient administration of Justice by the ItalianCourts although this condition has been somewhat relieved since the month of December."

c) FLORENCE: The Italian Courts on the Provincial level have been functioning with dilatoriness. This is due to the lack of transportation, a condition which has been aggravated during the past month, and particularly to lack of heat in the court rooms and court buildings which makes it impossible to work for any substantial period of time.

Efforts to solve the former problem by approving funds in the budget for rental of automobiles and asking the Prefect to requisition have met with no succes because of the difficulty of finding machines. The difficulty of solving the latter stems from the same source - lack of transportation.

d) GROSSETO: Italian Court trials of Cases Affecting Allied Interests

Nine such cases were tried by the Pretori courts all resulting in guilt verdicts. These were minor "wrongful possession cases, with the exception of one which was a firearm case.

Italian Courts - Fifteen cases were tried by the Tribunale, 14 being adjudged guilty, three of them being sentenced to more than one year. Forty-five cases were tried before the Pretori courts with 39 being found guilty. An additional 10 cases are set for trial Tribunale on the last day of this month.

Trials under RDL 159 (Sanctions against Fascism)

Two additional cases (brings the total to date to 21) of personal violence involving the forced drinking of castor oil by anti-fascists about 20 years ago were tried by the Tribunale on January 22, '45. A sentence of 2 years and a small fine was given in each of these two cases.

The records on 29 additional and more serious cases under DLL 159 to be tried by the Court of Assizes, from Florence, were delivered to Procuratore Generale and First President of the Court of Appeal at Florence during the month. Eleven such records were delivered to them during December, 1944. The list of lay judges for the Court of Assizes was delivered to them during December. It is hoped we may soon hear from them setting a definite date for the term. The next move is clearly up to the officials at Florence...a total of from 275 to 300 Fascist cases are to be tried eventually. It is regretted that the Italian court officials at Florence cannot or do not act more expeditiously.

During the month we issued an order that no judicial official should leave the Province of Grosseto for vacation, visit, or for other purpose

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without first securing the consent of AMG.

e) LIVORNO :"The Italian Courts are functioning. Several of the Pretori terms expire and they have made applications for reappointment which we believe will be forthcoming. This office is constantly keeping in touch with the Officials of the Tribunals and the Pretori."

"This office has also given careful attention to the subject of Epuration and Defascism solely from a supervisory view point and has prepared orders for the P.G. and rendered numerous opinions to the LIVORNO Allied Control Commission and the Housing Comission and furnished to the Property Loss Control Section of F.B.S. and index of Balck Market prices which information is gained in Court proceedings. Also has had a number of conferences with the Judge Advocate F.B.S., Prevost Marshal and other law enforcing agencies."

"LIVORNO from the days of the Medici has been a free port, open to the mariners and merchants of the world. In times of persecutions the various sects and groups came here, they have left the heritage of their desire and thirst for political freedom and individualistic ideology to the present day inhabitants. Coupled with this fact it must be remembered that LIVORNO is an International City; it has been exposed to the thoughts and ideals and defects of other nations, all of the above is now reflected in the general attitude and thought of the city."

f) LUCCA: The Procuratore del Regno for security reasons has been sent to a Concentration Camp. A substitute for him, Judge Malerba, has been acting in his place. He has done excellent work in processing Italian prisoners.

g) PISA: Italian Courts, Judiciary Personnel and Italian Avvocati.

The Tribunals and Preture have continued to function during the month. Because of the difficulty of transportation, a section of the tribunals went to Volterra to try cases there rather than bring all concerned to Pisa.

The Bar Association formed in October has continued to function with much interest being shown by members in being free of Fascist interference.

h) PISTOIA: Italian Courts: These are all functioning but greatly hampered by absence of transport, which holds up "Instructions" in cases in outlying Communes. For instance in Pistoia Prison, there are at the moment about 55 Prisoners awaiting trial, and not one undergoing sentence by an Italian Court. Many of these have been detained in connection with Epuration Proceedings, and for alleged Fascist delinquencies. The absence of any sort of heating in the Offices, and the total absence of electric light must, also have effect, certainly of a moral kind.

Epuration . Although Commissions are not yet functioning in this Province, the Provincial Delegate and his Staff are extremely busy examining cases, and when appropriate, suspending Officials. A few figures will show what is happening:

Total cases, of persons suggested for Epuration, examined up to 24 January 1945 No. 1566 subdivided as follows:

State Departments	616
Parastatal and Local	532
Banks	201
Public Services, etc.	217

Total requests for Suspensions up to 24 January 1945 No. 55 subdivided as follows:

State Departments	9
Parastatal and Local	30
Banks	16

Total suspensions ordered by Prefect to 24 January 1945 No. 28 subdivided as follows:

State Departments	1
Parastatal and Local	15
Banks	12

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i) SIENA: Tribunale of Siena Work satisfactory.
Tribun of Montepulciano.

There is some improvement. After considerable delay, a report on the working of the Tribunale has been received. It is not complete, but shows an excessive number of cases pending with the Procuratore for instructions. This had been pointed out to him.

The Prefect of Siena (who retired with the Germans) has been condemned in contumacia to three years imprisonment for an offence committed in 1921. This is in accordance with DL of 27 July 1943, but I understand that other more recent and serious charges against him are pending.

The Procuratore Generale has also instructed the local Procuratore to start proceedings against the Siena Newspaper "Rinascita" which published objectionable articles about Procuratore and Presidente of the Tribunale of Montepulciano.

The Court of Appeal Florence

The inauguration of the new juridical years was marked by a ceriMony held on the 8 day of January 1945 attended by the Administrative officials of the Province and a number of officers of AFC. After the pronouncement of the new "stati di servizio", adopted for the District of this Court of Appeal, the inaugural discourse was read at lenght by Comm. Stefano Varri the Avvocato Generale del Regno, and acting Procuratore Generale del Regno.

The hearing of appeals in both penal and civil cases, are held regularly whenever circumstances allow for their preparation and proper presentation.

Two magistrates, PALOCCHI Mario, and SALADINI Saladino, have been temporarily transferred from the Tribunale of Florence and nominated as Consiglieri of the Court of Appeal to meet the current requirements of the sections of this Court.

Judical and legal members of the various Provincial Tax Comissions, for Arezzo, Florence, Siena, Pistoia and Grosseto, have been nominated and approved.

The Court of Assizes.

The first session of the Assizes since the date of Allied occupation of the Region, opened in Florence on the 16 of January 1945, and will continue to sit during the first week of February.

During the hearing of one case involving for accused persons charged with homicide and attempt homicide, it became necessary for the Court as a whole to view the locale of the crime, and arrangements were made to transport the seventeen individuals involved to the spot, for this purpose.

A session of the Assizes has been fixed for the Province of Grosseto, to open on the 6 of March 1945. Further sessions to be held for other provinces in the Region, are in course of preparation.

The compilation of the new lists of individuals, to serve as "giudici popolari", are in most instances complete and have been submitted to the Ministry for approval in compliance a recent circular.

Tribunali Civili e Penali

The functioning of the dependent Tribunali continues to be hampered to a marked degree by the lack of adequate means of transport for the Giudici Istruttori, and by the restrictions on travel imposed in Army areas upon the civilian population. In rear areas progress towards normality in the administration of justice is proceeding, especially where efforts are being made to provide assistance in the matter of transport and communications.

Proposal received from the Ministry of Justice affecting the transfer, application and assignment of judicial personnel have been approved.

A complaint received from the Colonel of Carabinieri of Pistoia to the effect that local magistrates were showing favouritism in the treatment of certain accused persons, which involved the Substitute Procuratore del Regno and Giudice Istruttore, was investigated and found to be based upon a misunderstanding of fact and procedure. A visit was made to Pistoia with the Procuratore Generale and the

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matter was satisfactorily explained to those concerned.

The occupation of the Tribunale archives at Livorno, by troops, which was hindering the work of revision of records required by the Italian legislation has received the attention of the PLO Livorno, who reports that he has made the necessary arrangements for this work proceed.

Temporary measures to assist in the work of the Procura del Regno of Arezzo have been taken by the application of two Pretori as "sostituti", each for ~~six~~ three days in the week.

The office of the AMG Prosecutor for Florence Province has transmitted 104 cases for disposal by the competent Italian court during the month of January. Pretura Courts These courts in many instances operating under extreme difficulties of accomodation and transportation, are nevertheless continuing to function in penal cases. The lack of heating in court premises contributes a serious detriment to their general efficiency.

Suspension from office The suspension of SCLAFANI Ulderigo from the office of Procuratore del Regno, Lucca, pending epuration proceedings, is presently being examined as it appears that an injustice may have occurred in suspending him prematurely.

LEGISLATION : During the month, the Regional Legal Officer was called upon for interpretation of the law affecting the wage scale throughout the Region. Labor contract were also drawn.

GENERAL : The Regional Legal Officer again settled down to a smooth running organization within a few days after the move from Lucca. An entire new staff of civilian employees had to be obtained and trained and are now functioning efficiently Some of the difficulties encountered in procuring office equipment have been overcome by picking up pieces of old furniture here and there in former Fascists Headquarters. In five months the Regional Legal Officer has reviewed over five thousand cases, an average of about forty per day. In addition to this he has given advice to the various regional branches, lack of heat in the working quarters has failed to slow down the efforts of the staff to keep reviews up to date with the result that petitions for review are disposed of within three to five days after being received.

The good work of the Provincial Legal Officer at Livorno Maj. Woodward and his two assistants Capt. Granai and Lt. Becker has been recognised by the Italian papers. It has also been noted that Major Woodward has worked out a plan with the Provincial Labor Office and the PRS Command dealing with the arrest of civilian employees for thefts, disturbances, and strike agitation which should help the enforcement of the law and result in the proper conviction of the guilty and release of the innocent.

On Sunday 21 January 1945 a conference of all provincial Legal Officers and their assistants was held in Florence. Twenty-five attended ~~were~~ in addition to Provincial Legal Officers, ~~three~~ officers loaned to Florence from 5th Army and officers whose future assignments are for territory not yet occupied. The Regional Legal Officer presided throughout the six hours and spoke at length on the proper handling of cases in accordance with Consolidated Instructions. In the questions and answer period which followed he answered every question and clarified many propositions which had appeared to confuse some who had been sitting as summary judges. Also questions of forfeiture, confiscation and proper orders of disposition of seized, goods, vehicles, shot guns and weapons possessed without permit.

He also discussed defascistization and screening ~~policy~~. Much satisfaction was expressed by those who had received very little instruction on the subject.

The entire meeting was especially beneficial and instructive to those officers who are just waiting to go forward into provinces and regions not yet occupied. Since the meeting, many letters have been received by this office expressing appreciation for the opportunity of meeting together and discussing various

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problems. It has been the constant practice of this office, to return records to the trial counsel, where they have failed to follow Consolidated Instructions and have permitted errors to recur. This has produced a wholesome result and has expedited the review of cases. All of the common errors were pointed out at the conference also and more intelligent and complete records by some of those in the forward areas working under handicaps, have amply rewarded this office for its constant educational program which it has pursued along these lines. Letters of explanation are sent with the returned records which point out that the office is not being critical but merely trying to follow those rules dictated to us by higher authority.

JOHN K. WEBER,
COLONEL INFANTRY,
REGIONAL LEGAL OFFICER.

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APPENDIX "A"

LIST OF LEGAL OFFICERS ASSIGNED OR ATTACHED TO REGION AS OF 31 JANUARY 1945.

Colonel J.K. Weber (A)	Regional Legal Officer
Major Anthony P. Nugent (A)	Assistant Regional Legal Officer
Major D.D. Mc Colm (B)	Temporary duty, Florence
Lt. Col. A.R. Troxell (A)	Apuania PLO (Temporary duty Florence)
Major W.D. Stump (A)	PLO Arezzo
Major H.I. Glenn (A)	PLO Florence
Capt. W.T. Fielding (B)	Assistant PLO Florence
Major M.C. Holt (B)	Italian Courts, Florence and Region
Major R.K. Woodward (A)	PLO Livorno
Lieut. L.C. Becker (A)	Assistant PLO Livorno
Capt. L.L. Miller (A)	PLO Lucca
Lieut. E.E. Nevans (A)	PLO Pisa
Major W.A. Caldwell (B)	Assistant PLO Pisa
Lt. Col. W.J. Purcell (B)	PLO Pistoia
Major BE Dreyfus (B)	PLO Siena
Capt. Cornelius Granzi (A)	Special Investigation Livorno

In accordance with agreement with 5th Army 12 November 1944, the following officers are on temporary duty with Florence Province:

Major G.M. Welsford	Liguria Region
Major F.C. Bader	Lombardi Region
Major G.N. Davis	Emilia Region
Capt. C.F. Delbridge	" "
Capt. E.N. Blacklock	" "
Lieut. F.J. Moran	Hq Allied Commission
Major L.L. Cox	Bologna Province

Lt.Col. W.F. Waugh remains in charge of Prosecuting Office of Florence.

2nd Lt. Miller assisted Regional Legal Officer two days and was then transferred to Allied Commission.

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APPENDIX "B"

TABLE OF CASES TRIED IN THE REGION DURING JANUARY 1945.

PROVINCES	Summary Courts		Superior Courts		General Courts		Totals.		Total Cases	Italian Courts Allied Interest.	
	NG	G	NG	G	NG	G	NG	G		NG	G
AREZZO	4	12	0	0	0	0	4	12	16	3	119
FLORENCE	23	445	48	38	1	9	72	492	564	63	189
GROSSETO	0	0	0	6	0	0	0	6	6	1	9
LIVORNO	38	654	0	8	0	0	38	662	700	0	0
LUCCA	6	170	0	0	0	0	6	170	176	0	0
PISA	15	62	3	8	0	0	18	70	88	0	0
PISTOIA	16	156	1	0	0	0	17	156	173	0	0
SIENA	1	32	0	0	0	0	1	32	33	0	0
TOTALS	103	1531	52	60	1	9	156	1600	1756	67	317

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A P P E N D I X "C"

TYPES OF CASES TRIED IN REGION DURING JANUARY 1945

PROVINCES	Curfew & Passes	Theft & Possession	Black Market	Looting	Arms & Ammo	Italian Courts	Other Offences	Total
AREZZO	1	5	0	0	2	0	8	16
FLORENCE	112	211	0	0	29	0	140	492
GROSSETO	0	0	0	0	6	0	0	6
LIVORNO	213	214	0	0	16	0	257	700
LUCCA	101	31	0	0	4	7	33	176
PISA	11	37	25	0	8	0	16	97
PISTOIA	62	56	0	15	0	0	48	181
SIENA	11	18	0	0	3	0	0	32
TOTALS	511	572	25	15	68	7	502	1700

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H E A D Q U A R T E R S
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

6 January 1945

SUBJECT: Report of Legal Division, Toscana Region for month of December 1944.

TO : Chief Legal Adviser Allied Commission.

1. STAFF: Attached Appendix "A" is a list of the Legal Officers assigned or attached to this Region as of 31 December 1944.

2. PROVINCES: All provinces in the Region, except Apuania, are now functioning, though parts of the northern provinces are still occupied by the enemy. Grosseto, Livorno, Siena, Arezzo and Pisa are now under the administration of the Regional Commissioner; the remaining provinces are under control 5th Army. The Isle of Elba was turned over to the Region as of 20 December 1944.

While there has been a decrease of slightly over two hundred cases tried throughout the Region, a number of the provinces show an increase. It will be noticed that over five hundred cases affecting Allied interests have been tried by Italian Courts. The PLO of Grosseto makes special note of the fact that he is referring as many cases as possible to the Italian Courts for trial. The same is true of Arezzo and Florence. The other provinces have not as yet progressed on such proceedure.

3. MILITARY COURTS: The PLO of AREZZO, has little to say about Allied Military Courts, other than his detailed report, which shows a decrease of 67 cases. The prevailing types of offenses continue to be Pass and Wrongful Possession of Allied Property. He reports a shortage of rations, blankets and beds for the prisoners in the jails which is presenting a problem due to the increasing cold weather.

FLORENCE: The Prosecuting office has been functioning smoothly and Summary, Superior and General Courts have been sitting in the City of Florence throughout the month. Legal officers have been supplied to hold Summary Courts at Prato and Borgo S. Lorenzo once each week. Several Espionage cases have been tried by the General Military Courts and facilities have been set up to allow the sitting of two General Military Courts at the same time.

GROSSETO: There is very little to report on the Military Courts of this Province as only five cases were tried, the others being referred to Italian Courts.

LIVORNO: This continues to be about the busiest spot in the entire Region. Cases are made by many policing units, including eleven military police companys. The PBS Main makes many demands on the law enforcing bodies and it is noted that nearly two hundred persons have been arrested for illegal use of electricity. Superior Court cases have increased from 23 to 116 during the month. Both Superior and Summary Courts have sat every day and until eleven at night when light was available. The entire work is being done by Major Woodward and Lieut. Becker, both of whom show the effects of the strain. Capt. Granai who was sent there for special investigation has spent most of his time in the hospital and is still under the doctors care but is carrying forward his investigation as well as can be expected and promises a complete report of his activities not later than 15 January. The Isle of Elba is now under the jurisdiction

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of the Province, and ea'y sittings of Allied Military C rts there is contemplated. In addition to law viol .ions, about one hundred claims for personal injuries and property damage by motor vehicles have been reported to this office and referred to the proper agency. Black Market cases dealing in American Sugar, Flour, Blankets, etc., have been numerous and vigorously prosecuting such cases has consumed considerable time, however, with excellent results.

LUCCA: There was very little change in the situation in Lucca but anything might be expected during the coming month, as many troops have moved in to the area which always increases the business of the legal department. It must also be borne in mind that only one-fifth of the province is in our hands. The prisons are being maintained on a high plane and camparatively clean.

PISA: Another increase of 50% is shown over November. The American Negro soldier still presents a serious problem in this Province. Three Superior Court cases were tried during the month as compared with none during the previous month. The jail conditions have much improved. There have been some Communists demonstrations with no serious results.

PISTOIA: This Province shows an increase in business of nearly one hundred per cent. There was one serious case of theft of flour by an Italian Sergeant who was in charge of a truck carrying supplies. There were five Superior Court cases tried during the month compared with none in November. A former Partisan convicted of having a small arsenal was freed from jail by an armed band, which will probable bring more work to the courts shortly. The PLO admits that his sentences are light because he feels it tends to decrease crime in the province.

SIENA: There has been a slight decrease in cases in this Province, due to the fact, according to the PLO of cases being transferred to Italian Courts. It has been impossible to set out in the detailed report just what these cases were as that information was not forwarded by the PLO. He does state, however, there were thirty eight such cases.

4. ITALIAN COURTS:

(a) APUANIA: STILL OCCUPIED BY THE ENEMY.

(b) AREZZO: The Italian Courts in this Province handled ninety nine cases during December, involving Allied Interests, resulting in ninety-five convictions and four acsuittals. Some difficulty has been encountered in getting various police units to submit arrest reports in Italian so as to avoid the necessity of translation, but this condition is being corrected. The PLO still complains of lack of transportation as one of the chief handicaps in the administration of justice by the Italian Courts.

(c) FLORENCE: The Italian Courts have been functioning fairly well, as the lack of transportation and difficulties of communication will permit. An English interpreter has been furnished to the Italian Courts in cases where military witnesses appear. The Court of Appeal, The Court of Assizes, Tribunali Civili e Penali, and Preture Courts are functioning well according to the report of Major Holt, in charge of Italian Courts throughout the Region. He also reports that is has been necessary to suspend a number from office throughout the province and the Region due to various reasons such as using their office to personal advantage, adverse reports, false pretenses, etc.

(d) GROSSETO: As noted before, the Italian Courts in this Province have exceeded the Allied Military Courts in the trial of cases involving Allied interests. They have also tried Sanction against Facists cases, five in number, during December, and twenty additional cases of this type await trial.

(e) LIVORNO: Italian Courts are functioning. Reports by the Pretore and the Tribunale are submitted to the PLO office once a week. To date the Tribunale reports having considered and disposed of more than eleven hundred cases. The Court of Appeal will start trials as soon as the lay judges are approved by the President of the Court at Florence. The list of names was submitted three weeks ago.

(f) LUCCA: There is little to report as yet from this Province. The Pre-

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sidente of the Tribu e has been returned to his pos nd he has been functioning for the past few weeks. Request to fill the existing vacancies was made byt the PLO to Major Holt who replied saying he had sent same to the Ministry in Rome.

(g) PISA: The Tribunale and Pretura have functioned throughout the month of December. The Pretore of Pisa, an elderly man was taken seriously ill, and due to his age it is anticipated that it may be necessary to replace him.

(h) PISTOIA: The Italian Courts have handled a small amount of work during the month of December. There seems to be a tendency on the part of the Procuratore del Regno to shelve responsibility and a favorable tendency toward the Partisans. He has been reminded of his responsibilities by the PLO and he feels that the warning is having some effect upon this official.

(i) SIENA: In Siena proper, the Courts are functioning well. At Montepulciano has disposed of twenty-three cases. The Procuratore was ordered to submit a report at the end of each month but was slow last month.

5. LEGISLATION: During the month of December the Regional Legal Officer was called upon to draw two important orders; one dealing with the distribution procurement of Methane Gas Cylinders and the other with the fixing of freight rates.

6. GENERAL: Since being activated the Region has just completed its fourth move of headquarters, and while it is in no way disturbing the morale it is interfering with the smooth functioning of the office. Each move necessitates hiring entirely new help and the training of same. The records must be kept accurately and it is not at all times easy to get help, especially help having a knowledge of English. It might be noted here, that the bulk of the work of the legal branch originates approximately north of a line running northeast from Livorno. We are in Montecatini just getting started again after nearly two week of uncertainty and hope to have a new force trained and operating by the middle of this week.

JOHN K. WEBER,
COLONEL INFANTRY,
REGIONAL LEGAL OFFICER

MAJ APN.

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APPENDIX "A"

LIST OF LEGAL OFFICERS ASSIGNED OR ATTACHED TO REGION AS OF 31 DECEMBER 1944.

Colonel J. K. Weber (A)	Regional Legal Officer
Major Anthony P. Nugent (A)	Assistant Regional Legal Officer
Major G. A. Bamlet, (B)	Temporary duty, Florence
Lt. Col. A. R. Troxell (A)	Apuania PLO (Temporary duty Florence
Major W. D. Stump (A)	PLO Arezzo
Major H. L. Glennn(A)	PLO Florence
Capt. W. T. Fielding (B)	Assistant PLO Florence
Major M. C. Holt (B)	Italian Courts, Florence and Region
Major R. M. Woodward (A)	PLO Livorno
Lieut. L. C. Becker (A)	Assistant PLO Livorno
Capt. L. L. Miller (A)	PLO Lucca
Lieut. E. E. Nevans (A)	PLO PISA
Major W. A. Caldwell (B)	Assistant PLO Pisa
Lt. Col. W. J. Purcell (A)	PLO Pistoia
Major B E Dreyfus (B)	PLO Siena
Capt. Cornelius Granai (A)	Special Investigation Livorno

In accordance with agreement with 5th Army 12 November 1944, the following officers are on temporary duty with Florence Province:

Major G. M. Welsford	Liguria Region
Capt. F. C. Bader	Lombardia Region
Capt. G. M. Davis	Emilia Region
Capt. C. F. Delbridge	" "
Capt. E. N. Blacklock	" "
Lieut. F. J. Moran	Hq Allied Commission
Capt. L. L. Cox	Bologna Province

Major Waugh remains in charge of Prosecuting Office at Florence.

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APPENDIX "B"

TABLE OF CASES TRIED IN THE REGION DURING DECEMBER 1944.

PROVINCES	Summary Courts NG	Summary Courts G	Superior Courts NG	Superior Courts G	General Courts NG	General Courts G	Totals. NG	Totals. G	Total Cases	Italian Courts Allied Interest NG	Italian Courts Allied Interest G
AREZZO	11	47	0	0	0	0	11	47	58	4	95
FLORENCE	13	449	7	35	0	10	20	494	514	45	148
GR ETO	2	3	0	1	0	0	2	4	6	33	214
LIVORNO	66	383	7	100	0	0	73	493	566	0	0
LUCCA	4	87	0	0	0	0	4	87	91	0	0
PISA	13	60	1	4	0	0	14	64	78	0	0
PISTOIA	6	78	2	3	0	0	8	81	89	0	0
SIENA	15	119	0	0	0	0	15	119	134	0	0
TOTALS	130	1236	17	143	0	10	147	1389	1536	82	457

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APPENDIX "C"

TYPES OF CASES TRIED IN REGION DURING DECEMBER 1944.

PROVINCES	Curfew & Passes	Theft & Possession	Black Market	Looting	Arms & Ammo.	Italian Courts	Other Offences	Total
ARE	43	7	0	0	0	0	8	58
FLORENCE	209	147	0	0	24	0	114	494
GROSSETO	0	5	0	0	0	0	1	6
LIVORNO	188	149	0	0	17	0	202	536
LUCCA	40	24	0	0	5	4	18	91
PISA	7	52	2	0	14	0	8	84
PISTOIA	45	27	0	0	8	0	8	88
SIENA	83	21	0	0	9	0	7	120
TOTALS	575	432	0	0	77	0	386	1477

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RLO

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

MOVEMENT ORDER)
NUMBER 16)

28 Dec 44.

MOVE OF REG HQ - WARNING ORDER.

1. Region HQ (Main) will be prepared to move on or after Sunday 31 Dec 44.

2. This step has become necessary owing to congested conditions caused by unforeseen circumstances.

3. Destination and further details will be announced when known.

By ORDER of Colonel.KIRKWOOD:

J.HOWARD SAITER,
Major RA,
Adjutant.

JHS/ac.

DISTRIBUTION:

RC.
Exec Offr.
HQ, AC.
SCAO, AMG, Fifth Army.
All Divs/Branches.
All PC's - For information.
Message Centre, FLORENCE.
Float File.
File.

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memo: Chief Legal Advisor:

Due to the above, - the monthly report will be late. Getting moved, communications re-established and hiring of new personnel, - which there

(over)

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moves always involve (this is our fourth one) we do the best we can to keep up with the duties cast on us. This is not a complaint; merely explanatory in advance, of the situation.

Sincerely
Colonel Infantry
Regional Legal Officer
Tuscana Region

CC.
CJO. Personnel

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Leon 12
11 Nov/44

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

RVIII/I9/2002

6 November I944

SUBJECT : Report on the work of the Legal Division, Toscana Re= gion for month of October I944.

TO : CLO, Legal Sub-Commission, ACC

1. STAFF. Attached Appendix "A" is a list of the Le= gal Officers assigned or attached to the Region as of 31 October I944.

2. PROVINCES. All provinces in the Region, except A= puania, are now functionning, though parts of the nothern pro= vinces are still occupied. Grosseto, Livorno, Siena and Arez= zo are now under the administration of the Regionale Commissioner; the remainning provinces being under 5th Army.

3. Arezzo, Grosseto, Pisa and Siena, show a decrease in business while Florence, Livorno and Lucca show an increase. Summary Courts were set up in Pistoia during October and appear to have handled quite a few cases for part of the first month's operation. As yet no report has come in from Apuania and there will probably be none for October due to its proximity to the lines, at this time.

4. At Livorno, PLO Maj.Robert M.Woodward has made a de= tailed report on crimes by military personnel against civilians, ranging from petty offenses, to murder robbery and rape. The ma= jority of the more serious crimes being charged to American ne= gro soldiers. Most of these cases appear to originate over wine and women and the Military Police report they have not sufficient forces to cope with the situation effectively. This will all be covered in a separate detailed report. Capt.Cornelius Granai was assigned to make a complete and thorough investigation and report on the conditions, but unfortunately, the first day after his arrival at Livorno, Capt. Granai, was stricken with amaebic dysentery, and removed to a hospital where he must remain for six weeks, three of which have passed. It may be necessary to assign another officer to continue the investigation. Six other officers, including Maj.Woodward, were also stricken as well as five enlisted men, but managed to carry on without hospitaliz= ation. In spite of these handicaps, and nearly I00% increase in

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cases In Livorno Province the PLO reports only eleven persons in jail awaiting trial, with cases being brought to trial with= in three days after arrest.

5. MILITARY COURTS. Appendices B and C, set out ta= bles showing number and nature of cases tried during the month of October 1944 in the Region.

6. AREZZO. The PLO states that he has been handicapped because of shortage of Officers but feels that this will be remedied, now that the Province has been taken over by the Region and most of the cases can be submitted to the Italian Courts. As noted before there has been a decrease in cases during October in this Province. Jails are reported in good condition.

7. FLORENCE. The courts are very busy in Florence, Summary, Superior and General with an increase of cases over September and every evidence of a greater increase in the coming months. Black market cases are beginning to appear, as well as bribery of soldiers by Italians. Also, four espionage cases were tried and convictions obtained during October and two are now being tried. The city is very crowded and many disputes are arising between soldiers and civilians which so far have been handled very well by the Military Police.

8. GROSSETO. There were no cases tried before General or Superior Courts during October and only a total of seventeen before summary courts.

9. LIVORNO. Military Courts sat a various places in the Province handling an increase of nearly 100% over September. More information will be gathered from detailed report.

10. LUCCA. There has been a stepping up of criminal activity in this Province showing five times as many cases as September. Prisons are reported in good condition and no com= plaint on the food.

11. PISA. Although it would appear there has been a decrease in cases compared with September, yet the PLO is very busy and it is feared there will be an increase during the com= ing months. The preparation for the trial of a murder case in which he is prosecutor has consumed a lot of his time.

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I2. PISTOIA. Summary Courts have been set up for the first time in this Province during the month of October and functioned part of the month. The early curfew and troops being barred from the city have helped conditions greatly and kept down small offenses.

I3. SIENA. The decrease in cases was very slight dur= ing October. The PLO states he is hampered by lack of prosecutors, due to officers being transferred and not replaced.

I4. ITALIAN COURTS. Excerps from the PLO's reports on Italian Courts in their Provinces are set out below:

(a) APUANIA: not yet functioning.

(b) AREZZO: All Italian Courts in the Province are functioning. The last to commence was at Sansepolcro, which was delayed somewhat, due to local problems, since cleared up. The re= cords and equipment of the Tribunale and Preture of Arezzo kept at Poppi during bombings have all been returned. One Auto has been provided for Procure del Regno, but more transport is needed to enable Italian Courts to function effeciently.

(c) FLORENCE: Major M.C.Holt has been given the assignment of looking to the establishment and setting up of the Italian Courts in Florence and a full report will be completed during this month.

(d) GROSSETO: Italian Courts are all functioning and the Tribunale tried ten cases involving fourteen defendants. The Pretore courts have tried fifty-six cases involving one hundred and one defendants. Two cases involved Allied interests there being five defendants, four of whom were found guilty. Ten cases involved possession of Allied property. Lt.Col.R.A.H. Hamilton P.C. has made a report concerning the delay in trials of Fascists in Grosseto Province by reason of failure to set up Assize Courts. Even though it is explained to be a purely Italian Government affair, ACC is still blamed for not bringing pressure to bear on Government. Irresponsible elements often take the law in their own hands throwing an extra burden on local police.

One hundred twenty one persons are in jails, seventeen being women. Thirty two are serving sentences and forty-three await disposition of Procuratore del Regno. Thirty four are under arrest for alleged violations of Decree Law for Punishment of Fascists. About two hundred await trial by Assize,

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Tribunale or Pretore Courts under R.D.L. Some are in jail and some under house arrest. Twelve are to be tried November I5th.

(e) LIVORNO: All Italian Courts are now functioning. One hundred cases are awaiting trial and the judges have been urged to expidite cases, and keep the PLO informed. A committee of local lawyers has been selected to reorganize the Bar. The meeting of the President of the Court of Appeals with the Bench and Bar has been delayed by the move of Regional H.Q.

(f) LUCCA: Italian Courts are operating and there are only two persons in jail awaiting trial, due to the fact that the evidence against them is behind German lines. In general, law and order exist in this Province far beyond expectations. Only one sixth of the Province is under AMG and perhaps this is the reason.

(g) PISA: During the month the Tribunale of Pisa heard its first cases. On the I7th October 4 criminal cases were dis= posed of and one was adjourned. There was one defendant acquitt= ed and the following sentences were imposed:

1 - 2 years and 2 months imprisonment and 2200 lire fine on a charge of aggravated theft.

2 - Ditto

3 - 3 years and 3 months imprisonment and 3300 lire fine on two defendants on a charge of aggravat= ed theft.

Several changes are recommended to take care of the replacement of the Praetore of Pontedera Falcidia Giovacchi= no who was a Republican Fascist. They have been discussed with the Presidente of the Tribunale and Procuratore del Re. They are:

1 - the placing of the present Pratore of Cascina Gagliardi Andrea, in the more important Prae= tore of Pontedera. He is a man of ability and has been of service in the reestablishment of Courts in the Province.

2 - The placing of Uditore Petrillo G. Battista at present in the Tribunale of Pisa in the Praetore of Cascina. This official has served the required time and is considered of sufficient ability to qualify as a judge of the Tribunale.

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The temporary appointment of a surveiling judge of prisoners now imprisoned by Italian Military Tribunals in Pisa prisons is necessary in the Province. The Presidente of the Tribunale and the Procuratore del Re have investigated a local avvocato with experience in Italian Military Tribunals while serving in the Italian Army. They recommend him both from a standpoint of ability and political background. He appears to be qualified. His name is Cannarella Emilio.

All the Pretori in the province are functioning. The Pretore of Pontedera has continued to function at Ponsacco because of the condition of the paese of Pontedera.

(h) PISTOIA: While the Courts have not begun to function, the Tribunale has been made habitable and the Procura and Pretura have been installed. Two other judges have returned. The Procuratore Sostituto Sig. Buffoni di Fraja is now back from Florence. A Procuratore del Regno will have to be appointed and efforts are being made to provide a suitable person. Il Primo Praetore of Pistoia has now arrived and Archives and furniture have been transferred to Pistoia from the place of storage during hostilities and the Praetura is now functioning. Praetore of Monsummano has been suspended and replaced by Sig. Remeschi and another Cancelliere; the change seems to meet with general approval. A committee of the local bar has been formed, and is proving helpful.

(i) SIENA: The local Tribunale and Pretura continue to function satisfactorily. Lack of transportation is a great handicap; however, Information has come to the effect that the Prefect has issued a decree constituting a Bar association on Pre-Fascist lines. Assize Courts cannot operate in Siena for some time.

15. LEGISLATION: After drafting several times, an ordinance regarding the possession of shotguns and shot gun ammunition for hunting purposes, the 57th Area British, issued a directive forbidding the use or possession of shotguns and shotgun ammunition in the area.

16. GENERAL: The business of this office has been delayed considerably due to the move of Regional Headquarters from Siena to Lucca where it is now located in the Palazzo Mansi. From the opening of the Legal Office in Siena to and

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including the 31st October, 1944, 1295 cases coming in from the Provinces have been reviewed. Major Bamblet and Capt. Christians have been engaged during the entire month of October at Florence, sitting on General, Superior and Summary Courts. The office has been operated by Myself, a major, a sergeant and one stenographer. The office now has some transportation which helps considerably in covering the important places in the Region.

JOHN K. WEBER,
Colonel Inf.,
Regional Legal Officer

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APPENDIX A.

List of Legal Officers of Toscana Region as of 31 October 1944

Colonel J.K. Weber (A)	Regional Legal Officer
Major Anthony P. Mugent (A)	Assistant Regional Legal Officer
Major G.A. Bamlet (B)	ditto
Capt. H.G.T. Christians (B)	ditto
Lt. Col. A.R. Troxell (A)	P.L.O. Apuania
Major W.D. Stump (A)	PLO Arezzo
Major H.L. Glenn (A)	PLO Florence
Capt. W.T.Fielding (B)	Assistant PLO Florence
Major M.C. Holt (B)	Italian Courts Florence and Reg.
Capt. R.M.Hill (A)	PLO Grosseto
Major R.M. Woodward (A)	PLO Livorno
Lieut. L.C.Becker (A)	Assistant PLO Livorno
Capt. L.L. Miller (A)	PLO Lucca
Lieut. E.E. Nevans (A)	PLO Pisa
Major W.A. Caldwell (B)	Assistant PLO Pisa
Lt. Col. W.J.Purcell (A)	PLO Pistoia
Capt. W. Dreyfus (B)	PLO Siena
Capt. Cornelius Granai (A)	Special Investigation Livorno (now in hospital)

In addition, Captains Blacklock, Davis and Dellbridge are working in Florence under direction of 5th Army.

APPENDIX B

TABLE OF CASES TRIED IN OCTOBER 1944

PROVINCE	Summary Courts N.G.	G.	Superior Courts N.G.	G.	General Courts N.G.	G.	Totals N.G.	G	Total cases
AREZZO	I7	I99	0	0	0	0	I7	I99	2I6
FLORENCE	35	359	-	1	-	3	35	363	398
GROSSETO	0	I7	-	-	-	-	-	I7	I7
LIVORNO	67	360	-	-	-	-	67	360	427
LUCCA	I5	67	-	-	-	-	I5	67	82
PISA	7	22	-	-	-	-	7	22	29
PISTOIA	3	28	-	-	-	-	3	28	3I
SIENA	6	8I	-	2	-	-	6	83	89
TOTALS	I50	II33	0	3	0	3	I50	II39	I289

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APPENDIX C.

TYPES OF CASES TRIED IN OCTOBER 1944

PROVINCE	Curfew & Passes	Theft & Possession	Black Market	Looting	Arms & Ammo.	Italian Courts	Other Offences	Total
AREZZO	141	36	-	-	11	-	30	220
FLORENCE	171	73	-	-	11	-	108	363
GROSSETO	10	6	-	-	1	-	-	17
LIVORNO	187	192	-	2	21	-	25	427
LUCCA	31	16	-	-	10	-	25	82
PISA	-	2	-	-	6	-	6	14
PISTOIA	17	3	-	-	10	-	1	31
SIENA	51	19	-	-	9	+	4	83
TOTALS	608	349	-	2	79	-	199	1237

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TOSCANA REGION.

AVIII/19/2002. 4 Oct. 44.

SUBJECT : Report on the work of the Legal Division, TOSCANA Region, for the month of September 1944.

TO : CLC, Legal Sub-Commission, ACC.

1. STAFF. There is attached as Appendix A a list showing the legal officers assigned or attached to the Region as at 30 September 1944.

2. PROVINCES. All the Provinces in the Region, except APUANIA, are now functioning though the northern Provinces are only partly occupied. GROSSETO, LIVORNO and SIENA are now under the administration of the Regional Commissioner, the remaining Provinces still being under 5th Army.

3. The position in FLORENCE is somewhat unusual. Separate administrations have been set up for the City of FLORENCE and for the remainder of the Province, the City team being composed of the personnel of A.C. 5th Army and the Provincial team of personnel assigned to the Region. On the legal side, however, the PLO FLORENCE Province is in nominal charge of both the City and the Province, though there is still attached to the 5th Army a SLO who advises the SCAO on legal problems. The arrangement appears to work out in practice but it is open to question whether it is the most satisfactory one possible. Relations between the Region and 5th Army would appear to preclude any better arrangement.

4. MILITARY COURTS. There are set out in Appendices B and C tables showing the number and nature of cases tried in the Region during September 1944.

5. Wrongful possession of allied property appears to be on the increase. Italians do not seem to appreciate that the possession of even a small quantity of allied goods is an offence. Steps are being taken to bring this fact to their attention by means of notices. In one part of the Region Italians are showing signs of refusing to sell goods, such as wine or souveniers, to troops except in exchange for food or cigarettes. This practice is being dealt with firmly.

6. Shot guns and shotgun ammunition are also giving rise to problems. It would seem that the Germans, during their occupation of Northern ITALY, ordered all "arme del fuoco o istrumenti bellici" (fire arms or war weopens) to be deposited. On advice from ROME the Germans ruled that shotguns were not "arme del fuoco o istrumenti bellici" and returned them to their owners without permits. Consequently the Italians are under the impression that shot guns and shot gun ammunition are not "fire arms and ammunition" within the meaning of Proc.1, Art.IV, para.5. It is being suggested to PLOs that a notice should be issued dealing with this point.

7. Difficulties arise from time to time owing to the lack of training among CAOs and to the constant change of personnel. Steps are being taken to

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remedy this, particularly by the issue to legal officers of specimen charge sheets of the more common offences and notes of the types of evidence required to prove the charges. In some Provinces the PLO has adopted the practice of "going circuit" and hearing at least all the important cases. It is felt that this practice is one to be encouraged.

8. LIVORNO shows every sign of becoming a young NAPLES. Owing to the activities of the arresting authorities "small" crime has considerably increased. For the moment the two legal officers in the Province are well capable of coping with the situation but things may not be so easy when the legal staff of the Region is reduced. There has been no development in the proposal to set up special summary courts to deal with offences in the port areas at LIVORNO and PIOMBINO. This proposal will not affect the situation mentioned above because the "small" crime referred to arises outside the port area.

9. The arresting authorities at LIVORNO asked for the making of a Provincial Order to deal with prostitution on the lines of Regional Order No. 18 issued in Region III. This request was not acceded to.

10. A valuable report has been prepared by the PLO LIVORNO on conditions in ELBA. An extract from this report is set out in Appendix D.

11. ITALIAN COURTS. The position of the Italian Courts, so far as it is indicated in the several reports of the PLOs, is given below.

(a) APUANIA. Not yet occupied.

(b) AREZZO. The tribunale is functioning but is handicapped by lack of proper records. These were removed to POPPI during the German occupation. This town has now been recaptured but it has not yet been possible to retrieve the records. The Preture Courts are functioning except at SANSEPOLCRO. It is hoped this Court will be functioning soon.

(c) FLORENCE. No detailed information available.

(d) GROSSETO. All courts are functioning. Many cases affecting military interests have been handed over to the Italian Courts for trial.

(e) LIVORNO. All Preture Courts are now functioning though the Court at LIVORNO City is not yet fully staffed. Arrangements are in hand to bring back the tribunale from S. MINIATO (PISA Province) where it fled to at the time of the Allied bombardments in June.

(f) LUCCA. The Italian Courts were opened on 20 September. A Bar Committee has been organised and is rendering valuable assistance to the PLO.

(g) PISA. No detailed information available.

(h) PISTOIA. Provincial Headquarters only moved into the Province on 15 September and it has not yet been found practicable to start the Italian Courts. The PLO is, however, in touch with the Italian authorities. Many of the records have been destroyed by the Germans and the prisons are practically empty of all but political suspects, detained either by the Partizans or one or other of the Allied security branches.

(i) SIENA. All courts functioning except the Pretura at POGGIBONSI where pressure is being brought to bear.

12. The Court of Appeal is functioning at FLORENCE but it has not yet

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been possible to send out sections of the Court of Assize on Circuit. This is becoming a matter of some urgency as important cases are awaiting trial. The biggest difficulty is one of transportation which is referred to below.

13. All PLOs refer to the difficulties of obtaining transportation to enable the Italian Courts to function properly. Steps are being taken to obtain cars but the solution of the problem is not an easy one.

14. One of the difficulties facing most of the Italian Courts is the attitude of the personnel. There appears to be lack of initiative and a fear to take responsibility engendered, no doubt, by the successive regimes in force in this territory. The fear of "screening" is also causing apprehension and a reluctance to do anything in case it may be a mistake. This attitude is being combatted as far as possible but a complete cure may be a lengthy process. This paragraph is written in no spirit of criticism of the Italian judicial personnel; one can well appreciate their attitude.

15. LEGISLATION. Two Regional Orders were issued during September :-
No.2. - Temporary Wage adjustment.
No.3. - Restricting the slaughtering of working cattle.

16. GENERAL. The PLO CROSSETO reports that 70 persons are awaiting trial under the decrees law for the punishment of fascists. He has been in touch with the Legal Sub-Commission, ACC, who have brought pressure to bear on the Ministry of Justice to get these trials started. This cannot be done until the Court of Assize is funtioning properly.

17. The PLO SIENA reports the food situation in the towns in that Province is the reverse of satisfactory, and two minor demonstrations have already come to his notice in connexion with meat and olive oil, both of which are practically non-existent.

JOHN K. WEBER,
Colonel, Inf.,
Regional Legal Officer.

CAB/

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Appendix A.

LIST of Legal Officers of TOSCANA Region as at 30 September 1944.

Colonel J.E.Weber (A)	Regional Legal Officer
Major A.P.Nugent (A)	Assistant Regional Legal Officer
Major G.A.Bamlet (B)	ditto
Capt. H.G.T.Christians (B)	ditto
Lieut. Col. A.K.Troxell (A)	PLO AREZZO
Major J.D.Stump (A)	PLO FLORENCE
Major R.L.Glenn (A)	Assistant PLO FLORENCE
Major E.C.Holt (B)	PLO GROSSETO
Capt. R.E.Hill (A)	PLO LIVORNO
Major R.M.Woodward (A)	Assistant PLO LIVORNO
Lieut. L.C.Becker (A)	PLO LUCCA
Capt. L.L.Miller (A)	PLO PISA
Lieut. E.E.Nevans (A)	Assistant PLO PISA
Major W.M.Colwell (B)	PLO PISTOIA
Lieut. Col. M.J.Purcell (B)	PLO SIENA
Capt. W.Dreyfus (B)	

In addition Captains BLACKLOCK, DAVIS and DELLERIDGE are working in FLORENCE under the direction of 5th Army.

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APPENDIX B

TABLE OF CASES tried in September 1944.

PROVINCE	Summary Courts N.G.	Summary Courts G.	Superior Courts N.G.	Superior Courts G.	General Courts N.G.	General Courts G.	Totals N.G.	Totals G.	Total Cases.
AREZZO	12	255	-	4	1	1	13	260	273
FLORENCE	57	323	-	-	-	-	57	323	380
GROSSETO	6	38	-	2	-	-	6	40	46
LIVORNO	28	187	5	11	-	-	33	198	231
LUCCA	-	13	-	1	-	-	-	14	14
PISA	8	70	-	-	-	-	8	70	78
PISTOIA	-	-	-	-	-	-	-	-	-
SIENA	8	72	-	6	-	1	8	79	87
TOTALS	119	958	5	24	1	2	125	984	1109.

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APPENDIX C.

TYPES OF CASES tried in September 1944

PROVINCE.	Curfew & Passes.	Theft & Possession.	Black Market.	Looting	Arms & Ammo.	Italian Courts	Other Offences	TOTAL.
AREZZO	187	45	-	-	7	-	41	280
FLORENCE	259	32	-	-	5	2	25	323
GROSSETO	25	12	-	-	-	-	3	40
LIVORNO	153	35	-	5	5	-	-	198
LUCCA	3	3	-	-	2	-	6	14
PISA	38	1	-	-	10	3	18	70
PISTOIA	-	-	-	-	-	-	-	-
SIENA	34	25	-	-	11	-	8	78
TOTALS	699	153	-	5	40	5	101	1003.

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APPENDIX D

Extract from the Report of the PIC LIVORNO on the situation in ELBA

Last week the Provincial Commissioner and myself visited the Isle of Elba. My view is that the situation is far from being clear who really has complete jurisdiction for the administration of this island. The French Governor and native troops are still there. The representative of AC and his staff are still functioning, and at the same time directives have placed the administration under this Province.

Information obtained discloses incredible conditions of lawlessness that has existed on this island up to a few weeks ago and even at this time. There has been wanton destruction of public and private property. Raping of women, murder, looting and stealing, burning of buildings, killing of cattle, molesting of women, and by force of arms of the troops, people have been subjected to innumerable outrages.

There are 54 Carabinieri on the island, all who are members of the Guardia di rinanza; 8 Publico Sicurezza and the rest Guardia Forestale.

There is a modern state prison at PORTOLONGONE with no prisoners as the Germans removed them to the mainland. There is another state prison on the Island of PIANOSA which I am informed has about 400 prisoners. There is also the fundamentale prison at CAPOLIVERI. It has to date a very small number of prisoners.

The Pretore is functioning, he's a very capable man. Most of these cases consist of black market and offenses what is known as abusive language to the Carabinieri. The later number of cases seem to be somewhat unnecessary and have diplomatically mentioned that to the Pretore.

The Pretore has 40 cases pending. There are 38 cases awaiting trial by the Tribunale and 2 cases for the Court of Assizes.

I am preparing charges in 18 cases for violations of proclamations and expect to hold an Allied Court session next week.

It is apparent that there will be a number of claims filed by the population for taking of property by the native troops although a number have already submitted lists of property taken from them, but these are not in very good form, but only a memorandum complaining that property has been looted or stolen.

Much can be written regarding conditions at ELBA, but I assume other reports have been or will be submitted covering the subject matter.

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4043/12

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

4th December 1944

SUBJECT: Report on the work of the Legal Division, Toscana Region for month of November 1944.

TO : Chief Legal Advisor Allied Commission.

1. STAFF: Attached Appendix "A" is a list of the Legal Officers assigned or attached to the Region as of 30 November 1944.

2. PROVINCES. All provinces in the Region, except Apuania, are now functioning, though parts of the northern provinces are still occupied. Grosseto, Livorno, Siena, Arezzo and Pisa are now under the administration of the Regional Commissioner; the remaining provinces being under 5th Army.

3. Arezzo shows an increase of thirty cases in A.M.G. Courts, consisting mainly of pass and curfew violations.

Florence, operating one general, several superior and summary Courts, shows an increase of approximately 225%.

Grosseto shows decrease of four cases due to the fact that whenever possible cases are being tried by Italian Courts.

Livorno shows decrease in number of cases tried.
Lucca shows a slight increase as well as Pistoia.
Pisa shows an increase in cases of nearly 400%.

Siena, an increase of approximately 83%.

4. MILITARY COURTS. Appendices B and C, set out tables showing number and nature of cases tried during the month of November 1944 in the Region.

5. AREZZO. The P.L.O. at Arezzo states: "The number of A.M.G. officers of this Province has been reduced from time to time as officers have been called for service elsewhere and the areas to be covered by those remaining have been extended to the point where it is difficult for A.M.G.

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officers to try the cases arising throughout the Province. In order to meet this situation steps have been taken in compliance with your letter dated 8 Nov.44 (Ref. RVIII/I9/4004), to submit many of the less serious Allied Interest cases for trial to the Italian Courts."

" The prevailing types of offenses coming before A.M.G. Courts are: 1. pass violations and 2; wrongful possession of Allied property. However, there is very little actual criminality in the Province. Practically all the cases coming before A.M.G. courts are of a minor nature. Most of these cases arise from ignorance of the rules or from motives which are not in fact criminal."

"Limited ration allowance for prisoners and shortage of blankets and beds have presented problems in this Province. This office has cooperated with other offices of the Province in an effort to improve these conditions and as a result there has been some increase in the ration allowance and a number of blankets were located and taken to the jails.".

6. FLORENCE. While the detailed report shows no "General Court" during November, a General Court has been engaged in the trial of an Italian Civilian charged with the murder of an American soldier, which case is still on trial and will probably continue ten days longer.

A central Prosecutor's Office has been establishedunder the direction of Maj. William F. Waugh who is responsible for all A.M.G. Courts in the City of Florence. He is cooperating with Public Safety Authorities and assigns various legal officers available from time to time in such manner as to obtain the fullest possible efficiency and service. Maj. Waugh appears to have an intelligent grasp of the situation as reflected by his weekly reports to P.L.O.

7. GROSSETO. No general nor Superior Courts operating during November and only thirteen Summary Court cases, all for wrongfull possession of Allied Property, resulting in findings of guilty carrying adequate punishments.

8. LIVORNO. During November, one Superior and one Summary Court sat every day trying two hundred twenty eight cases. Fines imposed toteled 358.900 Lire.

The decrease in cases is probably due to a public realization that trials are certain and justice swift, in the A.M.G. Courts of Livorno. ./.

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There are only four persons in jail awaiting trial. Cases are usually tried within three days after arrest unless continuance is requested. Records are checked and prisoners interviewed to ascertain whether anyone has been placed in jail without charges having been forwarded to office of P.L.O.

Major Woodward has rendered a good monthly report on the functions of his office during November. His office has been enlarged and an additional Summary Court set up.

He reports that Capt. Cornelius Granai has been discharged from the hospital and has returned to duty, carrying on the investigations to which he was assigned.

9. LUCCA. The increase in number of cases is very slight. The prison is in good condition and there are no prisoners awaiting trial by A.M.G. Courts. Summary Courts only functioned during November.

10. PISA. Lt. Nevans, P.L.O. of Pisa, has been engaged most of November prosecuting a murder case at Florence referred to elsewhere in this report. Major Caldwell has been carrying on in absence of Lt. Nevans and although short handed has done an excellent job with business quadrupled and lack of light after 430 P.M.

11. PISTOIA. As to A.M.G. Courts, the P.L.O. reports as follows:

"During the past month, owing to the setting up of a rest centre in the vicinity, a considerable number of [illegible] troops, daily frequent the town of Pistoia, where now a Red Cross Club for enlisted men and an Officers' Club for American Officers function.

It might have been supposed that this fact would tend to an increase in the minor proclamation offences, but so far, if there has been an increase at all, it is scarcely noticeable.

The record of our A.M.G. Courts reflects a sufficiently tranquil state of affairs, and there has been nothing much out of the ordinary.

The gradual filling up of the locality has gone on, and all available housing accomodation is strained to the utmost.

The limited number of "Wrongful possession of Allied

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Property" cases, disclosed no original feature, and the almost standard defense that the things were given the accused by soldiers, does occasionally ring true. It is beyond question that troops do pay for washing by gift of cigarettes, etc., but it is equally true that the advantages of such methods of payment, are not overlooked by the recipients.

The more north one goes, the more is the "Partisan" complex brought into evidence. There is a tendency on the part of these young men, who are almost universally Communists, to consider that, by giving often less than a few weeks to doubtful Partisan activity, they are thereby reaped a harvest of perpetual immunity from the Law. When a Partisan does come before the Court, his legal adviser comes near to suggesting, by the force of his emphasis on that theme, that when he has said his client was a Partisan, he has said practically all that need be said in his defence.

And there is no doubt that these young men do, at times, try to influence the course of Justice when one of their member is on the mat. This attitude is being carefully watched in this Province.

I2. SIENA. Report of Siena P.L.O. calls attention to some important situations and as to A.M.G. Courts is quoted in full.

"An increasing number of reports are coming from the British Military Police, chiefly permit cases, and possession of arms, with the result that last week I had to hold Court on 4 days.

The number of cases could be substantially reduced if the Army would agree to relax restrictions which have now become purely vexations. For example, at this stage it should be possible to abolish restrictions on travel between provinces S. of the Control line. Moreover, the refusal of the Army to allow the issue of guns, even for purposes of protection, seems to be unjustified. The reason given, viz: that there have been affrays between Italian and Allied soldiers obviously has no reference to the grant of permits for shot guns to civilians. It also may be said to affect the question of public security. We had three armed robberies on successive nights in the Commune of Asciano and a general feeling of unsecurity prevails, which would be allayed by the issue of guns for protection

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purposes, as was done in Sicily and South Italy in the early stage.

I have no evidence that steps have been taken to make known to the public the whereabouts of the Rear Army Control line, either by notification or on the spot, with the result that general ignorance preveils on the subject.

The Military Police at Poggibonsi have stopped many cultivators from neighbouring provinces returning from Volterra with salt. It appears that there has been no distribution of salt for months and as salt is urgently required for domestic purposes, as well as for salting pigmeat. I am trying to arrange for the cultivators to retain the salt on payment of the appropriate excise duty.

13. ITALIAN COURTS. Such portions of P.L.C. reports deemed important, dealing with Italian Courts, in their Provinces are quoted.

(a) Apuania: Still occupied by enemy.

(b) Arezzo: "All the Italian Courts of the Province are functioning. Their work has been somewhat handicapped by lack of transportation and shortage of funds. It is hoped that the question of funds will soon be solved, but there is no present assurance of being able to obtain the amount of transportation which these courts should have.".

(c) Florence: A very complete report has been received from Maj. M.C. Holt who was assigned to supervision of Italian Courts in Florence and Toscana Region which is too lengthly to set out in full. The salient parts are quoted.

"The Court of Appeal, Florence.

"Since the Allied occupation of Florence, considerable progress has been made towards a resumption of the normal functioning of this Court of Appeal. In the early stages many magistrates and functionaries were found

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to be absent and the work of the various sections had, for all practical purposes, come to a standstill as a direct result of the inevitable confusion caused by the immediate state of war. Since the line of battle has moved northwards magistrates and functionaries of administrative offices have been able to return to duty, and there are now working in Florence the following personnel:

The First President of the Court of Appeal and the four (4) Presidents of the Sections of the Court. Thirteen (I3) out of nineteen (I9) of the Consiglieri. The Cancelliere Capo and thirteen (I3) out of eighteen (I8) Cancelliere. All six (6) of the Uscieri Giudiziari are present.

In the Office of the Procura Generale the Procuratore Generale RIZZO Claudio has been interned on security grounds for the duration, and the functions of his office are being performed most efficiently by the Avvocato Generale MARRI Comm. Stefano. Five (5) Substitute Procuratori Generali are present as are the Segretario Capo, five (5) out of six (6) segretari, and two (2) out of three (3) of the Uscieri Giudiziari.

The principle barriers towards a return to the normal administration of justice are the serious shortages of proper transportation and communication facilities which, coupled with the travel restrictions imposed upon all civilians in Army areas, have the effect of delaying the functions of the Courts. These problems are being met to some extent by A.M.G. in providing somewhat limited means of transport when available, and by utilizing the facilities of our courier services to transmit communications etc. between the various judicial offices. Travel permits have been issued to the Ufficiali Giudiziari and other functionaries whose duties require them to travel beyond the ten kilometre radius imposed by the Army order.

There remains the difficulty of bringing witness and accused persons to the Court which, under the present day conditions, is a recurrent problem.

Appeals in Penal cases are being regularly heard within the limits of the restrictions referred to above, and instructions are being proceeded with whenever possible in Civil cases.

The Court of Assizes.

Sessions of the Assizes, particularly for the

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trial of offenses under D.L.L.27 July 1944 N°159 will be convened at the earliest possible dates. Up to date the First President has not been supplied with the lists of "Assessori" requested from the Presidents of the dependent Tribunali. This may be explained by the necessity of procuring precise information on the moral and political integrity of the persons destined to perform this delicate function. Instructions have already been given to the Procuratori del Regno and the Giudici Istruttori to complete without delay the "instruction" of all trials for fascist crimes which, for obvious reasons, must be promptly dealt with.

Tribunali Civili e Penali.

The nine (9) dependent Tribunali of the Court of Appeal, Florence, are all functioning in Penal matters, although their approach to normal operation varies to some considerable extent due to the particular circumstances in which they are to be found.

All are subject to the transportation and communication difficulties referred to in the paragraph dealing with the Court of Appeal.

Reports from Siena indicate that the Tribunale there is functioning well, having due consideration to the inherent obstacles to be met under present conditions. The less important Tribunale of Montepulciano has presented more of a problem and it might be well to submit the proposal to abolish this Court or to merge it with that of Siena if such action would meet with the approval of the Ministry of Justice.

The Tribunale of Grosseto appears to be functioning satisfactorily.

The Tribunale of Arezzo is at present functioning with a considerable reduction in its judicial personnel. Of the five (5) Judges assigned, one has been deported to Germany, a second never returned from Calebria where he went on leave last year, and a third has been granted a special leave of forty-five days by the Ministry of Grace and Justice.

The Tribunale of Lucca is reported to be in good condition but the re-placement of three (3) absent Judges has been requested.

No information has been received with respect to the Tribunale of Pisa.

The Tribunale of Livorno has recently been returned from San Miniato, whence it had moved to escape from the zone of battle. It now occupies premises which are in process of being adapted to it's needs. The transportation of salvaged records and furniture from San Miniato to Livorno has been

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undertaken by A.M.G., and the reestablishment of this important Tribunals is progressing. Penal hearings have already commenced and cases under "instructions" are being pressed notwithstanding the very pronounced difficulties encountered.

The Tribunals of Pistoia has also suffered considerable war damage and is obliged to function in make-shift premises, which have required repairs. Progress has been made towards it's re-establishment.

The Tribunals of Florence is in good condition insofar as the Court-house and archives have escaped damage. The operation of the Court was resumed at an early stage after Allied occupation, and with the assistance rendered by the P.L.O. in the matter of transport, has been functioning regularly in Penal matters.

Preture Courts.

There are forty-one (41) Preture Courts in the Region, and many of these have suffered very severe damage from the war.

Notwithstanding the serious difficulties encountered these Courts have been reopened in all the Provinces and Penal cases are being tried in most of them. Due to the lack of adequate means of communication their supervision and control is largely a matter for the Provincial Legal Officers, whose efforts have been notably effective in assisting the Pretori to resume their fundions.

Appointments and temporary applications of Court personnel.

Suspensions from duty of Magistrates and Functionaries for political and other reasons have been remarkably few in number.

Many vacancies have been filled following the proposals of the Minister of Grace and Justice, and where the exigencies of the administration of justice have required it, temporary and provisional applications of Court personnel from other districts have been made pending the approval of the Ministry in Rome.

There is urgent need of an automobile in order to effectively carry out the functions of this office."

In tabulation below, a general idea will be given of the types of cases:

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Offence	Nº of cases	Aquittals
Manslaughter	3	1
Wounding	7	4
Theft	40	11
Rationing Reg.	52	15
Receiving of stolen goods	25	9
Fraud, use of false pretences	I2	2
P.S. and Municipal regulations	I6	8
Various	30	5
	I85	55

(d) Grosseto:

"The Tribunale Court (in operation since July) tried 23 cases involving 57 defendants. Twenty seven of these defendants were found guilty.

Nine of these cases were trials under the R.D.L. I59 SANCTIONS AGAINST FASCISM.

The Pretura Courts (six) tried 64 cases with 9I defendants. 80 of these were found guilty and 11 not guilty."

"The Pretura Court of Grosseto tried nineteen such cases, eighteen of which resulted in guilty verdicts. Of these I3 were for "wrongful possession, 1 for stealing, 2 for possession of firearms, and 3 miscellaneous.

During the month the P.L.O. conferred with the Procuratore del Regno and the Grosseto Pretore and also appeared publicly at one of the Pretore court sessions and pointed out generally AMG policy with reference to sentences to be imposed on those found guilty by them of "wrongful possession, blackmarketing, etc. As a result they are giving reasonably strong sentences of jail imprisonment. Their Ministry's directive against suspended sentences was also again called to their attention. The situation in this regard is satisfactory. As usual they have shown a disposition to cooperate fully, -when they know what AMG wishes.

Nine cases of "private violence" falling within the jurisdiction of the Tribunale and under RDL No.I59 were tried resulting in guilty verdicts and sentences as follows:

1st case	3 yrs., 4 mos. I5 days jail and fine of 584 lire.
2nd, 3rd, and 4th	1 year and 9 mos jail and 350

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lire fine each def.

5th. to 9th.(Incl.) ..... 3 years and 6 mos. jail and 700 lire fine for each of defendants.

These nine defendants were convicted for having given a glass full of CASTOR OIL -rawther forcibly - to several ANTI-FASCISTS in the commune of Pancole in the yeer 1922, repeat, - 1922."

"It is interesting to note that the COMMUNISTS PARTY "forbid" the lawyers of Grosseto to represent defendants charged under RDL 159 while four other political parties stated at the meeting of the Com. of Nat. Liberation (called to discuss this matter) that the lawyers should do what they themselves wished and could take whatever consequences there were. The sixth party refused to comment. The lawyers were disturbed. We called a meeting of the lawyers and the Chairman of the Com. of Nat. Liberation and announced our plan to post publicly and publish in the local paper the NOTICE, copy of which is attached to this report. By court time the next morning the Communists changed their minds and withdrew their objections. The lawyers are proceeding to fulfill their professional duty."

(e) Livorno: The P.L.O. reports:

"Italian Courts: The Italian Courts are functioning and reports are submitted to this office weekly of the cases considered or disposed of. Special attention is being given to the appointment of the Court of Assizes."

"There are 8 persons in jail awaiting trial. Six of these are to be tried by the Court of Assizes.

There is evidence of black market operations in this Province. Many arrests have been made, a large quantity of American flour, beans, sugar and other property has been seized. In one particular case the accused were sentenced to 4 and 7 years of jail respectively.".

The P.L.O. reports in a separate letter as follows:

"The President of the Tribunale has returned from Florence and he informs me that he talked to the first President of the Court of Appeals in order that the Judges of the Court of Assizes be appointed.

We are assured that this Court will commence functionning immediately.".

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(f) Lucca:

"Italian Judicial Personnel:

There are three judges who are missing in the Tribunale of Lucca. The Presidente of the Tribunale is still in German occupied territory. It is requested that these vacancies be filled by Ministry of Justice. The Procuratore del Regno is very slow in getting cases processed and if marked improvement isn't made within the next two weeks his dismissal will be requested."

(g) Pisa:

A brief report states that Italian Courts are functioning.

(h) Pistoia:

"The Tribunal of Pistoia is now functioning. There are 2 Criminal Sessions and 3 Civil Sessions per week. At the moment the number of prisoners awaiting trial is so limited that there is no justification for suppressing any of the Civil Sessions in favour of more Criminal, but it may, of course, become necessary.

The need of a Procuratore del Regno becomes daily more evident, as the volume of work increases. The Sostituto, Sig. Buffoni di Fraja, is an energetic young man, but he is overworked. The absence of typewriters adds greatly, too, to the work of the staff.

Praeture.

The Preture at Monsummano seems to have greatly improved since the change of Praetors, and the Praetor can now be found when he is wanted, which was not so before.

The Praetor at Pescia suffers from a lack of window glass. (as indeed do also the Judge and Prosecutor in A.M.G. Courts). The Court there is innocent of windows, and light, which does not contribute to comfort, but now that a C.A.C. from this Province has begun to function there, we hope for an improvement.

Prisons.

The number of prisoners awaiting trial in the Prisons of the Province is very small. Those under the Jurisdiction of A.M.G. Courts are rarely awaiting trial as long as 5 days. In Pistoia the total number of Prisoners at time of report is 18 - of these 1, is awaiting trial by AMG Courts.

At Monsummano = the total No. is 7, of these

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2 are awaiting trial (tomorrow).

At Pescia - Of the 6 Prisoners in all, 2 await trial (on 1st December) by A.M.G. Court.

The condition of Pescia Prison is not too good. The walls have been struck by shells, and although we are aware that "Stone walls do not a Prison make", custodians of Prisons are apt to be unmoved by sentiment, and certainly at Pescia we feel a few stones would be helpful, and, no doubt, in due course, they will be provided.

Note. Since writing the above, I have had advice of the temporary appointment of Comm. Dott. Orazio Bertuccelli as Procuratore del Regno for Pistoia.

Also, I should add that one of our Judges, Dott. Renato Vecchione, has been appointed Provincial Delegate on the Epuration Commission and his activities in this sphere will occupy his entire time, leaving the Court at least one Judge short; but this will not greatly matter just now.".

(i) Siena:

"No report has again been received from Montepulciano. The Secretary to the Procuratore del Regno has undertaken to obtain and forward them at once: but if not received by the time this report is ready they will be included in next month's return. The Tribunale has held four sessions in the area, and the problem of transport has apparently been solved, as a suitable car has been found and the Prefect has agreed to requisition it.

The Tribunale of Siena sentenced a man charged with being in possession of 10 Qu. of sugar to 2½ years imprisonment and L.200.000 fine.

It also sentenced the youths charged in the haircutting case to one month's imprisonment and a small fine. Though the sentences mean their immediate release, there has been no recurrence of the offence, and I would not have done anything had the Procuratore del Regno not advised me to have an appeal filed against the wording of the judgment, which gave as an extenuating circumstance the fact that the accused were "actuated by high moral considerations", which he rightly points out, is not true and a slur on the behavior of the Allied troops.

Generally, all Italian Courts are now working satisfactorily.".

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14. LEGISLATION.

An order was drawn for the Regional Commissioner setting a ceiling price on roadside sales of wood and charcoal within the Region.

15. GENERAL.

Since 1 September 1944 this office reviewed nearly twenty-five hundred cases ranging from 100 Lire fine to two years imprisonment. Most convictions, sentences and fines have been affirmed. Some cases have been reversed and dismissed, some reversed for new trials. A number have been modified.

Of general interest to the legal section are the conditions reported in nearby provinces. Lt.Col.Walters, Provincial Commissioner, stated at a meeting of Commissioners last week that conditions in Pisa are not as calm and peaceful as one might at first glance presume. He said that in the last two months an old couple had been attacked by two negro soldiers, demanding wine and women. Both the man and women were beaten very badly, the man dying of a fractured skull. The soldiers are in custody. Stealing and robbery by force and arms are becoming common, especially in the Comune. Three civilians have been shot and killed in such attempts or brawls.

While there are no actual cases of rape, a great many attempts have been reported. All of this has resulted in a six o'clock curfew, increase of Military Police by the Provost Marshal and restricted sales of wine.

The moving of P.B.S. main to Livorno and the general influx of troops will continue to increase the work of Military Police and Public Safety Officers in turn reflecting added pressure on A.M.G. Courts in Livorno, Pisa and Lucca.

In Livorno area many arresting agencies are operating: four Companies of M.P.'s, Carabinieri Questure, Finance Guards, in addition to C.I.C. and C.I.D., all referring cases of some type to A.M.G. Courts for trial.

Unless the Army establishes better control over its soldiers, white and colored, the Lucca area will shortly be faced with the problems of Pisa and Livorno.

One case of murder by colored soldier in the city and one soldier murdered by civilian. One case of rape and murder by a number colored soldiers out in country. It was reported that two drunken white soldiers last Sunday caused quite a scene in front of Palazzo Governo, taking a news man's

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papers and throwing them in dirt calling him vile names.

All these things are called to general attention because eventually legal meets them somewhere along the path.

The Regional Legal Officer attended a very interesting and instructive conference of R.L.O.'s at A.C. on 29 November 1944 taking with him Lt. Col. Troxell Apuania Province.

JOHN K. WEBER,
Colonel Inf.,
Regional Legal Officer.

A.P.N.
Maj. /zor

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A P P E N D I X A.

List of Legal Officers of Toscana Region as of 30 November I944

Colonel J.K. Weber (A)	:	Regional Legal Officer
Major Anthony P. Nugent (A)		Assistant Regional Legal Officer
Major G.A. Bamlet (B)		Temporary duty, Florence
Lt. Col. A.R. Troxell (A)		P.L.O. Apuania
Major W.D. Stump (A)		PLO Arezzo
Major H.I. Glenn (A)		PLO Florence
Capt. W.T. Fielding (B)		Assistant PLO Florence
Major M.C. Holt (B)		Italian Courts Florence and Reg.
Capt. R.M.Hill (A)		PLO Grosseto
Major R.M. Woodward (A)		PLO Livorno
Lieut. L.C. Becker (A)		Assistent PLO Livorno
Capt. I.L. Miller (A)		PLO Lucca
Lieut. E.E. Nevens (A)		PLO Pisa
Major W.A. Caldwell (B)		Assistant PLO Pisa
Lt. Col. W.J. Purcell (A)		PLO Pistoia
Capt. W. Dreyfus (B)		PLO Siena
Capt. Cornelius Granai (A)		Special Investigation Livorno

Agreement was reached on I2 November I944 with 5th Army as follows:

"The following Legal Officers, now in Fifth Army Area, will be placed on temporary duty with Florence Province to conduct Courts and to act as Prosecuting or Defending officers before General Courts as required:

Major G.M. Welsford	- Liguria Region
Major D.C. Little	- Venezia Region
Capt. F.C. Bader	- Lombardia Region
Capt. G.M. Davis	- Emilia Region
Capt. C.F. Delbridge	- " "
Capt. E.N.Blacklock	- " "
Lieut; F.J. Moran	- HQ, Allied Commission.

In addition Major Bamlet (Toscana Region HQ) and Capt. L.L. Cox (Bologna Province) will be available for the time being to help in the Province.".

A P P E N D I X B

TABLE OF CASES TRIED IN NOVEMBER 1944

PROVINCE	Summary Courts N.G.	G.	Superior Courts N.G.	G.	General Courts N.G.	G.	Totals N.G.	G.	Total cases
AREZZO	28	196	0	0	0	0	28	196	224
FLORENCE	56	705	5	38	0	0	61	743	804
GROSSETO	0	13	0	0	0	0	0	13	13
LIVORNO	74	304	3	20	0	0	77	324	401
LUCCA	10	80	0	0	0	0	10	80	90
PISA	0	51	0	0	0	0	0	51	51
PISTOIA	6	42	0	0	0	0	6	42	48
SIENA	5	144	0	0	0	0	5	144	149
TOTALS	179	1535	8	58	0	0	187	1593	1780

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APPENDIX C.

TYPES OF CASES TRIED IN NOVEMBER 1944 S.C.

PROVINCE	Curfew & Passes	Theft & Possession	Black Market	Looting	Arms & Ammo.	Italian Courts	Other offences	Total
AREZZO	185	44	0	0	6	0	11	246
FLORENCE	346	147	0	0	35	0	215	743
GROSSETO	13	0	0	0	0	0	0	13
LIVORNO	125	163	0	1	14	0	75	378
LUCCA	48	16	0	0	10	2	14	90
PISA	14	27	0	0	9	0	1	51
PISTOIA	23	12	0	0	6	1	8	50
SIENA	112	20	0	0	6	0	6	144
TOTALS	866	435	0	1	86	3	330	1715

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HEADQUARTERS ALLIED COMMISSION
APO 394
MILITARY SUB-COMMISSION

AC/

14 Nov 44

SUBJECT: Italian Courts in TO CONA

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

1. Below for Your Excellency's information an excerpt from a report for the month of October received from the Regional Legal Officer of the TOSCANA Region.

ITALIAN COURTS

(a) AREZZO : not yet functioning

(b) ANCONA : All Italian courts in the Province are functioning. The last to commence was at Sanepolcro, which was delayed somewhat, due to local problems, since cleared up. The records and equipment of the Tribunale and Procura of Arezzo kept at Foppi during bombings have all been returned. One auto has been provided for Procura del Regno, but more transport is needed to enable Italian courts to function efficiently.

(c) GROSSETO : Italian courts are all functioning and the Tribunale tried ten cases involving fourteen defendants. The Procura Courts have tried 56 cases involving 101 defendants. Two cases involved Allied internees there being 5 defendants, 4 of whom were found guilty. 10 cases involved possession of Allied property. 121 persons are in jails, 17 being women.
(Note: Your Excellency's attention has already been called to the delay in reopening the Court of Assises).

(d) LIVORNO : All Italian courts are now functioning. 100 cases are awaiting trial and the judges have been urged to expedite cases.

(e) MASSA : Italian courts are operating and there are only two persons in jail awaiting trial, due to the fact that the evidence against them is behind German lines. In general law and order exist in this Province far beyond expectations.

(f) PISA : During the month (of October) the Tribunale of Pisa heard its first cases. On the 17th October 4 criminal cases were disposed of and one was adjourned. There was one defendant acquitted and the following sentences were imposed:

1 - 2 years and 2 months imprisonment and 2200 lire fine on a charge of aggravated theft.

2 - Ditto

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3 - 3 years and 3 months imprisonment and 3300 lire fine on two defendants on a charge of aggravated theft.

Several changes are recommended to take care of the replacement of the Pretore of Pontedera Valeidia Giovacchino who was a Republican Fascist. They have been discussed with the Presidente of the Tribunale and Procuratore del Re. They are:

1 - the placing of the present Pretore of Cascina Cagliardi Andrea, in the more important Pretura of Pontedera. He is a man of ability and has been of service in the reestablishment of Courts in the Province.

2 - The placing o Uditore Petrillo G. Battista at present in the Tribunale of Pisa in the Pretura of Cascina. This official has served the required time and is considered of sufficient ability to qualify as a judge of the Tribunale.

The temporary appointment of a supervising Judge of prisoners now imprisoned by Italian Military Tribunals in Pisa persons is necessary in the province. The Presidente of the Tribunale and the Procuratore del Re have investigated a local avvocato with experience in Italian Military Tribunals while serving in the Italian Army. They recommend him both from a standpoint of ability and political background. He appears to be qualified. His name is Cannarella Emilio.

All the Pretori in the province are functioning. The Pretore of Pontedera has continued to function at Ponsacco because of the condition of the place of Pontedera.

(g) CIVIL : The local Tribunals and Pretura continue to function satisfactorily.

Self

A. R. MACRAE,
Lt. Colonel,
Italian Branch,
for Chief Legal Advisor,

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Legal

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION VIII

R.VIII/19/2002 4 September 1944

SUBJECT : Report on activities of Legal Division, Region VIII for month of August 44.

TO : CLO, Legal Sub-Commission, ACC.

HEADQUARTERS
SEP 1944

1. PROVINCES. As at 31 August the only Province in Region VIII which was being administered by Regional HEADQUARTERS was Grosseto. The Provinces of AREZZO, FLORENCE, LIVORNO, PISA and SIENA, were under the administration of the SCAOS of the Armies. The personnel to form the AMG Teams for the Provinces of APUANIA, LUCCA, and PISTOIA have been activated but are not yet functioning.

The southern portion of the Province of PISA has been liberated, and PLO is functioning under the aegis of 5th Army. The present administrative headquarters of the Province is at VOLTERRA. The PLO has dealt with the prison situation.

2. For the present the City of Florence is regarded as a separate administrative entity from the rest of the Province of FLORENCE. However it has been agreed that the same officer (Major GLENN) shall act as legal Officer to both th City and the Province.

3. In the Provinces under the SCAOS of the Armies the Legal Officers are regarded as being advisers to the SCAOS, but authority has now been given for them to comunicate directly with the RLO on Legal matters. Further authority has been given for the Regional Commissioner to review cases (not reserved for review by the Chief Commissioner) tried by AMG Courts in Army areas. The Regional Commissioner has delegated this power to the RLO. Such reviews are now being carried out.

4. STAFF. There is attached as Appendix A a list of the Legal Staff of Region VIII as at 31 August .

5. MILITARY COURTS. There are attached as Appendicies B and C tables showing the number of cases tried in the Region during August and the various types of cases involved.

6. Reports from the Provinces indicate that the populace are law abiding and seem willing to comply with the Proclamations. The commonest offence is travelling without a permit. Black market offences and wrongful possession of Allied Goods are refreshingly rare.

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Declassified E.O. 12356 Section 3.3/NND No. 785012

SUBJECT : Report on activities of Legal Division, Region VIII for month of August 44.

TO : CLO, Legal Sub-Commission, ACC.

HEADQUARTERS
FIFTH ARMY

1. PROVINCES. As at 31 August the only Province in Region VIII which was being administered by Regional HEADQUARTERS was Grosseto. The Provinces of AREZZO, FLORENCE, LIVORNO, PISA and SIENA, were under the administration of the SCAOS of the Armies. The personnel to form the AMG teams for the Provinces of APUANIA, LUCCA, and PISTOIA have been activated but are not yet functioning.

The southern ~~position~~ portion of the Province of PISA has been liberated, and PLO is functioning under the aegis of 5th Army. The present administrative headquarters of the Province is at VOLTERRA. The PLO has dealt with the prison situation.

2. For the present the City of Florence is regarded as a separate administrative entity from the rest of the Province of FLORENCE. However it has been agreed that the same officer(Major GLENN) shall act as legal officer to both th City and the Province.

3. In the Provinces under the SCAOS of the Armies the Legal Officers are regarded as being advisers to the SCAOS, but authority has now been given for them to comunicate directly with the RLO on legal matters. Further authority has been given for the Regional Commissioner to review cases(not reserved for review by the Chief Commissioner) tried by AMG Courts in Army areas. The Regional Commissioner has delegated this power to the RLO. Such reviews are now being carried out.

4. STAFF. There is attached as Appendix A a list of the Legal Staff of Region VIII as at 31 August .

5. MILITARY COURTS. There are attached as Appendicies B and C tables showing the number of cases tried in the Region during August and the various types of cases involved.

6. Reports from the Provinces indicate that the populace are law abiding and seem willing to comply with the Proclamations. The commonest offence is travelling without a permit. Black market offences and wrongful possession of Allied Goods are refreshingly rare.

7. In connexion with wrongful possession a useful notice was posted in the City of FLORENCE calling attention to the danger of civilians having possession of Allied Goods and stating that soldiers are forbidden to give, sell or exchange such Goods.

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the posting of similar notices throughout the Region is under consideration.

9. In the forward areas Summary and Courts are being held by CAOS; elsewhere mainly by the Provincial Legal Officers. Comment is made by one PLO that CAOS do not appear to be well versed in the "Consolidated Instructions" and, owing to movement of personnel, it is difficult to train them properly.

9. Comments are being sent from PLO to PLO calling attention to errors disclosed on review and to "wild" sentences. It is hoped in this way, to obtain uniformity in procedure and sentences.

10. A proposal has been put forward for the establishment of Port Summary Courts at Piombino and Livorno to be manned by CBS officers. At 31 August this proposal was under consideration.

11. ITALIAN COURTS. The position of the Italian Courts in the several provinces is as under.-

a. AREZZO. The Tribunale at Arezzo is functioning but with only three judges and makeshift records; the permanent records are still in enemy hands. All Pretura Courts in liberated territory are functioning except at SANSEPOLCRO and BIBBIENA.

b. FLORENCE. The civil Courts are functioning in a fairly normal way but the trial of penal cases has been held up owing to difficulties of transport. A letter has been sent to the First President of the Court of Appeal at Florence directing him that it is the desire of AMG that Italian Courts should continue to function as heretofore subject to the conditions set out in the letter.

c. GROSSETO. The Italian Courts are functioning normally. One judge of the Tribunale has been dismissed and another is in AVVENTO. Five Pretori have been confirmed in office. It is desired to remove one at ORBETELLO as soon as a suitable successor can be found. (Separate correspondence with HQ, ACC, has taken place in regard to this.)

d. LIVORNO. At the time of the Allied bombardment of Livorno the Tribunale was removed to SAN MINIATO. Steps are now being taken to have it returned. In the mean-time it is not functioning. The Pretura of Campiglia and CECINA are open, that at LIVORNO is not. Local obstruction appears to be trouble at Livorno. The PLO is dealing with this.

e. SIENA. Comparatively little activity is reported owing to continuing difficulties of transport and travel restrictions. The PLO has arranged for cars and petrol for each of the Tribunali, but the difficulty of transporting witnesses remains.

f. PISA. Until Italian judicial officials at Pisa can be conta-

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9. Comments are being sent from HQ to PWB calling attention to errors disclosed on review and to "mild" sentences. It is hoped in this way, to obtain uniformity in procedure and sentences.

10. A proposal has been put forward for the establishment of Court Summary Courts at Piombino and Livorno to be manned by PWB officers. At 21 August this proposal was under consideration.

11. ITALIAN COURTS. The position of the Italian Courts in the several provinces is as under,-

a. AREZZO. The Tribunale of Arezzo is functioning but with only three judges and makeshift records; the permanent records are still in enemy hands. All Pretura Courts in liberated territory are functioning except at SANSEPOLCRO and MONTEVARCHI.

b. PISTOIA. The civil Courts are functioning in a fairly normal way but the trial of penal cases has been held up owing to difficulties of transport. A letter has been sent to the Presidente of the Court of Appeal at Florence directing him that it is the desire of AMG that Italian Courts should continue to function as heretofore subject to the conditions set out in the letter.

c. GROSSETO. The Italian Courts are functioning normally. One judge of the Tribunale has been dismissed and another is in AVVENTO. Five Pretori have been confirmed in office. It is desired to remove one at CASTIGLIONE as soon as a suitable successor can be found. (Separate correspondence with HQ.AGO.has taken place in regard to this.)

d. LIVORNO. At the time of the Allied bombardment of Livorno the Tribunale was removed to SAN MINIATO. Steps are now being taken to have it returned. In the mean-time it is not functioning. The Pretura of Campiglia and CECINA are open. That at LIVORNO is not. Local obstructionism appears to be trouble at Livorno. The PWB is dealing with this.

e. SIENA. Comparatively little activity is reported owing to continuing difficulties of transport and travel restrictions. The PWB has arranged for cars and petrol for each of the Tribunali, but the difficulty of transporting witnesses remains.

f. PISA. Until Italian judicial officials at Pisa can be contacted, nothing can be done to make the Italian Courts function.

12. LEGISLATION. No Regional order has been issued. A Provincial order in the Province of FLORENCE have been made dealing with the

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declaration and use of motor vehicles and the control thereof of spare parts. A draft of a Provincial Order in SALERNO, relating to hunting, is under consideration at this Headquarters.

13. GENERAL. A letter drafted by the CIC, has been issued to all officers in the Region calling attention to irregular methods of requisitioning and warning them against such practices.

ALLIED MILITARY GOVERNMENT
REGION VIII
GC
OFFICIAL
REGIONAL LEGAL OFFICER

0179

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0180

ANNEX "A"

List of Legal Officers in Region VIII

Colonel John M. Weber (A) O-102751 Major G.A. Bamlet (A) 639C6 Capt. H.G.T. Christians (A) 139291	Regional Headquarters
Major Henry Green (A) O-152411	Florence Province
Major Robert M. Woodward (A) O- 2C6777	Livorno Province
Capt. Bertram Dreyfus (A) 136769	Siena Province
Capt. Robert McClellan (A) O-517625	Grosseto Province
Major. Matthew C. Holt (Canadian)	Lucca Province
Capt. Laurence Miller (A) O-1756151	Florence Province
2/Lieut.Edward E. Nevans (A) O- 1757692	Pisa Province
Lt;Col. Walter J; Purcell (A) 100044	Pistoia Province
Major Walter D. Stum (A) O-100044	Arezzo Province
Lt.Col.Troxell (A) Alexander M. 0235794	Apuania Province

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APPE

REGION VIII

REPORT ON ALLIED MILITARY COURTS FOR AUGUST 1944

PROVINCE	Summary Court		Superior Court		General Court		Totals	
	NG	G	NG	G	NG	G	NG	G
AREZZO	2	170	=	=	=	=	2	170
FLORENCE	4	26	=	=	=	=	4	26
GROSSETO	2	43	=	1	=	=	2	44
LIVORNO	24	85	=	=	=	=	24	85
SIENA	15	82	=	1	=	=	15	83
	47	406	=	2	=	=	47	408

N.B. STATISTICS FROM PISA PROVINCE NOT YET AVAILABLE.

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APPENDIX B

REGION VIII

REPORT ON ALLIED MILITARY COURTS FOR AUGUST 1944

Summary Court		Superior Court		General Court		Totals		Total cases
NG	G	NG	G	NG	G	NG	G	
2	170	=	=	=	=	2	170	172
4	26	=	=	=	=	4	26	30
2	43	=	1	=	=	2	44	46
24	85	=	=	=	=	24	85	109
15	82	=	1	=	=	15	83	98
47	406	=	2 (3)	=	=	47	408	455

(3) FROM SICILY PROVINCE NOT YET AVAILABLE.

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REGION VIII

REPORT ON ALLIED MILITARY GOVERNMENT FOR AUGUST 1944

CONVICTIONS

PROVINCE	CURFEW OR PASS	THEFT &POSS ALLIED Pty	BLACK MARKET	LOOTING	ARMS	ITALIAN CODE	OTHERS	TOTALS
AREZZO	144	21	-	-	-	4	14	183
FLORENCE	23	-	-	-	2	-	1	26
GROSSETO	39	2	-	-	3	-	2	46
LIVORNO	75	12	-	-	3	-1	18	109
SIENA	74	5	-	-	3	-	1	83
	355	40	-	-	11	5	36	447

N.B. STATISTIC FROM PISA PROVINCE NOT YET AVAILABLE.

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APPENDIX C.

ENCLOSURE VIII

REPORT OF ALLIED MILITARY GOVERNMENT FOR AUGUST 1944

CONVICTIONS

R PASS	THEFT &PASS ALLIED Pnty	BLACK MARKET	LOOTING	ARMS	ITALIAN CODES	OTHERS	TOTALS
	21	-	-	-	4	14	193
	-	-	-	2	-	1	26
	2	-	-	3	-	2	46
	12	-	-	3	-1	10	109
	5	-	-	3	-	1	83
	40	-	-	11	5	36	447

OF PISA PROVINCE NOT YET AVAILABLE.

0185

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1043/12

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION VIII

Legal 8730

4 August 1944.

SUBJECT : Monthly Report.

TO : Chief Legal Officer, Legal Sub-Commission, ACC.

1. Copy of attached Monthly Report rendered to Regional Commissioner this day.

HEADQUARTERS
8 MIL GOV
A. C. C.

JOHN K. WEBER
Col., Inf.,
R.L.O., Region VIII.

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0180

HEAD QUARTERS

ALLIED MILITARY GOVERNMENT

REGION VIII.

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LEGAL REPORT FOR PERIOD ENDING 31st.July 1944.

The Regional Legal Office,Region VIII,was established at Orvieto on 25 June 1944. The Personnel consisted of Colonel John J.Weber,Infantry (US),and Lieut.H.G.T.Christians (B). On 27 June 1944,Sergeant Joseph Fanfglietti (US) joined the Staff.
Headquarters, Allied Military Government,Region VIII (including all Specialist Divisions),closed at Orvieto at 0900hrs.Sunday 30 July 1944, and re-opened at Casa del Fascio,Siena,in new location,on that day.

On the dates listed below,the Provincial Legal Officers were despatched to their respective Provinces:

9 June 1944,Capt.Hill (US)	Grossetto rovince
21 June 1944,Capt.Dreyfus (B)	Siena Province
21 June 1944,Lieut.Nevens (US)	Pisa Province
21 June 1944,Major Woodward (US)	Livorno Province
30 June 1944,Major Stump (US)	Arezzo Province
5 July 1944,Lt.Col.Purcell (B) and Major Glenn (US)	Florence Province

Under 5th.Army control are the Provinces of Grossetto,Pisa,and Livorno.

Under 8th.Army control are the Provinces of Arezzo,Florence and Siena.

The eight Officers (Legal) assigned to the Region are employed as such. - Capt.Hill,Grossetto Province,is being used as a Legal Officer though assigned to the Region as a Civil Affairs Officer. 2/Lt.Nevens (US) was on 29th.July 1944,appointed,in addition to his other duties,as Provincial Legal Officer Province of Lucca. He is therefore at present in charge of two Provinces,Pisa and Lucca.

Legal Officers have not been assigned to the Provinces of Pistoia and Apuania. Unless additional Legal Officers are assigned to the Region, a re-shuffling of present assignments will be required.

Before leaving Naples,arrangements were made for the printing of a quant ty of the new type Forms for Legal use. These were brought to Orvieto and were issued to the Provincial Legal Officers. On I July 1944 arrangements were made in Rome for the printing of another supply of new Legal Forms. These were obtained on IIth.July 1944. Unfortunately, the vehicle transporting these Forms left the Highway and turned over on a hillside. The majority of the Forms were painstakingly salvaged and sorted and constitute the present reserve stock now on hand in the Regional Legal Office.

Headquarters,ACC,has furnished an ample supply of Notices and General Orders pertinent to the new Proclamations,as well as the Proclamations I - 4 (new). All Provinces except Lucca,Pistoia,and Apuania (these have not been activated),have been furnished with such Proclamations and Notices. A reserve supply is on hand at the Regional Legal Office. General Orders will be supplied from that Office when required. Stocks are

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The Regional Legal Officer has prepared and issued a Regional Administrative Instruction, supplementing "Consolidated Instructions" as issued by ACC. Ample copies for all interested Officers have been issued to Provincial Legal Officers. A copy thereof is attached hereto for inspection.

In addition, copies of "Analogy between Proclamation Offences and Italian Law", issued by Legal Sub-Commission ACC, have been multigraphed

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and distributed to Provincial Officers. A reserve stock is on hand for use with the Region.

On July 1,2,and 3,the Regional Legal Officer was in Rome,during which time he conferred with the Chief Legal Officer,ACC,and the Regional Legal Officers of Rome Region and Region IV. On July 4 and 5 the Regional Legal Officer had a conference in Grossetto with the Provincial Legal Officers of Pisa,Livorno,and Grossetto;thereafter he conferred with Colonel Mayne,and Wing-Commander Dickie at 5th.Army Headquarters. On July 8th.,A like Conference was had at 5th.Army Headquarters.

On July 15th.and 16th.,the Regional Legal Officer attended a Conference in one with the Chief Legal Officer and with other Officers of his Staff. Conferences were had with the Regional Legal Officers of Rome Region and Region IV. On July 16th.Siena was visited,and en route, the Provincial Legal Officers of Florence,Arezzo and Siena were interviewed.

On 31st.July 1944,the Regional Legal Officer,with Lieut.W.G.F. Christians,visited Rome for the purpose of attending there the Conference of the Chief Legal Officer,Legal Sub-Commission,ACC.

The Mobilisation of a Region is a novel experience. - Starting from scratch,it must build itself into a workable organisation which will justify its existence. In theory the urgent problems have been provided for by Executive Memoranda and Directives issued by Higher Authority. Such theory,however,does not always work out in practice.

Take for example the vexed question of "Screening",and allied problems. - Every Officer in the Region,from the Regional Commissioner downwards,asks the Legal Department what is to be done with one or other aspect of this matter. - It is not sufficient answer merely to refer them to this or that Directive. The Regional Legal Officer has prepared a short document,which is now in draft form before ACC,setting out in short the principles to be followed. How well such draft may have succeeded in its avowed purpose remains undecided at the present moment. One thing may be concluded with certainty - there is a need for such a document in newly activated Regions. It is the studied opinion of this Office that such a document should be carefully prepared by ACC for uniform application. An urgent recommendation to that end is here sincerely submitted for consideration.

Reports on Provinces

a LIVORNO:

Operation of Italian Courts commenced on 11th.July. The Pretore,Campanelli Antonio,has held this Office for ten years,and is a competent and reliable person held in high esteem by local citizens. He is known to be Anti-Fascist,and is considered sound by CIC. His jurisdiction extends over the Communes of Piombino,Campiglia,Suveretto and their fractions (Mendamenti). At present he is holding Court at Campiglia, and will continue to hold Court there due to the evacuation of most of the civilians from Piombino. The accomodations at Campiglia are not good,and the Pretore is desirous of re-opening Court at Piombino where the Court building is in fair condition,although needing some repairs. On 23rd.July 1944 there were eleven (11) criminal cases and one (1) civil case awaiting trial. Several cases were continued the week prior due to lack of transport for necessary witnesses.

On 12th.July reports of looting of private property,

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Headquarters. On July 6th., a like Conference was had at 5th. Army Headquarters.

On July 15th. and 16th., the Regional Legal Officer attended a Conference in Rome with the Chief Legal Officer and with other Officers of his Staff. Conferences were had with the Regional Legal Officers of Rome Region and Region IV. On July 18th. Siena was visited, and en route, the Provincial Legal Officers of Florence, Arezzo and Siena were interviewed.

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Reports on Provinces

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On 13th. July, reports of Looting of private property, allegedly done by U.S. Troopers, were submitted to Lt. Col. Dougherty, 5th. Army AMG, for investigation and action.

Summary Military Court sits once a week at Piombino. On 23rd. July six(6) cases had been disposed of.

At present there is no jail available at Piombino; it has not been used since 1940, and requires extended repairs, estimated to cost 58,566 lire. There is a Caserma at Piombino, with accomodations for six (6) persons. The jail at Campiglia is in fair condition but its accomodations are limited to thirty-five (35) men and ten (10) women. At this time it is the only jail available in the five southern Communes. In view of the fact that Piombino is about twenty-five

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Kilometres from Campiglia,the matter of prisons may become urgent

Persons in jail have been investigated. - Forty-nine persons arrested by the Partisans have been released after careful investigation by CIC revealed that their further detention was unwarranted. Two others,however, are under detention for further investigation. There are eight persons in confinement,six were sentenced by AMG Courts,and two were sentenced by Italian Courts. No persons are in jail or camps awaiting trial by AMG or Italian Courts.

The source of the above report is Reports rendered to this Office from time to time by Major Peckham,the Provincial Legal Officer ,Livorno Province.

1 PISA:

On 24th.July,the personnel of the Pretore Office, consisting of the Pretore,Semmari Guiseppe,the Vice-Pretore Cavallieri, and three clerks were present and functioning. Cases are to be heard commencing the week of 31st.July. Prior to the return of the Pretore to Volterra on 24th.July,the Vice-Pretore performed his duties. The Pretore and Vice-Pretore have completed Schede personale,and appear to be satisfactory politically. There is only one Pretura in the central and Southern part of Pisa Province; it is in the Comune of Volterra. - The Court-room is badly damaged but can be repaired. A temporary Court-room has been selected for use while repairs are being made. The Offices of the Pretura,however,are undamaged,as are the Court Records.

The Presidente of the Tribunale of Pisa,Cesarini Tito, presented himself in Volterra,stating that originally he was on sick leave from the Tribunale,leaving Pisa last August,and,after regaining his health,he was accused of having spoken against Mussolini,and of having plotted against the State. He and his Partisan son were placed inthe Volterra Penitentiary,without trial,where they remained for a period of three months. The Presidente completed a Scheda Personale,and appears to be more than satisfactory from a political standpoint. He is intelligent and appears able. He has proven very co-operative. He submitted a list of all Judicial officials and employees within the Province as of 1st.January 1944,and discussed the political background and ability of each. The Presidente was informed that he would continue to serve in that capacity for the present,and that he should be ready to move forward to the North when Provincial Headquarters is moved further.

The prison situation is as follows: On 24th.July there were approximately thirty criminal and five civil cases awaiting trial. In addition,there were approximately fifty-five family adjudications awaiting disposition in the Psychopathic Hospital or Volterra Penitentiary. The aid of the Procuratore del Re,at present in unliberated territory,is required. A provisional appointment of a person authorised to act for him, may presently be required. No cases have been tried by AMG Courts. The report of one case tried at Pomrance by Major R.J.Cram while that Comune was under Corps,is on hand at the Provincial Legal Office.

The prison located at Volterra,and known as Volterra Penitentiary,was badly damaged by shelling. It is functioning under the direction of Lieut.C.L.Parker,and materials are being transported for its repair. The damage has reduced the capacity 60 per centum. The original capacity was six hundred prisoners. At the time of the liberation of Volterra,the prison population numbered five hundred and four. Of this number three hundred and seventy three escaped. The Military Police and Carabinieri of the 5th.and 8th.Armies and Local Police are gradually effecting their return to prison. Approximately three hundred remain at

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confinement, six were sentenced by AMG Courts, and two were sentenced by Italian Courts. No persons are in jail or rooms awaiting trial by AMG or Italian Courts.

The source of the above report is reports rendered to this office from time to time by Major Woodward, the Provincial Legal Officer, Livorno Province.

b PISA:

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Persons in jail have been investigated. Anti-fascist political offenders, fifteen in number, serving life-sentences for carrying in the Greek Armour bearing arms against Italy during the occupation of Greece, or failing to turn in arms during the occupation of Greece, at the request of the Displaced Persons Sub-Commission for service in the Greek Army, after the examination of the records of these men by the Provincial Legal Officer, on 20th.July were released by the Provincial Commissioner, A/C/Col. .. Altero.

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Of the records of the first twelve of thirty-nine prisoners tried by Fascist Military Tribunals,eleven were clearly non-political convictions.

Detained and untried are One hundred and six persons accused of being Fascists or German sympathisers. Eight of this group were arrested by CIC IV Corps. With the knowledge of the CIC,the remaining ninety-six were arrested and turned over to the Penitentiary by the Partisans. Only six of the entire group were proceeded by the IV Corps;the remaining one hundred being left for the CIC,5th.Army. A majority of these will be entitled to release after being interrogated. It is urgent that the processing of these men be completed promptly;the prison in its present reduced capacity is obviously strained by their continued detention.

The source of the above data is a report rendered by Lieut. S.R.Nevens,Provincial Legal Officer,Pisa Province.

_C GROSSETTO:

The six Pretura of the Province have been re-opened,Schede Personale received,together with Reports from CIC on three Preture. Reports have also been received on these officials from the Committee on National Liberation,which thus far has proved to be a reliable and helpful organisation. The removal of the Pretura of Orbetello has been recommended to Headquarters,Region VIII. Reports from the Committee on National Liberation indicate that the remaining five Preture are fit to be retained. The Pretura of Roccastrada is an avvocato serving without pay. He should be appointed to this Office.

Because of the absence in Rome of the President of the Tribunale and one Judge,the reorganisation of the Italian Courtss has been slower than has been desired. The President revealed his whereabouts to Legal Sub-Commission,ACC,and by arrangement on 24th.July,the Provincial Legal Officer returned these Judges to Grossetto. Because of his Fascist back-ground,little authority could be placed in,nor liaison had with the next ranking Judge to the President;his early removal is highly desired. Grossetto had no Procuratore del Re;the Vice-Procuratore brought from Archidosso,having a good back-ground and being very co-operative, should be appointed. Four of the six Tribunale Judges were on hand. Schede Personale and reports from the CIC have been received on these Judges,as well as reports from the Committee on National Liberation. As indicated above,the next ranking Judge to the President should be removed. Reports from the Committee on National Liberation indicate that the remaining five Judges are fit to remain in Office.

Except at Orbetello,where the Pretura was destroyed all Italian Court Buildings and records are in a reasonably good condition. At Orbetello,arrangements have been made for the Court to use the Municipio. The Tribunale Court has been removed to Grossetto.

Up to 23rd.July fifteen prostitutes were incarcerated since the second day of Allied occupation of Grossetto. Each was examined,and those with venereal disease were treated. Those not diseased were subsequently released for lack of evidence upon which to sustain a conviction. In all cases,the local Italian Courts were consulted,and several cases were referred to them for prosecution.

Prior to 23rd.July,twelve cases were tried by AMG Courts resulting in five convictions and seven acquittals. The offenses charged were: Curfew ...9: Violation of Pass and Travel Regulations,I:Wrongful possession of Allied Property,I:Italian representing himself to be a Member of the Allied Forces and offering a bribe,I: Eleven of these cases were before a Summary Court,one before the Superior Court. In addition to the above,sixteen cases were set for trial on 24th.July at Orbetello

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The investigation by CIC of incarcerated persons is nearing completion. Many of the suspects have been interned. By continuing to arrest former Fascists,the Partisans have become a serious source of trouble. Some credence may be given to the Report that within the Province clandestine jails have been set up by the Partisans. The Questore and Major CCRR,have been issued instructions to make written arrest reports

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on every person detained in jails or prisons. Those persons not being held for violations of AMG or Italian law are to be released on condition that they report weekly to the CCRR. A list of such persons is being prepared for submission to the Italian Tribunals to be set up for the trial of Fascist Offenders. If present conditions may be taken as a criteria, relatively little crime should occur in this province.

The source of the above data is a report rendered by Capt. Hill, Provincial Legal Officer, Grossetto Province.

REPORTS BY PROVINCES (contd.) AREZZO:
EIGHTH ARMY AREA.

Provincial Headquarters for Arezzo Province were temporarily set up at Citta del Pieve on July 1, where it remained until Arezzo was occupied and on July 16 the Provincial Headquarters was established in Arezzo. Since coming here, the HQ has been more or less under constant shell-fire and work has been carried on under great handicaps, especially shortage of transportation, shortage of clerks and typewriters, and no regular courier service with the Regional Headquarters. Only about one half of the Province has been occupied.

AMG Courts - Relatively few cases, only ten, have been reported as tried by AMG Courts, and nine involved the offence of travelling more then ten kilometres without proper permit, and one case involved possession of Allied Property. All of the Provincial Officers have the necessary forms (legal) and have been instructed as to the procedure of AMG Courts. However, most of the cases have been tried by 8th. Army Officers, rather than Region VIII Officers. At present it does not appear that the number of AMG cases will be large.

Italian Courts - (a) Corte d'Assisi, Arezzo. The Building is intact but the records were taken to another City for safe-keeping which has not yet been occupied and the present status of the records is not known. There are seven Judges of the Court, two of whom reside at Florence and five in Arezzo. But those residing at Arezzo fled from the area and have not yet returned. It is unlikely that this Court will be able to function until Florence shall have been occupied.

(b) Tribunale, Arezzo. - The building is intact but the records were also taken out of the city for safe-keeping. It is hoped that they are intact but their status is not yet known, as the city to which they were taken is not yet occupied. The Judges of this Court likewise fled during the attack on Arezzo and only one has yet returned. Three Judges are essential to the functioning of this Court. It is hoped that other personnel of this Court will re-appear as the battle moves northward.

(c) Pretura Courts - The six Pretura Courts of this Province are located at Arezzo, Cortona, Montevarchi, S. Giovanni, San Sepolcro and Bibbiena. The Pretura Courts of Arezzo and Cortona are now functioning Montevarchi and S. Giovanni HAVE BEEN OCCUPIED but the areas are not yet suffi sufficiently stabilized for the opening of their Pretura Courts. Bibbiena and San Sansepolcro are nor yet occupied.

On the establishment of Headquarters here, reports were received of a number of German attrocities in this area and Major Clamp was assigned to make an investigation of the attrocities committed at S. Polo , S. Severo Civitella della Chiana , Badicroce and Palazzo del Pero. A considerable amount of time has been given to these investigations and more will yet be required to complete them. These investigations have been carried on under difficult and , in some instances under hazzardous conditions .

SIENA. Court Buildings and records. The Tribunale and

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Hill,Provincial Legal Officer,Grosseto Province.

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SIENA. Court Buildings and records. The Tribunale and Pretura buildings and records at Siena and Montepunciano are undamaged. The Pretura at Radicofani and Poggibonsi have suffered considerable damage; information is lacking regarding Asciano. The Courts at Siena and Montepulciano are open, having only had to interrupt their work for a period of two weeks. There are reported to be between 20 and 30 cases awaiting trial at Siena, but the position at Montepulciano is less satisfactory and is being investigated by Provincial Legal Officer. Personnel - It is believed that all magistrates and Judicial Officials are available with the exception of Cav.Dott.Principe Pasquale, a Judge of the Siena Tribunale, who is working

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at a Military Court at Naples.

LUCCA: Lieut.E.F.Nevens has only just been appointed to take over this Province,and reports are not yet to hand.

FLORENCE: The two Provincial Legal Officers assigned to this Province,Lt.Col.Purcell and Major Glenn,are with the Provincial Team at Bagni di Chianciano,and are ready to go forward when the City is taken.

They are in possession of ample stocks of all necessary legal Forms.

In The Field.
4 August 1944.

John K Meder
JOHN K.MEDER.
Colonel,Infantry.
Regional Legal Officer.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION VIII

TO: All Legal Officers - Region VIII

FROM: Regional Legal Officer - Region VIII

LEGAL INSTRUCTION NO. 1

June 1944

1. The attention of all legal officers is drawn to consolidated Instructions for Allied Military Courts, issued on 1 May by the Legal Sub-Commission A.C.C. The following instructions are intended to amplify the consolidated instructions referred to, and to include all the most important Directions and instructions affecting Legal Officers issued to date.

The attention of legal officers is drawn to the appendices to these instructions.

2. Observance of Consolidated Instructions.

All legal officers are required to study closely and adhere strictly to the provisions of the Consolidated Instructions. It is also their duty to see that these are studied and observed by all Provincial Officers acting as judges in Allied Military Courts within the territory for which they are responsible.

3. Duties of Provincial Legal Officers.

(a) The Provincial legal Officer is first and foremost a member of the staff of the Provincial Commissioner, to whom he is responsible for the administration of justice and legal affairs within the Province. On purely legal matters, however; the Provincial legal officer will be responsible to the R.L.O., with whom he will correspond on such matters, and who will from time to time issue such directives as may be required. All such correspondence will be addressed through the Provincial Commissioner, who must at all times be kept fully informed.

(b) The responsibilities of the Provincial Legal Officer include the following:-

(1) Supervision of all A. M.G. Courts within the Province.

(2) Advice and assistance to P.C.'s acting as judges (who it must be remembered will in most cases be laymen, and will need as much guidance as he can give).

(3) Maintenance of proper records of trials before A.M.G. Courts within the Province.

(4) Close liaison with the P.P.S.O. of the Province, so as to ensure that all cases arising are expeditiously disposed of:

(5) Advice and assistance to the P.C. on all legal questions arising within the Province - subject to reference to the R.L.O. in cases of major importance or where questions of policy are raised.

(6) Supervision in collaboration with the P.P.S.O. of all prisons within the Province.

(7) The speedy re-opening of the Italian courts, where necessary within the province and the supervision of their work

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(c) The Provincial Legal Officer is expected to advise the Provincial Commissioner with regard to the constitution of The Superior Courts. He is responsible for ensuring that a Prosecuting Officer is detailed --preferably one with legal qualifications, if such is available-- who will see that all necessary arrangements are made for the sitting of the court. Legal Officer in relation to General Courts are defined in Consolidated Instructions, Article 2.

4. Arrest Reports.

(a) The form of Arrest Report to be used is that attached hereto as appendix A. This form is to be completed in all cases of arrest for violation of A.M.G. Proclamations and Orders. This is particularly important in cases where arrest is made by military personnel, and there is risk that the person making the arrest may be prevented by military exigencies from appearing at the trial.

(b) Forms of Arrest Report should therefore be supplied to all military police units operating in your Province, and the latter should be requested to see that a form is invariably completed and left with the prison authorities whenever an arrest is made. Forms should also be supplied to every carabinieri Barracks and Police station within the Province. All Carabinieri and police should be instructed that an Arrest Report must be completed in the case of every prisoner accepted, and in cases where a prisoner is brought in without an Arrest Report they must insist that the person making the arrest completes a Report before leaving the station.

(c) When the case comes on for trial the original Arrest Report will be attached to the Charge Sheet in the hands of the Officer or Official conducting the prosecution.

(d) It should be impressed on all concerned that the completion of the Arrest Report does NOT absolve the person making it from the necessity of attending as a witness at the trial, unless prevented by death, sickness or unavoidable necessity. However, in exceptional cases, where the person making the arrest is unavoidably prevented from attending as a witness by causes such as the above, the contents of the Arrest Report may be accepted as prima facie evidence for the prosecution- just sufficient to impose on the accused the necessity for making his explanation of the allegations made. At the same time all Provincial Officers acting as judges must be cautioned against too great reliance on the contents of the Arrest Report, seeing that it is not made on oath and has not been submitted to cross-examination. Only in very exceptional cases should an accused be convicted on the evidence contained in the Arrest Report, unless (a) he pleads guilty to the charge, or (b) there is corroborative evidence from some other source.

(e) Copy of Arrest Report should be attached to every record of Proceedings forwarded to the R.L.O. for examination or review.

5. Use of Summons

In order to avoid overcrowding gaols with unnecessary arrests it is desirable, in all but the more serious cases, to utilise the Summons rather than the procedure of the arrest for securing the attendance of accused persons in court. An accused who fails to appear in answer to the Summons can always be subsequently apprehended and may, in a proper case be charged with contempt.

6. Promptitude in presenting cases for trial

It is of the utmost importance that those accused of offences

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6. Promptitude in presenting cases for trial

It is of the utmost importance that those accused of offences be brought to trial at the earliest possible opportunity - more particularly those who are under arrest. Cases for trial before a Summary Court should be brought on for trial at the next sitting of the court --i.e. in an urban locality such as Florence, where the Court sits every day, on the next day.

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All but the most exceptional cases should be dealt with at once as in the U.S.A. or Great Britain. Cases of unusual complexity or where the police require to make further investigations, may be remanded by the Court, but no cases should be remanded for more than 7 days. Cases for trial before a superior Court, unless of unusual complexity, should be ready for trial within 14 days, and those for trial before a General Court within one month. The Provincial Public Safety Officer and all Provincial Police Officers should be invited to cooperate to the fullest extent possible in bringing all cases on for trial promptly, as above.

7. Policy with regard to Wrongful Possession of Allied Property.

The possession by a civilian of any property belonging to the Allied Forces, or to any member thereof, is prima facie unlawful, and the mere fact of possession is sufficient to throw upon the civilian the onus of justifying his possession. The fact that the property was given to the civilian as a gift is not sufficient to justify the possession, though it may be taken as a mitigating circumstance. Prosecutions for wrongful possession should not, however, be brought in trivial cases where the property consists of, say, one or two packets of cigarettes acquired as a bona fide gift from a member of the Allied Forces. Possession of any substantial quantity of Allied Property, on the other hand, even when acquired by gift, will be vigorously prosecuted, particularly if the evidence tends to show anything in the nature of a commercial traffic in Allied goods.

8. Cases of Mail Theft.

All cases where theft of Allied Mail is alleged will be most carefully investigated and the offence if proved will be punished with the utmost severity. The following special instructions apply to cases of mail theft:-

(a) Such cases will normally be remanded for trial before a General Military Court.

(b) No bail will be granted at all, except in the light of most unusual circumstances, and then the amount will be fixed so high as to render it most unlikely that the accused will fail to be present at the trial.

(c) A special report will be rendered by the presiding officer, through the Provincial Legal Officer, to the R.L.C. setting out full details of the case.

9. Framing of Charges.

(a) Particular attention is directed to Article 12 of the Consolidated Instructions, since in order to ensure that justice is done nothing is more important than the proper drawing of charges. Provincial Legal Officers will make a point of scrutinising closely the charges put forward in cases within their Provinces, and will give such assistence as they can to ensure that charges are properly drawn.

(b) The following instructions are issued in amplification of those contained in the Consolidated Instructions:-

(1) Where a charge alleges disobedience to an order given under the authority of A.M.G., full particulars of the alleged order must be given, stating, if it was a verbal order, by whom it was given and when and where, and if it was in writing, quoting the reference.

(2) Charges in respect of alleged acts " to the prejudice of good order" should be put forward only in exceptional cases, and then only when it is quite impossible to frame the charge

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(2) Charges in respect of alleged acts " to the prejudice of good order" should be put forward only in exceptional cases, and then only when it is quite impossible to frame the charge under any other section of the Proclamation.

(c) As a guide to those preparing charges, specimen charges, are included as Appendic B to these instructions to which reference should be made. It will be observed that sections of proclamations therein mentioned refer to the new proclamations.

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10. Interpreters

(a) Special attention is directed to Article 19 of the Consolidated Instructions. The Instructions contained in Appendix E, attached, will be carefully followed, in amplification of those now contained in the Consolidated Instructions.

(b) Provincial Legal Officers are responsible for advising and assisting Provincial Commissioners, so far as they are able, with regard to the disposition of Italian speaking Enlisted Men within the Province, so that interpreters shall be available at all centers where A.M.G. Courts are established.

11. Cases remitted to Superior or General Courts.

(a) The Provincial Legal Officer will be responsible for ensuring that all records and documents relating to the case, including Arrest Report, Summary Court Record (if any), and the names and addresses of all witnesses are forwarded promptly to the Prosecuting Officer.

(b) The Prosecuting Officer will be responsible for settling the charge or charges under which the accused is to be tried.

(c) The Prosecuting Officer will also be responsible for ensuring that the Court Room is available and suitably prepared, that the necessary carabinieri or other police are available to maintain order in Court, and that the accused is brought to Court at the proper time and that all witnesses are available.

(d) Notes for the guidance of officers conducting trials before Superior and General Courts are attached as Appendix D to these instructions will be followed wherever practicable.

(e) The date and place of trial will be appointed by the Provincial Legal Officer in the case of Superior Courts, and by the R.L.C. in the case of General Courts.

(f) Applications for release on bail pending trial before a General or Superior Court should be made as follows:-

(1) Where the case is remanded by a summary court, to the Summary Court:

(2) Where the case is ordered to be brought directly before a Superior Court under Rule of Procedure 6a, to the Provincial Legal Officer:

(3) Where the case is ordered to be brought directly before a General Court under Rule of Procedure 6a, to the Regional Legal Officer, in writing.

12. Court Records

(a) Special attention is directed to Article 30 of the Consolidated Instructions, which provide for the methods to be adopted in maintaining Court Records. The Summary Court Record Book has been abolished, and in its place various alternative methods of maintaining records are provided for. In order to maintain uniformity throughout the Region, the following will be standard practice throughout the Region VIII:-

(1) Summary Courts

On plea of guilty record will be kept in the space provided on the back of the Summons (Form 2) or Charge Sheet (Form 4) whichever is used.

On plea of not guilty record will be kept on revised Form 8, as per specimen contained in the Consolidated Instructions (i.e. single sheet with counterfoil).

(2) Superior and General Courts

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(f) Applications for release on bail pending trial before a General or Superior Court should be made as follows:-

(1) Where the case is remanded by a summary court, to the Summary Court:

(2) Where the case is ordered to be brought directly before a Superior Court under Rule of Procedure 6a, to the Provincial Legal Officer:

(3) Where the case is ordered to be brought directly before a General Court under Rule of Procedure 6a, to the Regional Legal Officer, in writing.

12. Court Records

(a) Special attention is directed to Article 30 of the Consolidated Instructions, which provide for the methods to be adopted in maintaining Court Records. The Summary Court Record Book has been abolished, and in its place various alternative methods of maintaining records are provided for. In order to maintain uniformity throughout the Region, the following will be standard practice throughout the Region VIII:-

(1) Summary Courts

On plea of guilty record will be kept in the space provided on the back of the Summons (Form 2) or Charge Sheet (Form 4) whichever is used.

On plea of not guilty record will be kept on revised Form 8, as per specimen contained in the Consolidated Instructions (i.e. single sheet with counterfoil).

(2) Superior and General Courts.

On plea of guilty record will be kept on revised Form 8.

On plea of not guilty record will be kept on Form 8 as previously designed. (i. . double- sheet folder type).

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(b) Where records are kept on the back of Form 2 or Form 4 they must be kept in duplicate. These forms are supplied in sets of 3, printed in 3 colors. The top copy is handed to the accused. The remaining two copies are before the judge, who will complete them in duplicate, using carbon paper. One of these copies will be retained and filed by the court as its permanent record of the case; the other will be forwarded to the Provincial Legal Officer for transmission to the R.L.O. for examination, review and filing.

(c) Where the revised form 8 is used in a Summary Court, one copy only need be completed, but is most important that the counter foil be filled in. The counterfoil is retained by the Court, and is its only permanent record of the case. The form itself is detached and forwarded for examination, review and filing. In the event of the case being reviewed, the decision on review must also be entered on the counter foil in the possession of the Court.

(d) Superior and General Courts are not required to maintain permanent records, as they are not normally permanent courts. Where, however, a more or less permanent court is established, as is likely to be the case in Florence, the presiding Officer will be required to maintain a register of the cases tried, recording the essential details of each case, viz. Case No. _____, name of accused, date of trial, charges, pleas, findings, sentences, and decision on review.

(e) Provincial Legal Officers will maintain a register of all cases tried within their provinces, which they will compile from the Records which pass through their hands for transmission to the R.L.O. This register will show the court, Case No: Name of accused, date of trial, charges, pleas, findings, sentences, and decision on review.

13. Disposal of Court Records. 19

(a) The Legal Division at Regional Headquarters will be responsible for filing the originals of all court records.

(b) Summary Courts will retain and file the carbon copies of Form 2 or Form 4, or the counter foil of revised Form 8, whichever is used.

(c) Superior and General Courts are not required to maintain any permanent records except as provided in paragraph 12 (d).

(d) Each Provincial Legal Officer will be responsible for maintaining the register of cases specified in paragraph 12 (e).

(e) Court records will be forwarded to the Provincial Legal Officer within 7 days after the disposal of the case. The Provincial Legal Officer will forward them as quickly as possible to the R.L.O. after entering the relevant particulars of each case in his register.

(f) Where a case is reviewed, the decision on review will be communicated by the R.L.O. to the Provincial Legal Officer on the form attached as Appendix C. The Provincial Legal Officer will complete the form of receipt and return it to the R.L.O., enter the decision on review in his own register, and then forward the decision on review to the court concerned. It will be the responsibility of the Provincial Legal Officer to see that the decision on review is communicated to the accused, and (where it involves any change in the sentence) is brought to the notice of the prison authorities.

14. Petitions for Review

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(c) Where the revised form 8 is used in a Summary Court, one copy only need be completed, but is most important that the counter foil be filled in. The counterfoil is retained by the Court, and is its only permanent record of the case. The form itself is detached and forwarded for examination, review and filing. In the event of the case being reviewed, the decision on review must also be entered on the counter foil in the possession of the Court.

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14. Petitions for Review.

(a) Petitions for review will be forwarded to the Provincial Legal Officer, for transmission to the R.L.O. as soon as they are received.

(b) Before forwarding a Petition for Review the Provincial Legal Officer will satisfy himself:-

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(1) That the complete record of the case, including charge sheet, arrest report, any exhibits, and Record of previous convictions (if any) are either forwarded with the petition or have been forwarded previously.

(2) That any English Translation is furnished of all documents written in Italian.

(3) That the petition has in fact been endorsed with the comments of the judge who tried the case.

(c) Provincial Legal Officers are authorised and encouraged to add any comments of their own with regard to the conduct of the case, for the assistance of the Reviewing Officer.

(d) The petition and all documents forwarded will be filed at Regional Headquarters and only the decision on review will be sent back to the Provincial Legal Officer, as stated in paragraph 13 (f).

15. (a) An initial supply of legal forms will be furnished from Regional Headquarters. Thereafter it is hoped that Provincial Legal Officers will be able to arrange locally for the printing of future supplies. If this is impossible, application for further requirements must be submitted in good time to the R.L.O. to enable arrangements to be made for the necessary orders to be placed by Regional Headquarters.

(b) The Provincial Legal Officer is responsible for ensuring that all courts within his Province are properly supplied with the necessary forms.

(c) When arranging for printing of future supplies it is to be noted that the forms set out in the Consolidated Instructions need not be rigidly adhered to. Minor variations are permitted where experience shows that the forms can be improved. Any suggestions for major alterations of any forms must be submitted for approval to the R.L.O.

16. Monthly return of cases.

(a) On the first day of every month the Provincial Legal Officer will forward to the R.L.O. a consolidated return of all cases tried within the Province during the previous month. It will be a sufficient compliance with this direction if the return covers all cases, records of which have been received at Provincial HQ. during the month, regardless of the actual date of trial.

(b) The monthly return will show in the first half the total cases tried within the Province in General Courts, Superior Courts, and Summary Courts, indicating in each case the numbers found guilty and the numbers found not guilty.

(c) In the second half of the monthly return the numbers found guilty will be broken into the following headings :-

(1) Curfew and pass violations
(2) Theft and possession of Allied Property
(3) Black Market
(4) Looting
(5) Possession of arms and ammunition
(6) Violation of Italian Penal Code.
(7) Other cases
(8) Total.

The total in (8) should agree with the total found guilty in the first half of the return.

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(c) Provincial Legal Officers are authorised and encouraged to add any comments of their own with regard to the conduct of the case, for the assistance of the Reviewing Officer.

(d) The petition and all documents forwarded will be filed at Regional Headquarters and only the decision on review will be sent back to the Provincial Legal Officer, as stated in paragraph 13 (f).

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(2) Theft and possession of Allied Property
(3) Black Market
(4) Looting
(5) Possession of arms and ammunition
(6) Violation of Italian Penal Code.
(7) Other cases
(8) Total.

The total in (8) should agree with the total found guilty in the first half of the return.

17. Policy with regard to Italian Courts.

(a) Under the new Proclamations which will be posted in territory to be occupied in the future the Italian courts will never legally be closed.

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(b) In spite of this, it is to be expected that in any area which has recently been the scene of military operations, all courts will be physically closed. It is also to be expected that there will be a shortage of judicial officials, many of whom will doubtless have fled, and others of whom may have been arrested on security grounds.

(c) It is the policy of A.M.G. to get the Italian Courts working again at the earliest moment, and every Provincial Legal Officer should take steps to ensure that this is done within his Province. To this end he should at all times maintain a close liaison with the Senior Italian Judicial Official in the Province.

(d) In order to meet the probable difficulties caused by shortage of judicial officials, the following rules, which should be incorporated in a letter to the Senior Judicial Official in the Province (if this has not already been done), should be imposed on the Italian courts.

(1) Priority will be given to the hearing of criminal cases in preference to civil cases.

(2) Criminal cases where the accused is under arrest will, so far as is practicable, be heard in priority to those in which the accused is not under arrest.

(3) Civil cases will not be heard when either of the parties is, by reason of war conditions prevented from attending.

(4) Where it is possible to proceed with the hearing of civil cases, priority will be given to those involving questions of urgency such as the following:-

Appointment of receivers "pendente lite"
(deceased persons and creditors)
Declarations of absence or presumed death:
Judicial separation of Spouses:
Measures to protect the interests of minors
(appointment of Guardians, etc)
Rights of Married women
Internment or release of lunatics
Orders concerning the shares or bonus destroyed or lost.

(e) It shouldfurther be made clear to the Senior Italian Judicial Officer, if necessary by letter, that the continued functioning of the Italian courts is subject to compliance with the following conditions:-

(1) The Military Governor has the right to reverse or vary any judgement or sentence of the Italian courts.

(2) Every person has the right to petition the Military Governor to review any judgment or sentence of the Italian courts, where it is alleged that such judgement or sentence has been affected by hostility to A. M.G. or to the Government of any of the United Nations.

(3) Any A.M.G. Officer has the right at any time to attend any sitting of any Italian Court.

(4) Each week every Italian Court will submit to the Provincial Legal Officer a return of all criminal cases tried by the court during the preceding week giving details as shown in Appendix F.

(f) It will be the responsibility of the Provincial Legal Officer

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liaison with the Senior Italian Judicial Official in the Province.

(d) In order to meet the probable difficulties caused by shortage of judicial officials, the following rules, which should be incorporated in a letter to the Senior Judicial Official in the Province (if this has not already been done), should be imposed on the Italian courts.

(1) Priority will be given to the hearing of criminal cases in preference to civil cases.

(2) Criminal cases where the accused is under arrest will, so far as is practicable, be heard in priority to those in which the accused is not under arrest.

(3) Civil cases will not be heard when either of the parties is, by reason of war conditions prevented from attending.

(4) Where it is possible to proceed with the hearing of civil cases, priority will be given to those involving questions of urgency such as the following:-

Appointment of receivers "pendente lite"
(deceased persons and creditors)
Declarations of absence or presumed death:
Judicial separation of Spouses:
Measures to protect the interests of minors
(appointment of Guardians, etc)
Rights of Married women
Internment or release of lunatics
Orders concerning the shares or bonus destroyed or lost.

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(1) The Military Governor has the right to reverse or vary any judgement or sentence of the Italian courts.

(2) Every person has the right to petition the Military Governor to review any judgment or sentence of the Italian courts, where it is alleged that such judgement or sentence has been affected by hostility to A. M.G. or to the Government of any of the United Nations.

(3) Any A.M.G. Officer has the right at any time to attend any sitting of any Italian Court.

(4) Each week every Italian Court will submit to the Provincial Legal Officer a return of all criminal cases tried by the court during the preceding week giving details as shown in Appendix F.

(f) It will be the responsibility of the Provincial Legal Officer to see that the Italian Courts within his Province are taking proper steps to dispose of the outstanding cases, that their decisions are proper, and that sentences are in accordance with the policy of A.M.G. Unsatisfactory cases will be promptly reported to Regional HQ. for the attention of the officer in charge Italian Courts.

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18. Petitions for Review in Italian cases.

Any petition for review of an ITALIAN case under paragraph 17 (e) above must be submitted on Form 11, and the same procedure will be followed as laid down in paragraph 14 except that the petition will be submitted to the Procuratore for his remarks before being forwarded.

19. Prisons.

(a) The R.C. has been charged with the responsibility for investigating all cases of persons held in jail without trial and all cases of complaint of prisoners that they have been unjustly condemned for their political views. He is required to make recommendations to HQ. A.C.C. for release of such prisoners, and is empowered pending receipt of orders thereon, to grant provisional or conditional liberty or release, on parole, after consultation with the appropriate Italian judicial Official. He is also required to investigate and report on all cases of persons charged with crimes and never brought to trial because of political connections.

(b) The Regional Commissioner will look to Provincial Commissioners for information and recommendations with regard to such cases. Provincial Legal Officers are, therefore, required to do their utmost, in collaboration with Provincial Public Safety Officers, to assist Provincial Commissioners in obtaining information with regard to such cases.

20. Removal and Appointment of Italian Judicial Officials.

(a) Provincial Commissioners are being authorised by the Regional Commissioners to order the removal of a Judge or other Official (other than a Court of Appeal Magistrate), but are instructed not to do so, except in emergency, without reference to Regional Headquarters and then only after consultation with the Provincial Legal Officer. Provincial Legal Officers will be prepared to advise Provincial Commissioners with regard to this, and will in all cases report the action taken and the reasons therefor to the R.L.C.

(b) New appointments and promotions will normally be made by the Minister of Justice through the intervention of the Legal Sub-Commission, A.C.C. Provincial Legal Officers will report promptly to the R.L.C. on any vacancies which occur within their provinces, with any recommendations they may desire to put forward as to the filling of such vacancies.

16

(c) In emergency, when cases are waiting urgently to be tried, Provincial Commissioners are authorised to make temporary appointments of judicial officials (other than Court of Appeals Magistrates), subject to confirmation by higher authority. Provincial Legal Officers will be therefore prepared to advise Provincial Commissioners with regard to such appointments, and will report promptly to the R.L.C. on the action taken. Any such appointment must be signed by the Provincial Commissioner and not by the Provincial Legal Officer.

21. Local Committees of Avvocati.

(a) Provincial Legal Officers are advised to invite the local avvocati in every center of population to elect a small committee.

(b) The functions of such committee will be:-

(1) To enable the Provincial Legal Officer to maintain close liaison with the Italian legal profession.

(2) To advise the Provincial Legal Officer with regard to the functioning of Italian courts.

(3) To bring to notice any complaints or criticisms with regard to the functioning of A.M.G. Courts [illegible] ns

(4) To advise the Provincial Legal Officer, when so requested, with regard to the merits of any petitions lodged in respect of Italian cases, more

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make recommendations to HQ. A.C.C. for release of such prisoners, and is empowered pending receipt of orders thereon, to grant provisional or conditional liberty or release, on parole, after consultation with the appropriate Italian judicial Official. He is also required to investigate and report on all cases of persons charged with crimes a d never brought to trial because of political connections.

(b) The Regional Commissioner will look to Provincial Commissioners for information and recommendations with regard to such cases. Provincial Legal Officers are, therefore, required to do their utmost, in collaboration with Provincial Public Safety Officers, to assist Provincial Commissioners in obtaining information with regard to such cases.

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(b) New appointments and promotions will normally be made by the Minister of Justice through the intervention of the Legal Sub-Commission, A.C.C. Provincial Legal Officers will report promptly to the R.L.O. on any vacancies which occur within their provinces, with any recommendations they may desire to put forward as to the filling of such vacancies.

16

(c) In emergency, when cases are waiting urgently to be tried, Provincial Commissioners are authorized to make temporary appointments of judicial officials (other than Court of Appeals Magistrates), subject to confirmation by higher authority. Provincial Legal Officers will be therefore prepared to advise Provincial Commissioners with regard to such appointments, and will report promptly to the R.L.O. on the action taken. Any such appointment must be signed by the Provincial Commissioner and not by the Provincial Legal Officer.

21. Local Committees of Avvocati.

(a) Provincial Legal Officers are advised to invite the local avvocati in every center of population to elect a small committee.

(b) The functions of such committee will be:-

(1) To enable the Provincial Legal Officer to maintain close liaison with the Italian legal profession.
(2) To advise the Provincial Legal Officer with regard to the functioning of Italian courts.
(3) To bring to notice any complaints or criticisms with regard to the functioning of Allied Courts [illegible] ns
(4) To advise the Provincial Legal Officer, when so requested, with regard to the merits of any petitions lodged in respect of Italian cases, more particularly when questions of Italian Law are involved.
(5) To advise the Provincial Legal Officer on all matters of Italian Law and procedure.

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22. Petitions for Conditional Liberty and Pardon

(a) Provincial Legal Officers may expect to receive Petitions for Conditional Liberty and Pardon (See Appendix A to memorandum on Italian Courts and Legal Set up). These may be presented in cases tried by A.M.G Courts, as well as in cases tried by Italian Courts.

(b) During the period of military occupation such petitions will be dealt with exclusively by Headquarters, A.C.C. exercising for the time being the powers of the King of Italy and the Minister of the Interior. The procedure will be as follows:

(c) Petitions concerning cases tried by A.M.G. Courts will be dealt with in the same manner as Petitions for Review, i.e. they will be forwarded to the Provincial Legal Officer, who will forward them to the R.L.C. for transmission to HQ. A.C.C. when forwarding such petitions Provincial Legal Officers should quote the reference numbers of the case so as to facilitate extraction of the record of proceedings from the files at Regional Headquarters.

(d) Petitions concerning cases tried by Italian Courts, whether before or during the occupation, will be forwarded by Procuratori del Re or Directors of Prisons to the Provincial Legal Officer, together with an opinion in writing on the merit of the case. The Provincial Legal Officer, after assuring himself that the Record is complete, will forward the same to R.L.C. for transmission to Headquarters, A.C.C. The Chief Legal Officer, A.C.C. after consulting the Minister of Justice will grant or reject the application and communicate his decision to the R.L.C. If the petition is granted the R.L.C. will make the necessary orders and will send the same to the Provincial Legal Officer for execution. If the Petition is denied, the R.L.C. will inform the the Provincial Legal Officer who will communicate the decision to the prisoner through the Procuratore del Re. No reasons will be given.

23. Transfers of Land

Pursuant to General Order No. 23 of 12 March 1944 there are no longer any restrictions on leases and transfers of lands, buildings, or interests therein within occupied territory.

24. Monthly Report.

A concise written report is required to be forwarded to this H.Q. during the first week of every month, dealing with all matters of legal interest occuring within the Province during the previous month. This report should bring to notice the prevalence or otherwise of any particular type of crime within the Province, any difficulties encountered in the constitution or functioning of military Courts, any delays encountered in the administration of justice (with recommendations for the same), information with regard to the state of the gaols, information with regard to the functioning of local Italian Courts (together with any recommendation with regard to same), and any other matters of interest.

JOHN K. WEBBER
Colonel, Infantry
R.L.C., Reg. 8

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ALLIED MILITARY GOVERNMENT
GOVERNO MILITARE ALLEATO

PRISON REGISTRY NUMBER
Numero di matricola del Carcere .....

Report of arrest
RAPPORTO D' ARRESTO

FOR USE BY THE ALLIED AND ITALIAN POLICE. THIS FORM MUST BE COMPLETED WHITIN 12 HOURS OF THE ARREST.

Per uso delle Polizie Italiane ed Alleata. Questo modulo deve essere riempito entro 12 ore dall'arresto.

MILITARY POLICE CASE NUMBER
Numero del Registro della Polizia Alleata .....

PERSON ARRESTED
Persona arrestata

Last name, first name, paternity - Cognome, nome, paternità .....

Address ..... age - età
Indirizzo

Identification Number
Tessera di Riconoscimento N. .....

DETAILS OF THE ARREST
Causa dettagliata dell'arresto

Violation of Proclamation No. ..... Article No. ..... Subd .....
Violazione del Proclama N. Articolo N. Comma

Violation of Italian Law .....
Violazione di Legge Italiana

Place of offense .....
Luogo del reato

Date of offense ..... Time .....
Data del reato ora

Place of arrest .....
Luogo dell'arresto

Date of arrest ..... Time .....
Data dell'arresto ora

Facts of offense .....

Causa dettagliata del reato .....

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APPENDIX "B"

SPECIMEN CHARGE SHEETS

for

Guidance of C.M. O's. and C. A. P. O's.

I

First Charge: Proclamation 1 Article Section 42.

Particulars : On or about 10 January 1944, Via Roma 57, sold 10 kilos of Potatoes at 10 lire per kilo, being 5 lire per kilo in excess of the price fixed by the Allied Military Government.

II

First Charge: Proclmation 1, Article V Section 27.

Particulars : On or about 10 January 1944, between Naples docks and HQ., AMG, Region 4, did steal from a motor vehicle in the service of AMG 24 cases of Tinned Milk the property of the Allied Forces.

III

First Charge: Proclmation 1, Article VI. Section 2.

Particulars : On or about 10 January 1944, did attempt to steal 24 cases of Tinned Milk the property of the Allied Forces, such act constituting an offense under Proclamation 2.

IV

First Charge: Proclamation 1, Article VI, Section 1.

Particulars : On or about 10 January 1944, did assist Pietro Benedetti in an attempt to steal 24 cases of Tinned Milk the property of the Allied Forces, such act constituting an offense under Proclamation 2.

Note: The above charge should be used, where there are numerous defendants, against those defendants against whom there is no evidence of an overt act.

V

First Charge: Proclamation 1, Article V, Section 37.

Particulars: On or about 10 January 1944, acquired by purchase 24 tins of Corned Beef, being War Material belonging to the Allied Forces.

VI

First Charge: Proclamation 1, Article V, Section 27.

Particulars : On or about 10 January 1944, wrongfully had in his possession 24 cartons of cigarettes the property of the Allied Forces.

Note: If the property in question is of an estimated value of more than Lire 10,000 the charge should be brought under Proclamation 1 Art. IV sec II

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First Charge: Proclamation 2 Article Section 42.

Particulars : On or about 10 January 1944, Via Roma 57, sold 10 Kilos of Potatoes at 20 lire per kilo, being 5 lire per kilo in excess of the price fixed by the Allied Military Government.

II

First Charge: Proclamation 1, Article V Section 27.

Particulars : On or about 10 January 1944, between Naples docks and HQ., AMG, Region 4, did steal from a motor vehicle in the service of AMG 24 cases of Tinned Milk the property of the Allied Forces.

III

First Charge: Proclamation 1, Article VI. Section 2.

Particulars : On or about 10 January 1944, did attempt to steal 24 cases of Tinned Milk the property of the Allied Forces, such act constituting an offense under Proclamation 2.

IV

First Charge: Proclamation 2, Article VI, Section I.

Particulars : On or about 10 January 1944, did assist piastro Benedetti in an attempt to steal 24 cases of Tinned Milk the property of the Allied Forces, such act constituting an offense under Proclamation 2.

Note: The above charge should be used, where there are numerous defendants, against those defendants against whom there is no evidence of an overt act.

V

First Charge: Proclamation 1, Article V, Section 37.

Particulars: On or about 10 January 1944, acquired by purchase 24 tins of Corned Beef, being War Material belonging to the Allied Forces.

VI

First Charge: Proclamation 1, Article V, Section 27.

Particulars : On or about 10 January 1944, wrongfully had in his possession 24 cartons of cigarettes the property of the Allied Forces,

Note: If the property in question is of an estimated value of more than lire 10,000 the charge should be brought under Proclamation 2 Art. IV sec II

VII

First Charge: Proclamation 1 Article V, Section 24.

Particulars : On or about 10 January 1944, at 22.00 hours, was found in Corso Umberto without a permit.

VIII

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VIII

First Charge: Proclamation , Article V, Section 46.

Particulars : On or about 10 January 1944, did travel to Castelamare, a place more than 10 kilometers from Via Roma 500, the residence of the accused, not being in possession of a permit.

IX

First Charge: Proclamation I Article V Section 42.

Particulars : On or about 10 January 1944, wilfully disobeyed an order to move his horse and cart from Via Roma, given by Lt. Smith, an officer of the Allied Forces.

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REGION 8
Allied Control Commission
A.I.C.194

APPENDIX "G"

TO : Provincial Commissioner.....Province

FROM : Regional Legal Officer, Region 8.

SUBJECT ; Decision on Review.

REF : RS/LS/Review.

DATE : ..... 1944.

.....Military Court held at.....
on the.....1944.

Name of Accused.. .....

Sentence..... .....

.....

.....

Decision on Review.....

.....

.....

.....

.....

Signature of Reviewing Officer.....
for Regional Commissioner

.....

TO : Regional Legal Officer, Region 8.

FROM: Provincial Commissioner.....Province

Name of Accused..... .....

Decision on Review has been received by me.

Signature.....

Date.....

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

"ANNEX DIEP" (8)

st

GENERAL & SUPERIOR COURTS

Points on Procedure and Arrangements

The following is applicable for a Superior Court, save that a Supprior Court may consist of only one Judge.

		Equipment Personnel Requirements References *
Court Room:	This should be the most dignified room obtainable, with sufficient natural or artificial light.	
Arrangements:	The members of the Court should be accomodated at a Judicial Bench (if an It lian Court Room is available) or behind a large table. They should, if possible, be slightly raised above the rest of the Court Room.	1 Judicial bench or big table, chairs for judges; 1 British & American (U.S.) flag to be hung on wall behind Court, or if this is not possible, displayed near judicial bench.
	The prosecutor and defender should be on opposite sides of the Court Room, and in the center, between them, on the side removed from the Court a place for the Accused facing the Court, with his escort; preferably adjacent to the defender's table	2 tables 2 chairs 1 or 2 Carabinieri with sufficient chairs.
	The witnesses stand should be to one side and the interpreter's stand should be on the other side where most convenient having regard to the general lay-out.	2 chairs
	The public should not be allowed to be too close to the main body of the trial, and a free passage for witnesses, and others, must be available at all times.	There must be: 1 Carabinieri N.C.O. with at least 1 Carabinieri or 1 usher who will be responsible for order both in and outside of the Court Room.
Other Rooms:	There must be a room to which the Court can withdraw. If possible this should be reached by a door to the bench which is not used by the remainder of the people in the Court Room.	One of the above must be on duty by such door when Court is out.

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There must also be a room or place where witnesses may wait, and from which they can be conveniently called to the Court.	Requirement Personnel References : There must be Usher or Carabinieri detailed to call witnesses. It can the Usher or Carabinieri assisting N.C.O. above.

Before Entry of Court. : At any time except before actual commencement on first day. Prosecutor, Defender, Interpreter, Accused and escorts, Court Officials, Public and witnesses who have already testified but who have not been released by Court, will be in their places.

Before actual commencement on first day. Everybody as above, except the Accused and escort, and the witnesses..

Note reaccomodation : Any A.A.C. Officers who wish to attend should be accomodated, if convenient, on the bench or adjacent thereto. This also applies to such Italian Officials and members of the Italian Bar as the President directs.

Commencement of Case. : The usher will announce the entry of the Court. Everybody will arise. When the Court is seated everybody will sit down.

The President will ask the Prosecutor if he is ready to proceed.

If the Prosecutor is ready he will hand the Charge Sheet to the Usher, or to the President.

The President directs the entry of the accused and escort.

The accused enters, is allowed to sit, and if manacled, is unmanacled if the President so directs.

The President sends for the witnesses.

The interpreter is sworn in.

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When the Court is seated everybody
will sit down.

The President will ask the Prosecutor
if he is ready to proceed.

If the Prosecutor is ready he will
hand the Charge Sheet to the Usher,
or to the President.

The President directs the entry of
the accused and escort.

The accused enters,is allowed to sit,
and if unshackled,is unshackled
if the President so directs.

The President stands for the witnesses.

The interpreter is sworn in.

The President will read the order
convening the Court.

The President will ask who is for
the Defense.

The President will read the order
appointing the defense Counsel,and will
ask the accused if he is satisfied
with the person appointed.

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(Should the prosecutor make a submission that the defender should not appear under Sec.2(b) Art.IV of Proc.4, and this submission be upheld by the Court, there will have to be an adjournment to enable the accused to obtain a new defender).

The President addresses the Court generally on procedure and the manner of giving evidence.

He then orders Witnesses to leave the Court.

The President directs the accused to rise and informs him of his rights.

The charge is read to the accused.

The accused pleads to the charge.

Special Notes On Pleas :

The defender, or the accused when not defended, must be informed by the Prosecutor before the case commences that the accused must answer for himself:- "Guilty" or "Not Guilty", and must not make a speech either denying guilt or in mitigation, at this time.

Note as to Witnesses :

No witnesses will be allowed within the Court Room during the trial prior to giving evidence. After giving evidence each witness will remain in court until the end of the trial, unless the President directs his or her release upon such terms as he may impose.

Adjournment of Court :

On rising for meals, or at the end of a day's sitting the President will announce the time for reopening of the Court: failing such announcement the Prosecutor will ask the President what time he desires this to be.

Where on such adjournment a Witness has not completed testimony the President will warn him against discussion of the case with any person associated therewith.

The trial will then proceed according to the Rules of Procedure.

In general a witness will be:
1. Examined by the person calling him.
2. Cross-examined by the other side.
3. Re-examined by the person calling him.

At any time during 1, 2, and 3 the Court may put any immediate question to a witness to clarify any doubt in its mind regarding the evidence being given.

But in general the Court should wait until

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Where on such adjournment a witness has not completed testimony the President will warn him against discussion of the case with any person associated therewith.

The trial will then proceed according to the Rules of Procedure.

In general a witness will be:
1. Examined by the person calling him.
2. Cross-examined by the other side.
3. Re-examined by the person calling him.

At any time during 1, 2, and 3 the Court may put any immediate question to a witness to clarify any doubt in its mind regarding the evidence being given.

But in general the Court should wait until after 3, when it may examine the witness as generally as it may deem necessary.

If from such examination by the Court any new matter emerges, then in the discretion of the Court the witness may be examined again by the party who called him, and cross-examined by the other party, in order to clarify any points arising from such matter.

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APPENDIX "B"

Instructions as to Interpretation in Court.

An interpreter is the mouthpiece of the Court and is a channel of communication only. He will, therefore, translate literally each question, each answer, and each statement, address, or judgement, using the exact words of the question and the answer in the direct, and not in the indirect form.

(See example in appendix A).

He will not, in translating anything, paraphrase or merely give the general sense, unless Ordered to do so by the President of the Court, or the Judge.

If, owing to the dialect of a witness, or to any mannerism of speech, the the interprator cannot understand the reply to a question, he will inform the Court, and with its leave will put the question again after having asked the witness to correct whatever fault of speech has prevented his understanding (i.e. rapidity, lowness of voice, verbosity).

If a witness answers at length, the interpreter will stop him at the end of a sentence, before he says too much, will translate what he has said, and then tell him to continue his answer, stopping him at suitable points for further translation.

If any word or phrase has alternative meanings, or a special meaning, the interpreter will draw the attention of the Court to it where it is obvious in the special circumstances of the case that the exact meaning, or the fine shade of meaning, is of importance. For example the verb "colpire" used in a description of a fight meaning either "to strike" or "to stab".

If any question, any speech, by any member of the Court, or by the prosecutor or defender, is too long to remember properly, the interpreter will not hesitate to say so, in order that such question or speech may be put to him again, in such lengths as he may conveniently translate. If possible all questions, answers, speeches, etc, will be translated sentence by sentence.

With the consent of the accused, but not otherwise, the Court may direct that submissions on points of law, or the final speeches for the defence and the prosecution, be delivered in English, and be not translated.

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Sub-Appendix A

Example:- Prosecutor asks a Witness for the Prosecution:- "What happened then"?

Interpreter	says:	Allora che cosa accaddie? (successo)
Witness	"	:Quell'uomo la entro (pointing to the accused)
Interpreter	"	: That man there came in.
Prosecutor	"	: Did he then hit you on the jaw?
Interpreter	"	: Allora vi?----------
Defense Counsel	"	: I object to that question on the ground that it is a leading question.
Interpreter	"	: Obbietto a quella domanda poiche e suggeritoria.
Judge	"	: The objection is well founded Captain X. You must not lead the Witness.
Interpreter	"	: La obbiezone e ben fondita, Capitano X, Non devi fare alcun suggerimento.
Prosecutor	"	: Very well, sir.
Interpretor	"	: Molto bene, signore.
Prosecutor	"	: What did the accused do when he came in?
Interpreter	"	: Che cosa fece l'accusato quando entro?
Witness	"	: Mi colpi al mento.
Interpreter	"	: He hit me on the jaw.

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HEADQUARTERS REGION 8
Allied Military Government
A.P.O.394

TO : All Legal Officers, Region 8.

FROM : R.L.O., Region 8.

26 June 1944.

35. Attached directive ACC?4011?L of 12 March 1944, received from C.L.C., Legal Sub-Commission, A.C.C., is forwarded for your information and compliance.

R.L.O., Region 8.

.....

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
A.P.O.394

ACC•4011^L

12 March 1944.

SUBJECT: Directive from the Minister of Justice in regard to offences against Allied Personnel and Property.

TO : See Distribution List.

1. Enclosed are copies of the translation of a directive from the Minister of Justice to Procuratori Generali and Procuratori del Re dated 8 March 1944 for the purpose of expediting and making effective trials of Italians for offences against Allied personnel and property.

2. All persons in your organization having to do with the arrest and subsequent trial of offenders in the Italian Courts should be advised of the contents of the directive.

3. In order that the best results may be obtained from this effort, Allied personnel should give the Italian law enforcement officials their fullest co-operation. It has sometimes happened that offences are turned over to the Carabinieri without sufficient data on which charges can be based and without the names and addresses of the prospective witnesses. Also there have been delays in handing over offenders to the Carabinieri. This should be avoided.

4. A further directive in respect of proceedings before Italian Military Courts in the same connection will be forwarded to you as soon as received from the President of the Italian Supreme Military Court, General Mercalli.

/s/Richard H. Wilmer
Lt.Col., C.A.C.
Deputy Chief Legal Officer.

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Salerno 8 March 44

MINISTRY OF JUSTICE

Central Office for Criminal Affairs.

SUBJECT: Directive in regard to proceedings for offences of any description committed against the Allied Governments, Allied forces and property:-

To all Procuratori Generali-
Procuratori del Re.

Attention has been drawn on previous occasions by circular directive from this Ministry to the Procuratori Generali to the fact that offences of theft especially to the detriment of Allied Forces were on the increase and it was recommended no only that the police be given strict instructions in relations to the necessity of preventing such thefts by exercising the greatest watchfullness, but also that pre-trial investigations be carried out with care and solicitude, always bearing in mind the gravity of the offence when having to take a decision with regard to the personal freedom of the accused.

It was also requested at the time that this Ministry be kept informed, as soon as the charges were known, of any theft of correspondence and other serious crimes affecting the Allied Forces, and also of the result of the inquiries and proceedings.

Now, at the request of the Allied authorities, the general instructions hereunder, (in addition to and in partial modification of previous directives) shall be followed for any offence committed against the Allied Governments, Forces and property.

In this respect, it must be remembered, that the Allied Military Police will inform at the same time the Allied Control Commission, the Royal Carabinieri (to whom ~~prisoners~~ prisoners shall be handed) and the Procuratore del Re of the names of the accused of their offence.

As soon as such information is received, Procuratori del Re shall decide whether the offence committed falls within the jurisdiction of the Italian Military Courts or the ordinary Civil Courts, bearing in mind the provisions of Art. 15 of the Italian Military Code of War, which this Ministry consider applicable in this connection.

As soon as the competence of the Civil Courts has been established the Procuratori del Re shall initiate penal proceedings forthwith and if necessary shall request from the Carabinieri a copy of the charge sheet (denunzia). The provisions of Art. 31 of the Penal Code of Procedure shall be applied whenever the gravity of the offence or offence renderes it undesirable that such case be tried before a pretorian Court and when when possible the pre-trial proceedings shall be cut down to the minimum, the Procuratore availing himself of the short procedure (giudizio direttissimo).

Furthermore, the Procuratore shall make certain that these proceedings be given absolute priority during pre-trial investigations (istruttoria) and also in the lists, and that the findings be accurate and comprehensive, always remembering the gravity of such crimes which by interfering with the smooth running of the Allied services delays the achievement of the principal aim of the Italian State to drive the Germans out of Italy.

All decisions taken by the procuratori as to proper jurisdiction, the results of the pre-trial investigations and of the Court proceedings shall be communicated forthwith to the local Allied Legal Officer, to whom the Procuratori del Re may refer whenever they deem it useful during the investigations and trial, especially in regard to the actions of the police and the examination of their defence.

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Furthermore the Allied Control Commission have expressed the wish that provisional liberty (except under special circumstances) should not be granted for the offences in question or, that proper security be obtained in order to ensure that defendants shall not escape the law.

This request is perfectly legitimate because not only is the Commission personally interested in the punishment of such offenders but also it corresponds with the views of this Ministry as in regard to gravity of these crimes. Procuratori del Re are therefore urged, in cases when the granting of provisional liberty is optional, to make full use of their discretionary powers in this connection.

Finally in modification of previous instructions Procuratori Generali are requested to forward to this Ministry at the end of every month, a list of such cases, which have been tried in their district indicating the result of each proceedings and also a nominal roll of matters pending either before the examining judge of the Court, giving the reasons why specific cases have not reached finality within the maximum time limit of two months after the notification form the Allied police has been received.

The Minister

E. CASATI

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APPENDIX 'F'

Tribunale Civile e Penale di----------

Prospettp delle Cause Criminali giudicate dal Tribunale di----------
dal----------al----------

Imputazione	Numero Imputati		Numero		Totale delle persone giudicate
	Liberi	Detenuti (minimo e massimo di preventiva)	Condannati (minimo e massimo di condanna)	Assolti	
(Esempio) Annonari ecc. ecc	139	56 (da un giorno a 3 mesi)	181 (da lire 500 multa ad anni 2 m 2 e 6000 multa)	14	1 95

Legal
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MAIN HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION VIII

C. M. F.

RVIII/19/10/1

30 June 1944

- 3 LUG 1944

SUBJECT: Legal Monthly Report.

TO: Chief Legal Officer, Legal Sub-Commission, A.C.C., C.M.F.,
(thru Regional Commissioner, Region VIII)

1. The Regional Legal Headquarters were established in present location on 25 June 1944.

2. There were brought from Naples a supply of all Legal forms, sufficient in quantity to last for a period of from one month to six weeks, according to needs. Local resources are being contacted for further supplies. Each Team to go forward will be supplied with a quantity of these Forms.

3. Short addresses are being given to non-legal officers on legal matters which will affect them in the early stages of occupation.

4. Contact has been established with the Regional Public Safety Officer, and liason has been established with a view to the close relationship necessary between the two Departments.

5. Assignment has been made by the Regional Commissioner, of the following Legal Officers, as hereunder:

Major Woodward	Province of Livorno
Major Stump	Province of Arezzo
Capt. Hill	Province of Grosseto.
Capt. Dreyfus	Province of Siena

No reports from these officers are yet to hand.

JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer,
Allied Military Government
Region VIII, C.M.F.

Approved:

ROBT. G. KIRKWOOD
Colonel F.A. U.S. Army
Regional Commissioner.

Distribution:
1 Legal Sub-Commission A.C.C.
1 R.C. Region VIII
1 File

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