

ACC

10000/142/670

TOSCANA REGION
OCT. 1944

10000/142/670

TOSCANA REGION (REGION VIII), LEGAL INSTRUCTIONS
OCT. 1944

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FIDE CLOSED 23 October 1944

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

REF : RVIII/19/2001.

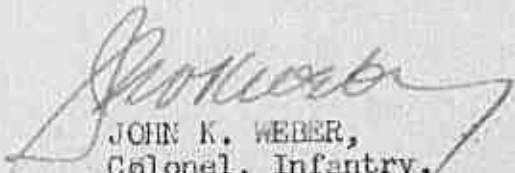
23 Oct. 44.

SUBJECT : Letter 19 October 1944, ACC/4089/4/L. — 2A

TO : Chief Legal Advisor, HQ. ACC.

1. Receipt is acknowledged of the above mentioned letter containing helpful criticism of Legal Instruction No. 1. We are having said letter mimeographed and dispatched to all Provincial Legal Officers for their information and guidance.

2. We are taking the liberty to forward a copy of the same to Colonel Wilmer (B) under whose direction said instruction was compiled, and to whom (with the exception of Para 17 (e) (4)) we are indebted for this helpful document. Para 17 (e) (4) was compiled by this office on the recommendation of Major Holt, based on his experiences with Italian Courts at Naples.


JOHN K. WEBER,
Colonel, Infantry,
R.L.O., Toscana Region.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Section Section

CLERKS

25 OCT 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

REC/4059/4/L.

WEB/ep.
19 October 1944.

SUBJECT : Legal Instruction No. 2 - (R VIII/19/2001).

TO : Regional Commissioner, Toscana Region
(attn. RLO).

1. Your attention is drawn to the undermentioned portions of your directive on Italian Courts. It is felt that the policy laid down therein may require some modification.

Para 17 (a)

It will be the general practice that the Courts are closed legally by AMG order until such time as the presence of suitable judicial personnel and other necessary conditions permit their re-opening.

Para 17 (d) (3)

This must not be taken too literally. In cases of urgency or where it is to the interest of the absent party that the case should proceed the matter should be left to the discretion of the Court.

Para 17 (e) (4)

It is felt to be a complete waste of the time of the Italian officials and the PLC for this list to be submitted as a routine matter. The list should normally be confined to cases affecting Allied interests. If in any particular case it is desired to include other cases this can be specially arranged.

Para 21 (b)

It is unwise to use the local committee of advocates for advice on Italian questions as this practice creates suspicion between the committee, the other advocates and the judicial officials. Where advice is required on the functioning of the Italian Courts or on questions of Italian law and

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Para 17 (d) (3)

This must not be taken too literally. In cases of urgency or where it is to the interest of the absent party that the case should proceed the matter should be left to the discretion of the Court.

Para 17 (e) (4)

It is felt to be a complete waste of the time of the Italian officials and the PLO for this list to be submitted as a routine matter. The list should normally be confined to cases affecting Allied interests. If in any particular case it is desired to include other cases this can be specially arranged.

Para 21 (b)

It is unwise to use the local committee of advocates for advice on Italian questions as this practice creates suspicion between the committee, the other advocates and the judicial officials. Where advice is required on the functioning of the Italian Courts or on questions of Italian Law and procedure, it should be obtained from the Senior officials of the Procura and Tribunale in the province, or from the Legal Sub-Commission. The Provincial Legal Officer is not concerned with the merits of petitions lodged in Italian questions. His function is to forward the petitions, through channels, to the Legal Sub-Commission.

By Command of Commodore STONE,

.....Brigadier,

VP CA Sec,

Dep COS

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

TOGONA Region

File Ref: RVH/19/2001

Date: 6 October 1944

SUBJECT: Ancillary Legal Instructions.

TO : Chief Legal Officer., Hqtrs, ACD.

1. For your information, there ~~are~~ enclosed copies of "Legal Instruction No. 1, and "Legal Instruction No. 2" which this office issues to the Provincial Legal Officers, for reference purposes.

2. Our experiences have shown that such informative matter has been of great assistance to officers in the field, and has aided in the orderly dispatch of business of this office. The efforts expended in its composition have been fully justified.

3. Numerous requests from other regions attest its popularity outside this region. Such requests have come from other than legal Officers.

W. W. W. W.
W. W. W. W.,
Colonel, Infantry,
Regional Legal Officers.

Italian Courts Sec
To see Legal Instruction No. 1, para
17 et seq, particularly 21
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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TOSCANA REGION

R.VIII/19/2001

Oct. 1944

SUBJECT : Legal Instruction No. 2.
TO : All Provincial Legal Officers.

1. In keeping with the policy of this office of giving Provincial Legal Officers every assistance in the discharge of their duties, we are handing you copies of Legal Instruction No. 2.
2. Legal Instruction No. 2 does not supersede Legal Instruction No. 1; on the contrary, it supplements it. While each are labeled an "Instruction" actually they are intended as an informative hand book for ready reference by officers in the field.
3. The value of such instruction will be lost unless reference is made thereto by Provincial Legal Officers and others when and as questions arise which are dealt with thereunder. After all, the principal object of the instructions is to inform when information is needed.
4. Nor has the instruction been painstakingly prepared merely to repose in the files of a Provincial Legal Office. It is firmly believed that Provincial Legal Officers can reduce the already heavy burdens of their duties if they will judiciously place copies thereof in the hands of C.A.O.'s and P.S.O.'s stressing at such time its informative value to them. Experience has shown that much daily back wash is inherited by Provincial and Regional Officers for lack of simple informative measures instituted at the source. The operative officers are justly entitled to every assistance we can offer. The fault of the back-wash is invariably ours, not their's. Certainly this is true until proven otherwise.
5. Only in one particular does Instruction No. 2 change Instruction No. 1. This change is noted in paragraph 2 (a) Instruction No. 2.
6. We will welcome any comments you may offer concerning this work. We seek to serve; in our zeal we may err.

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5. Only in one particular does Instruction No 2 change Instruction No 1. This change is noted in paragraph 2 (c) Instruction No 2.
6. We will welcome any comments you may offer concerning this work. We seek to serve; in our work we may err.

Handwritten signature

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

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