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Declassified E.O. 12356 Section 3.3/MD No.

785016

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GENERAL ORD
JULY - AUG. 19

ACC

GENERAL ORDER NO. 49, (SUSPENSION OF HOLIDAYS FOR MAGISTRATES)
JULY - AUG. 1945

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Declassified E.O. 12356 Section 1.3/NWD No.

785016

FILE CLOSED 24 August 1945



24 AGO 1945

MAG 1945 - G

Ministero di Grazia e Giustizia

Ufficio Sup. Personale
Ufficio 2°La Commissione Al-
lesta Sottocommissione lega-
N O M A

Reg. 1-1640 G/100 03873

Espresso al f. del 2.8.1945
D. A.C. 24074/34/L.Oggetto: Serie per i magistrati e funzionari
della Corte di Appello di Genova

In riscontro alla nota surrichiamata que-
sto ministero nulla ha da osservare in merito
alla ripartizione, disposta dal Primo Presiden-
te di Genova, del periodo ferie, in linea ge-
nerale, per i magistrati e funzionari dipenden-
ti, ed in particolare per il personale addetto
alle Corti straordinarie di Assise, il cui
funzionamento non può in alcun modo subire
interruzioni di sorta.

C/O

DC/O

Chief Counsel

C/O

Italian Section

CL RKS

PER MINISTRO

Alfauca

12

B ←

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/pa.
24 Aug 45.

AC/4074/34/L.

SUBJECT : Vacation for Magistrates.

TO : The Minister of Pardon and Justice.

1. Further to AC/4074/34/L of 2 Aug 45 forwarding letter No. 807 of the P.P. Court of Appeal, Genova, on above subject .

2. The Regional Legal Officer for Liguria acting on behalf of the Primo Presidente of Genova urgently requests your reply to the aforesaid letter No.807 a further copy of which is forwarded herewith for easier reference.

G. G. HANNAPORD, 11
Lt.Colonel, 3
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incls: 1

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/05.6

WGE/ih
20 August 1945

SUBJECT : Vacation for Magistrates

TO : HQAC. (attn: Legal Sub-Commission)

1. Reference this H.Q. letter of even file dated 30 July 1945 the Primo Presidente of Genoa Court of Appeal states that he is still without a ruling from the Ministry on the question asked. May the Ministry be reminded about the matter please? Copy of the PP's letter dated 27 July 45 which accompanied this H.Q. letter above referred to is enclosed for reference.

same as 6B

W.G. ELDER,
Lt. Col. Cdn., Prov. C.
Regional Legal Office.

CIO
PCLO
Chief Counsel
CIO

Indexing Section

Q. 130

1 AUG 1945

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CORTE D'APPELLO DI GENOVA PRIMA PRESIDENZA

OGGETTO : Ferie per i magistrati e i funzionari di cancelleria.

Genova, 27 Giugno 1945

N. 807

ALL'UFFICIO LEGALE REGIONALE
dell'A. M. G.
GENOVA

Il Ministro della Giustizia con telegramma arrivato ieri ha comunicato che per quest'anno il periodo feriale deve essere limitato a giorni 30 per i Magistrati e a giorni 20 per i funzionari di Cancelleria più i giorni occorrenti per il viaggio, secondo turni da stabilirsi da me e dal Procuratore Generale. Ritengo che nessun permesso, salvo casi eccezionali, possa concedersi ai Magistrati e Funzionari addetti alle Corti d'Assise Straordinarie, il cui funzionamento non può essere né interrotto né rallentato.

Si potrebbe concedere permessi solo ai magistrati e funzionari addetti agli ordinari servizi civili e penali, limitando il lavoro agli affari urgenti com'è prescritto per il periodo feriale. Ma prima di impartire qualsiasi disposizione, prego cotesto Ufficio di valermi per cortesia, far conoscere il suo pensiero in proposito.

IL PRIMO PRESIDENTE
G. GIUDICE

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

7A

AC/4074/34/L.

RS/lc.
2 August 1945.

SUBJECT : Vacations for magistrates

TO : The Minister of Pardon and Justice.

The attached copy letter has been received from the Regional Legal Officer of Liguria Region for transmittal to you with a request for a reply at your earliest possible convenience.

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

Incl.

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04074/34

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

6A

Lig/Leg/05.6

WGE/ih
30 July 1945

SUBJECT : Vacations for Magistrates.

TO : Headquarters, Allied Commission
(Attn: Legal Sub Commission) ✓

1. Attached copy letter received from the Primo
Presidente of Genoa Court of Appeal is forwarded. The question
raised is purely an Italian matter but it will perhaps save time
if you will be good enough to ask the Ministry to despatch a
further telegram to the Primo Presidente clarifying the matter.

For the Regional Commissioner

W.G. Elder
W.G. ELDER,
Lt.Col.Cdn.Prov.C.,
Regional Legal Officer.

Encl/

FOR THE REGIONAL COMMISSIONER
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Chief Counsel
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2 AUG 1945

COURT OF APPEAL - GENOA
Prima Presidenza

68

27 July 1945 - N°.807

SUBJECT : Vacations for the Magistrates and Chancery Officers.

TO : A.M.G. (Legal Office) GENOA

By a telegram received yesterday from the Minister of Justice I am advised that the holidays time has been, for this year, established as follows: 30 days for the Magistrates and 20 days for Chancery Officers, travelling days not included and by turns to be fixed by myself and the Procuratore Generale.

It is presumed that particular cases excepted, no holidays could be given to the Magistrates and to the Officers employed with the Extraordinary Assize Courts whose activity cannot be interrupted or delayed.

Only to the Magistrates and Officers employed with civil and penal ordinary services a vacation could be granted, carrying on only the most urgent works as ruled during the vacation time.

Before taking any steps it would be appreciated if you would let me have your views on the matter hereof.

IL PRIMO PRESIDENTE
G. Giudice.

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HEADQUARTERS ALLIED COMMISSION
APO 324
LEGAL OP-ORDINANCE

SA

10/1071/14/1.

/st.
28 July 1945.

SUBJECT : Holidays for magistrates.

TO : Regional Commissioners (Attn: Regional Legal Offices),
LIVORNIA, PESCARA, ROMA, VERONA, VENICE Regions.

For your information the Minister of Justice advises that the following signal has been sent to Chief Presidents and Procuratori Generali in the above matter:

"Seguito precedente telegramma è contenuto concernente sospensione inizio periodo ferie per contemperare con interessi di magistrati e funzionari esigenze servizio particolarmente imponenti causa attuale situazione pendente penali e civili nonché note gravi scarsezza personale stime assolutamente necessarie limitare periodo ferie giorni 30 altro viaggio per magistrati, giorni 20 altro viaggio per funzionari secondo turni ore 25. Il varanno stabilito. Ritenuti fiducia che provvedimento trovare adeguata compensazione e pregati SS. LL. segnalare casi rinuncia affinché Ministero possa tenerne conto per adeguato compenso. Attendenti esecuzioni. Ministro Togliatti.

By command of Rear Admiral B. C. C.

C. C. HARRISON,

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4074/34/L.

ES/lc.
19 July 1945.

SUBJECT : Holidays for Court personnel.

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

1. Reference your RIX/LE/705/447 of 16 July 1945.
2. A decision in the above matter will be taken by the Italian Government upon return of the Minister of Treasury to Rome next Saturday. You will be advised immediately.

By command of Rear Admiral STONE:

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

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

3A

REF: RIX/IE/TOS/ 447

WHI/sp.
16 July 1946.

SUBJECT: Holidays for Court Personnel.

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

1. The Primo Presidente of the Bologna Court of Appeal
has inquired as to whether any final decision has been reached
reference the above matter.

For the Regional Commissioner:



W. H. Levitt
WILLIAM H. LEVITT
Lt. Col., J.A.G.D.
Regional Legal Officer.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CID	
CL RKS	☒
18 JUL 1946	

2A

MEMORANDUM :

TO : CHIEF COMMISSIONER, HQ, AC.

STATEMENT AS TO PURPOSE

OF GENERAL ORDER No. 49.

1. At a conference in Milan of all the heads of the Courts of Appeal in Northern Italy it was unanimously agreed :
 - (a) that the large number of prisoners in gaol, particularly on charges to be heard by the Special Courts of Assize, must be cleared as soon as possible;
 - (b) that extraordinary action is necessary for this;
 - (c) that appropriate action would be the suspension of judicial holidays, and
 - (d) that this should be accomplished by AMG General Order.
2. The attached General Order No. 49 so provides.

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Dated : 3 July 1945.

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 49

WHEREAS it is essential in the interests of justice and of public order that all delays in the administration of justice in Northern Italy should be avoided so far as possible.

NOW, THEREFORE, I, ELLERY WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

With effect from the date of this Order and until further Order of the Allied Military Government and notwithstanding the provisions of Article 90 of PD No. 42 of 30 January 1941 all holidays for magistrates performing their duties within any part of the territory comprising all the provinces of Emilia, Liguria, Piemonte, Lombardia, Venezia Tridentina and Veneto and the provinces of Apuania and Lucca are hereby suspended.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR:

ELLERY WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

5 July 1945.

GOVERNO MILITARE ALLEATO
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE N. 49

DATO che e' essenziale nell'interesse della giustizia e dell'ordine pubblico che ogni ritardo nella amministrazione della giustizia nell'Italia del Nord sia evitato per quante possibile;

IO, ELLERY WHEELER STONE, Contrammiraglio della Riserva della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, con la presente ordino

KILLEY WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

5 July 1945.

GOVERNO MILITARE ALLEATO
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE N. 49

DATO che e' essenziale nell'interesse della giustizia e dell'ordine pubblico che ogni ritardo nella amministrazione della giustizia nell'Italia del Nord sia evitato per quante possibile;

IO, KILLEY WHEELER STONE, Contrammiraglio della Riserva della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

Dalla data della presente Ordinanza e fino ad ulteriori disposizioni da parte del Governo Militare Alleato e nonostante il disposto dell'Articolo 90 del RD 30 gennaio 1941 N. 12 sono sospese tutte le ferie spettanti ai magistrati in servizio in ogni parte del territorio comprendente tutte le provincie dell'Emilia, della Liguria, del Piemonte, della Lombardia, della Venezia Tridentina e del Veneto, nonche' quelle di Apuania e di Lucca.

IN NOME DEL COMANDANTE SUPREMO ALLEATO E GOVERNATORE MILITARE:

KILLEY WHEELER STONE,
Contrammiraglio della Riserva Navale
degli Stati Uniti d'America
Ufficiale Capo degli Affari Civili.

5 luglio 1945.

Not used

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