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10000/142/637

10000/142/637

MAZZONI GIUSEPPE
JUN. - SEPT. 1946

4083/106/L

MAZZONI GIUSEPPE

IN SAFE

PP/110/10

SUPERIOR COURTS

RECORDS

(Sentences rendered and fines paid)

PP/110/10

SUPERIOR COURTS

RECORDS

(Sentences needed and fees paid)

PA 8/28/5

4083/106

HAZARD
GUSEPPE

HAZARD

HAZARD
GUSEPE

THIS FOLDER
CONTAINS PAPERS

FROM June 1946

TO Sept 1946

CATALOGUE - 10000/142/137

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TRIESTE PROVINCE

10 September 1946

To : Chief Legal Advisor,
Legal Sub-Commission,
AC Rome.

Subject : Vazzoni, Giuseppe - Application for restitu-
tion of Bail money.

File : 510/HQ AC/SS.1/3

Reference your AC/AC/1/L., dated 10 September
1946, and one enclose, regarding the same subject as above.

Record of the Vazzoni case is not in this
office.

It is pointed out that all records of trials
which were forwarded by the provinces to Regional Headquarters
at Padua, were packed up and despatched to the Archives of
the Commission before the Region finally disbanded. I was
the Regional Legal Officer at the time and can state this
as my own personal knowledge. It would appear, therefore,
that the record of trial was never forwarded from Bolzano.

Sgd. : C.E.F. Gilshenan, Major,
Senior Legal Officer.

*Copy sent Major
W.R. Hare, Public Safety,
Venezia Giulia.*

Duo

Sir - Is any
further action
desired?

W. R. R. S. G. G. G.
Major W. R. R. S. G. G. G.

ALLIED ~~CONTROL~~ COMMISSION
INTER-OFFICE MEMORANDUM

FILE No.

SEP 28 1946

194

SUBJECT:

TO : MAJOR GILBRIDE

Sir - This is the matter about which a B. r. officer (Lt. Col, I think) came here to see about the possible corrupt practices of Dr. MAX KATZBERG, the prosecutor of this case & many others here in Bolzano. As Col Weber wrote to Major Backhouse also about this I can only recommend passing it to him for what ever action he make think desirable.

Sgt Wills

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
UDINE PROVINCE

18 September 1946.

To : Chief Legal Advisor,
Legal Sub Commission,
HQ AC Rome.

Subject : Mazzoni Giuseppe - Application for resti-
tution of bail money.

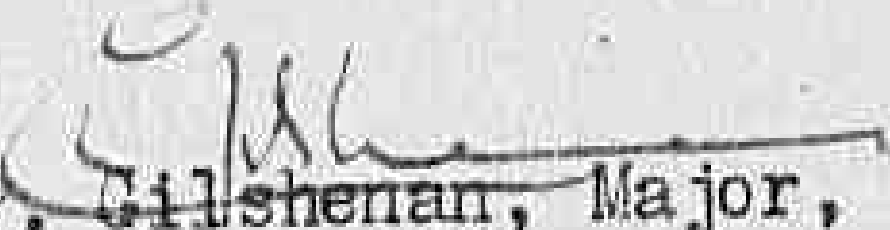

File N° : SLO/HQ AC/SEPT/5

Reference your AC/4083/1/L., dated 10
September 1946, and enclosures, regarding the same
subject as above.

Record of the Mazzoni case is not in this
office.

It is pointed out that all records of trials
which were forwarded by the provinces to Regional
Headquarters at Padua, were packed up and despatched
to the archives of the Commission before the Region
finally disbanded. I was the Regional Legal Officer
at the time and can state this of my own personal
knowledge. It would appear, therefore, that the
record of trial was never forwarded from Bolzano.

By order of the Provincial Commissioner.

C.L.P.  Major,
Senior Legal Officer 

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

C
D
P
Y

LJG/rm
10 September 1946

AC/4083/1/L

SUBJECT : MAZZONI Giuseppe - Application
for bail money

TO : Col. S. W. MILLER,
C.L.O., Bolzano

1. Reference is made to your letter ACLO/BZ/108.11 dated 22 June 1946 and letter of this office AC/4083/1/L dated 2 July 1946, subject as above.

2. Further search of the Archives of this Commission has not revealed the records of this case. Reply to a letter directed to Maj. BACKHOFF, whom you have mentioned as the presiding judge of the Court at the time in question, copy of which is attached, provides no assistance. It is noted that he believes also that Dr. Max KATZBURG might have desired information. With the possibility that the file covering this case may be in Udine letter has been directed to the Chief Legal Officer there, copy of which is also forwarded herewith.

3. If at this time you may be in a position to supply additional detail in this connection it is requested that you do so.

By command of Rear Admiral STONE:

L. J. GILBRIDE
Major, IGE
Chief Counsel
for Chief Legal Adviser

Incl.

Copy to: CLO UDINE Province

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4083/1/L

LJC/rm
10 September 1946C
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Y

SUBJECT : MAZZONI Giuseppe
Application for restitution of
bail money

TO : Chief Legal Officer
Province of Udine

1. There is enclosed herewith copy of letter of the Office of the Chief Liaison Officer, Bolzano, subject as above which is self-explanatory.

2. No record of this case has been found in Archives of this Commission. Maj. BACKHOUSE, mentioned as having been the presiding judge of the Court before which accused appeared, states that at the time in question he was out of the service in England.

3. It is believed now that the record concerned may be in the files of your office. If this may be so it is requested that it be forwarded here as soon as may be practicable. In any case a reply will be appreciated.

By command of Rear Admiral STONE:

L. J. GILBRIDE,
Major, IGL,
Chief Counsel,
for Chief Legal Adviser

LYNES & BACKHOUSE,
Solicitors
tel. no. 2128

2, Wood Street
Queen Square,
Bath

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21st August 1946

Dear Colonel:

Mazzoni, Giuseppe. Your Ref. ACLO/BZ/108.11

Thank you for your letter of 3rd July, which I have only received by this morning's post.

I am sorry to say that I have no recollection of this case, and do not think that I could have tried it as, you will remember, I left Bolzano towards the end of July 1945, and relieved Col. Willner as Regional Legal Officer of Venezia Region at Padua. I see that you state that the case was heard by me at Bressanone on 29th September 1945, but in point of fact I was demobilized in this country on 26th September.

It is correct that Dr. Max Katzburg was prosecutor when I was at Bolzano, but he still occupied this position under my successor when I left Italy. I do not know where Dr. Katzburg is, but he was an extremely able and honest man, and would probably be able to remember the facts.

Whilst I was at Bolzano I cannot remember ever having taken bail money, because I found that it was always such a nuisance holding it. Finance Officers, throughout the two years during which I was in Italy, always objected to giving receipts for bail money, because they said that it messed up their books when they had to return it. What they always insisted upon was that one put the bail money up in an envelope, marked it on the outside, and the Finance Officer merely gave a receipt for the envelope. I never kept any money whatever in my own safe, except possibly for a night, and to the best of my knowledge Dr. Katzburg similarly handed over any money which he collected in respect of fines in the same way, keeping money overnight only if the Finance Office was closed. I know nothing, therefore, about the allegation that "bail deposits were kept in a safe", and if several such deposits were so found, they were certainly not made in my time.

I do not know when the A.M.G. Court Cases were handed over to the Procuratore del Regno of Bolzano, but it must have been some time after my demobilization.

If you happen to know Dr. Katzburg's address, and could let me have it, I will gladly write to him on the matter.

P.T.O.

ALLIED FINANCIAL AGENCY

Branch of
Allied Force HQ
G-5 Division CMF

Postal Address:
APO 794 US Army

Ref: 13845/F/R/16

SUBJECT: MAZZONI Giuseppe - Application for
Restitution of Bail Money, 5000 Lire

TO : Legal Sub-Commission, Hq Allied Commission
Rome.

1. Reference Par 20 ACLG/BZ/108.11 - 22 June 1946,
Liaison Group, Bolzano.

2. Search of records of this office fails to reveal
that subject bail money was ever paid into accounts Allied
Financial Agency.

/s/ H. A. Miner
for L. R. BATTENBY
Colonel G.L.,
Director,
Allied Financial Agency

HAM/lt

copy to: Chief Liaison Officer, Bolzano

C O P YHEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISIONJKW/ns
2 July 1946

AC/4083/1/L

SUBJECT : MAZZONI Giuseppe - Application
for restitution of bail money.

TO : Allied Commission (Attn: C.L.O.)
BOLZANO.

1. See your letter ACLO/82/108.11 of 22 June 1946.
2. A search of the records in archives fails to disclose any evidence of the case in question. This is not unusual; if the case was not tried, the record ordinarily would be transferred to the Italian authorities, with the bail fund.
3. The procedure followed in bail money was indeed irregular, and in view of the bail mandate of the rules, as well as the universal practice followed in prior cases of duty, I find it difficult to excuse the practice on any theory.
4. Where is Dr. Max Katzburg at the present time? Can it be ascertained from him if the facts are substantially correct, and what disposition was made of this money? The address of Major P. Backhouse is The Wood House Cecil Road, Weston S. Mare, Som. I am sending a copy of your letter to him, and am asking for information which may ensure the disposition of the matter.
5. I shall be pleased to hear if you are successful with Dr. Katzburg, and I shall advise you concerning the reply received from Major Backhouse.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

C O P Y

FROM: COL JOHN K. WEBER

HQ ALLIED COMMISSION
LEGAL SUB COMMISSION

Rome, Italy,
3 July 1946.

Dear Major :

I am enclosing copies of a communication which
are self explanatory.

Will you please advise me thereon to the end
the matter may be cleared away and the bail money refunded?

Sincerely

Major P. Backhouse

The Wood House Cecil Road,
Weston S. Mare, Som.

C O P YALLIED COMMISSION
OFFICE OF THE CHIEF LIAISON OFFICER

22 June 1946

WRH/mab

ACLO/BZ/108.11

SUBJECT : MAZZONI Giuseppe - Application
for restitution of bail money.

TO : Legal Sub-Commission, Allied Commission HQ
Rome.

1. Attached is a translation of a letter received at this Office from LUMBACA Francesco, who stood as surety in the sum of 5,000 lire for subject, which he deposited with a representative of AMG Bolzano. When subject appeared before an AMG Summary Court at Bressanone on the 29th of September 1945, as far as has been ascertained at the moment, the case was adjourned sine die.

2. Since the receipt of attached letter enquiries have been made and the story is as follows:

3. Some time in August 1945 subject was arrested for attempting to steal Allied property from a dump in the Bressanone area. The only witness for the prosecution was an American soldier.

4. Subject remained in prison from the time of his arrest until he appeared before an Allied Military Government Summary Court at Bressanone on the 29th September 1945.

5. The Court consisted of Major BACKHOUSE(B) who at that time was the Provincial Legal Officer AMG Bolzano Province. The Prosecutor was Dr. Max KATZBURG who held the position of an Allied Military Government Prosecutor.

6. When the case of subject was called before the Court it was ascertained that the only witness for the Prosecution was not available and as a result the case was adjourned sine die.

7. Subject was represented by Avv. Dr. N. DANDER of Bressanone, who applied for bail on behalf of subject.

- 2 -

8. Dr. Katzburg made no objection to bail but asked the Court to call on subject to provide a surety of 10.000 lire.

9. Avv. N. Dander appealed to the Court to reduce the amount to 5.000 lire, owing to the poor financial condition of subject and his family.

10. The Court then agreed to allow subject on bail in the sum of 5.000 lire and accepted as surety LUMBACA Francesco who is the uncle of subject.

11. During the afternoon of the 29th September 1945 Lumbaca Francesco returned to the Court and paid to Dr. Katzburg the sum of 5.000 lire, it is alleged in the presence of Major Backhouse.

12. No receipt was given for the 5.000 lire but Dr. Katzburg did give an order in writing addressed to the jail of Bressanone, ordering the release of subject on bail.

13. From that time nothing more has been heard of the case by subject, his lawyer or his surety. As a result the attached letter already referred to was written to this office.

14. I have caused what legal files remain in this Office to be searched, but there is no record of this case here. I have also caused what financial books are available at this Office to be searched and there is no entry referring to the 5.000 lire bail money.

15. I have requested the CCRR to take statements from all people concerned in this matter and also to make enquiries at the Bressanone jail with the object of tracing the document given by Dr. Katzburg authorizing the release on bail of subject.

16. As the result of enquiries I have made it is quite obvious that the Legal Branch of AMG Bolzano did not comply with the instructions contained in "Allied Control Commission, Consolidated Instructions for Allied Military Courts Article 29, Page 73". The reason I say this is because there still remains in the employ of this office a person who was

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- 3 -

in the employ of the AMG Legal Office from August 1945 until AMG closed down on the 31st December 1945 and continued employment with Allied Commission, Liaison Group Bolzano.

17. This employee states that the only moneys handed over to the Financial Office in accordance with the instructions quoted in paragraph 16 was money received as fines.

18. All bail deposits were kept in a safe and as far as is known no record was kept of them, except what may have been kept privately by Dr. Katzburg.

19. This information is borne out by the fact that when I arrived here I found several deposits of bail money in this safe in the shape of cheques and cash, which I immediately ordered to be handed to the Finance Officer. These matters have now been cleared up satisfactorily.

20. I would appreciate it if you would search your records and forward to me a copy of any record you may have relating to the case of subject. Further that you request the financial Sub-Commission to search the records of the Financial Office, AMG Bolzano, to ascertain if there is any record of the bail money in this case having been paid to that Office.

21. I have communicated with the Procuratore del Regno of Bolzano to whom all outstanding AMG Court cases should have been handed, but he has received no papers from AMG Legal Office Bolzano Province in respect of this matter.

Sgd.: S.V. MILLER,
Colonel,
C.L.O., Bolzano

Encl.

COPY TO: Finance Sub-Commission, A.C. HQ, Rome
(for action in conjunction with legal
Sub-Commission).

C O P YC O P Y - T R A N S L A T I O N

DR NATALE DANDER
Bressanone

Bressanone, 12 June 1946.

To Allied Commission, Bolzano

Subject : Restitution of 5.000 lire bail money.

At the Allied Military Court of Bolzano a case against Giuseppe MAZZONI, charged of attempted theft, was pending; MAZZONI has been arrested in August 1945.

Counsel for the defence was Avv. N. DANDER of Bressanone.

At the trial held on the 29th of September 1945 at Bressanone Mazzoni was released on provisional liberty by the Court against payment of a bail of lire 5.000.=; the sentence of the case, however, has been adjourned.

The case has not been taken up again.

We ask therefore that the bail money be handed back. It has been deposited by Mr. Francesco Lumbaca, living in Bressanone, Via Alta Angelo Custode, 6.

The consignee:

Signed: Francesco Lumbaca

for the accused person
Giuseppe Mazzoni
the Counsel for the defence

Sgd.: Dr. N. DANDER

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