

ACC

10000/142/974

10000/142/974

REPORTS, REGION 3
OCT. 1943 - JAN. 1944

30 JAN Recd

JUSTICE. The following AMG Courts sat in Region III during December.

- a. Three Summary Courts having general jurisdiction in the City of Naples. Two of these Courts sat daily full time and the other daily part time. Each Court has full jurisdiction to try any offences with the competence of a Summary Court.
- b. A Summary Court in the Dock Area of the City of Naples with jurisdiction to try only persons accused of being in illegal possession of Allied property in that Area, unauthorized entry into the port, and leaving the shore in craft without authority. This Court sat daily.
- c. A Summary Court in the City of Naples with jurisdiction to try only persons accused of failure to obey the curfew regulations. This Court sat daily.
- d. A Superior Court in the City of Naples sitting daily.
- e. Summary Courts for the Provinces of Avellino and Benevento sitting as required.
- f. A summary Court for the District comprising the continuous line of towns stretching along the eastern shore of Naples Bay. This Court sat only when required to relieve the CAO for other pressing duties.

No Superior Court sat during December for the Provinces of Avellino and Benevento. Also the General Court established for Region 3 did not complete the trial of any case during the month.

Appendixes A and B show the number of cases heard in Region III and types of cases during December.

Most of the Officers required to man the Courts mentioned in para I were taken from officers loaned to Region III by Region IV. Without this assistance it is probable that there would have been a complete breakdown of justice in the City of Naples.

ITALIAN COURTS. Except for the Corti d'Assisi the whole of the Italian Courts in Region III functioned for both civil and criminal cases. The reopening of the Corte d'Assisi is under consideration.

Appendix C shows the number of criminal cases tried by the Italian Courts during December.

36

During December it became apparent that the terms of office of certain giudici and vice pretori onorari were to expire on 31 December 1943. As no Italian agency was available to extend the terms of office and as the services of these individuals were necessary to the proper functioning

of the Italian Courts in the Region an order extending the terms of office in question pending further order of competent authority was signed by the Regional Civil Affairs Officer, Region III, on 30 December 1943. This order was promulgated through the Senior Civil Affairs Officers of the various provinces of the Region and through the appropriate official Italian judicial channels. A copy of this order was forwarded to AMG 15th Army Group under date 2 January 1944.

REGION No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF DECEMBER 1943

78

A. CASES TRIED AND FINDINGS.

Province of	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	
Naples	671	3872	5				671	3877	
Avelli- no	13	87					13	87	
Benevento		75						75	
Salerno	1	8					1	8	
Totals	685	4042	5				685	4047	

Region No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF DECEMBER 1943

B. CONVICTED.

22

Province of	Curfew and Violations	Theft and Allied Prop.	Black Market	Looting	Poss. of Arms and Ammunition	Violation of Italian Penal Code	Others	Total
Naples	1364	1762	100	4	23	4	120	3877
Avellino	45	14	16		9		3	87
Benevento	49	6	2		1	14	3	75
Salerno		4	1	1			2	8
TOTALS	1558	1786	119	5	33	18	128	4047

.....
 Signature (name) (Official Designation)

Appendix "C".

RETURN OF PRISON CASES FROM 1 DEC. '43 TO 31 DEC. '43.

Total No of persons arrested from 1st to 31 Dec. '43 No 211

TRIALS	Convictions	Acquittals	Total
By PRISONIA Courts	473	156	629
" TRIBUNAL	353	107	460
" COURT OF Appeal	222	75	297
" JUVENILE COURT	43		43 (1)
TOTAL	1,091	341	1,432

(1) Judicial persons were granted in 41 cases

The following are the principal types of cases tried and sentences imposed.

PRISONIA 93 Detention offences (from 30 lire up to 15 days in prison and 1,000 lire fine)

14 Selling without license (from 20 to 250 lire fine)

126 Begging (from 5 days to 20 days in jail)

40 Accosting (from 5 to 40 days in jail)

20 Entering the railway yard (50 lire fine to 5 days in prison)

19 Obstruction to railway pass (from 50 to 500 lire fine)

41 Offences against blackout regulations (from 50 lire fine to 4 months in jail).

8 Refusing to pay taxes (from 50 to 300 lire fine)

TRIBUNAL 163 Detention offences (from 30 lire fine to 10 months in prison and 2,000 lire fine)

141 Theft (from 2 months to 6 years in prison)

107 Auto. Theft (from 300 lire fine to 1 year and 1,000 lire fine)

22 Receiving stolen goods (from 200 lire fine to 10 months in prison and 500 lire fine)

23 Gambling (from 200 to 600 lire fine and 6 months in prison)

(from 5 years to 8 years in prison)

" COURT OF APPEAL

221

78

297

" JUVENILE COURT

45

45 (17)

TOTAL

1,293

341

1,633

(1) Judicial pardons were granted in all cases

The following are the principal types of cases tried and sentences imposed.

PRELIMINARY 95 Battering offences (from 50 lire up to 15 days in prison and 1,000 lire fine)

24 Selling without license (from 20 to 200 lire fine)

126 Begging (from 5 days to 20 days in jail)

40 Accepting (from 5 to 40 days in jail)

20 Entering the railway yard (50 lire fine to 5 days in prison)

19 Conviction to return pass (from 50 to 500 lire fine)

41 Offences against blackout regulation (from 50 lire fine to 4 months in jail).

8 Offences to pay taxes (from 50 to 100 lire fine)

TRIMURALE 163 Battering offences (from 100 lire fine to 15 months in prison and 2,000 lire fine)

143 Theft (from 1 month to 6 years in prison)

107 Aggravated Theft (from 100 lire fine to 1 year and 1,500 lire fine)

22 Receiving stolen goods (from 200 lire fine to 15 months in prison and 300 lire fine)

23 Gambling (from 100 to 500 lire fine and 3 months in prison)

2 Bankruptcy offences (from 2 years to 3 years in prison)

8 Pick pocketing (from 3 months in prison and 300 lire fine to 2 years and 2,000 lire fine).

COURT OF APPEAL

196 Battering offences (from 500 lire fine to 2 years and 500 lire fine).

- 3 Using threats (7 months in prison)
- 6 Gambling (from 6 months to 1 month in prison and 12000 live fine)
- 6 Theft (from 6 months to 1 year in prison and 4000 live fine).

JUVENILE COURT

- 20 Delinquency offenses (1 sentence ranging from 300 to 3000 live fine)
- 2 Begging (Judicial pardon)
- 2 Theft (300 live fine)
- 27 Ass. theft (Judicial pardon)
- 3 Using threats (Judicial pardon)
- 1 Stealing (Judicial pardon)
- 1 Failure to report fire work (Judicial pardon).

fine).

JUVENILE COURT

- 20 Receiving stolen goods (3 sentences ranging from 100 to 1000 lire fine)
- 2 Receiving (judicial pardon)
- 1 Theft (500 lire fine)
- 27 Agg. theft (judicial pardon)
- 3 Using threats (judicial pardon)
- 1 Peacetime (judicial pardon)
- 1 Failure to report fire work (judicial pardon).

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Angot 3/60:2/I
5 December, 1943.

Subject: Regolamentoi Comunali.

To : S.C.A.C.'s.

1. A.M.G., HQ., 15 Army Group, has issued the following instruction:

"Reference General Administrative Instruction No. 19 (Angot/1/37/1) of 21 September, 1943, all Regolamentoi published in any place in the occupied territory north of the Province of Bari, ITALIA and SALERNO after receipt of this instruction will bear, at the head of the Regolamento, the words "Pubblicato con il permesso del Governo Militare Alleato".

2. General Administrative Instruction 19, to which reference is therein made, is appended for ease of reference:

"As from the date hereof until further notice, Regolamentoi Comunali shall be made in accordance with the following procedure:

1. Regolamentoi Comunali will be submitted to the Prefect of the Province for approval after being made.

2. The Prefect will not submit Regolamentoi Comunali to the Council of the Prefettura or to the Provincial Giunta for advice or to the Central Government for approval.

3. The Prefect will after considering Regolamentoi Comunali received by him for approval submit the same to the Senior Civil Affairs Officer of the Province with his recommendations.

4. The Senior Civil Affairs Officer, will after considering the Regolamentoi Comunali, to-

Subject: Regolamento Comunale.

CC : S.C.A.C.A.

1. A.E.G., H3., 15 June 1942, has issued the following instruction:

"Refer to General Administrative Instruction No. 19 (Amgov/437/1) of 21 September, 1942, all Regolamenti published in any place in the occupied territory north of the Province of Bari, Foggia and Brindisi after receipt of this Instruction will bear, at the head of the Regolamento, the words 'Pubblicato con il permesso del Governo Militare Alleato'.

2. General Administrative Instruction 19, to which reference is therein made, is appended for ease of reference.

"As from the date hereof until further notice, Regolamenti Comunali shall be made in accordance with the following procedure:-

1. Regolamento Comunale will be submitted to the Prefect of the Province for approval after being made.

2. The Prefect will not submit Regolamentoi Comunali to the Council of the Prefettura or to the Provincial Giunta for advice or to the Central Government for approval.

3. The Prefect will after considering Regolamentoi Comunali received by him for approval submit the same to the Senior Civil Affairs Officer of the Province with his recommendations.

4. The Senior Civil Affairs Officer, will after considering the Regolamentoi Comunali, together with the recommendations of the Prefect and of the Civil Affairs Officer (if any) for the Comune, issue directions to the Prefect to approve or refuse approval of the Regolamentoi.

3
5. Regolamentoi Communalì, after approval by the Prefect as abovementioned, shall be of full force and effect."

By order of Colonel HUMER:

Angelo N.B.L.
FRANCIS N. BATES N,
1st Lt., CMP,
Actg. Asst. Adjutant General.

DISTRIBUTION:

S.C.A.O.	Naples Province	12
"	Naples Town	5
"	Benevento Province	12
"	Avellino	12
"	Salerno	12
"	II Corps	12
"	VI Corps	12
"	X Corps	12
C.I.O.	HQ. AMG. 1st Army Group	12
S.I.O.	HQ. Region IV	12
THAS		12
SPARS		12

HEADQUARTERS
REGION 3,
ALLIED MILITARY GOVERNMENT

Amgot 3/5009/L
2 December, 1943

SUBJECT: Records of Trials of Allied Military Courts.

TO : S.C.A.C., A.M.G., Hq. VI Corps.

With reference to your letter dated 21st November, 1943, it is agreed that returns of Allied Military Courts presided over by personnel of A.M.G. attached to tactical formations, notwithstanding the terms of paragraph 13 of this Hq's memorandum 3/6042/L dated 12th November, 1943, will be made by the presidents of courts to the S.C.A.C. of the corps in whose area the court is held, who will in turn forward the returns to the S.L.C., 5th Army.

By order of Colonel HUME:

Paul Revere
PAUL REVERE,
Major, AGD,
Adjutant General.

DISTRIBUTION:

Copy to S.C.A.C. X Corps 12
11 Corps 12
File 6042.

Amgot 3/5039/L
2 December, 1943

SUBJECT: Records of Trials of Allied Military Courts.

TO : S.C.A.C., A.M.G., Hq. VI Corps.

With reference to your letter dated 21st November, 1943, it is agreed that returns of Allied Military Courts presided over by personnel of A.M.G. attached to tactical formations, notwithstanding the terms of paragraph 13 of this Hq's memorandum 3/6042/L dated 12th November, 1943, will be made by the presidents of courts to the S.C.A.C. of the corps in whose area the court is held, who will in turn forward the returns to the S.L.C., 5th Army.

By order of Colonel HUME:

Paul Revere
PAUL REVERE,
Major, AGD,
Adjutant General.

DISTRIBUTION:

Copy to S.C.A.C. X Corps 12
11 Corps 12
File 6042.

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE.

Amgot 3/6042/L
5 December, 1943.

Subject: Regolamento Comunale.

To : S.C.A.C.M.

1. A.M.G., HQ., 15 Army Group, has issued the following instruction:

"Reference General Administrative Instruction No. 19 (Amgot/4037/I) of 21 September, 1943, all Regolamenti published in any place in the occupied territory north of the Province of BARI, FOGGIA and GALLIPOLI after receipt of this instruction will bear, at the head of the Regolamento, the words "Pubblicato con il permesso del Governo Militare Alleato".

2. General Administrative Instruction 15, to which reference is therein made, is appended for case of reference:

"As from the date hereof until further notice, Regolamenti Comunali shall be made in accordance with the following procedure:-

1. Regolamenti Comunali will be submitted to the Prefect of the Province for approval after being made.

2. The Prefect will not submit Regolamenti Comunali to the Council of the Prefettura or to the Provincial Giunta for advice or to the Central Government for approval.

3. The Prefect will after considering Regolamenti Comunali received by him for approval submit the same to the Senior Civil Affairs Officer of the Province with his recommendations.

4. The Senior Civil Affairs Officer, will after considering the Regolamenti Comunali, to-

Amgot 3/6022/I
6 December, 1943.

Subject: Regolamento Comunale.

To : S.C.A.C.M.

1. A.M.M., HQ., 13 Army Group, has issued the following instruction.

"Reference General Administrative Instruction No. 19 (Amgot/4/37/1) of 21 September, 1943, and Regolamento published in any place in the occupied territory north of the Province of BARI, IOW 12A and SALERMO after receipt of this Instruction will bear, at the head of the Regolamento, the words "Pubblicato con il permesso del Governo Militare Alleato".

2. General Administrative Instruction 15, to which reference is therein made, is appended for case of reference:

"As from the date hereof until further notice, Regolamentoi Comunali shall be made in accordance with the following procedure:-

1. Regolamentoi Comunali will be submitted to the Prefect or the Province for approval after being made.

2. The Prefect will not submit Regolamentoi Comunali to the Council of the Prefettura or to the Provincial Giunta for advice or to the Central Government for approval.

3. The Prefect will after considering Regolamentoi Comunali received by him for approval submit the same to the Senior Civil Affairs Officer of the Province with his recommendations.

4. The Senior Civil Affairs Officer, will after considering the Regolamentoi Comunali, together with the recommendations of the Prefect and of the Civil Affairs Officer (if any) for the Comune, issue directions to the Prefect to approve or refuse approval of the Regolamentoi.

5. Regolamenti Communalì, after approval by the Prefect as abovementioned, shall be of full force and effect."

By order of Colonel HUME:

Angelo N.B.L.

FRANCIS N. BATESON,
1st Lt., CMP,
Acting Assistant Adjutant General.

DISTRIBUTION:

S.G.A.O.	Naples Province	12
"	Naples Town	5
"	Benevento Province	12
"	Avellino	12
"	Salerno	12
"	II Corps	12
"	VI Corps	12
"	X Corps	12
C.L.O.	HQ. 15 Army Group	3
S.L.O.	HQ. Region IV	3
Files		3
Spares		3

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE.

Amcot 3/60421.
12 November 1943.

Subject: Military Courts.

1. Supplementing and further clarifying General Administrative Instruction No. 7 and Special Administrative Instructions Nos. 1, 2, and 3 in the Manual and the letter from this HQ. dated 11th October 1943 on the above subject, the following directive on points which have emerged as a result of practical experience in the region is issued for guidance and compliance.

2. Appointment of Military Courts. The Commanding General, 5th Army, is the only Officer for the time being who can appoint General and Superior Military Courts to sit in this region. When however this region ceases to be within the 5th Army area, Superior Courts may be appointed by S.C.A.O.'s in terms of paragraph 6 of General Administrative Instruction No. 7 and orders for the appointment of General Military Courts will be issued by the appropriate authority through this HQ. to which application for the appointment of such courts will continue to be made.

3. All Officers acting as S.C.A.O.'s, C.A.O.'s or Judicial Officers as defined by Sect. 4 of Art. 3 of Proclamation 4 are authorized by the Military Governor to sit as Summary Courts without further orders, but no other Officers will sit unless specifically appointed.

4. No Officer not assigned to AMG will be appointed to sit on a Military Court without the consent of his commanding officer first having been obtained, and no C.A.P.O. will be appointed unless acting for the time being as C.A.C.

5. Detention prior to trial. Books of summonses in Italian and English, Form No. 2 in the Manual, are being distributed by this HQ. under separate cover. This form directs the person on whom it is served to appear before a Summary Military Court at a certain time to answer a certain charge. It thus does away with the necessity of arrest and detention, or release on bail, pending trial. It is desirable, when feasible, to have summonses issued in lieu of warrants of arrest in all cases of a minor nature and

1. Supplementing and further clarifying General Administrative Instruction No. 7 and Special Administrative Instructions Nos. 1, 2, and 3 in the Manual and the letter from this HQ. dated 11th October 1943 on the above subject, the following directive on points which have emerged as a result of practical experience in the region is issued for guidance and compliance.

2. Appointment of Military Courts. The Commanding General, 5th Army, is the only Officer for the time being who can appoint General and Superior Military Courts to sit in this region. When however this region ceases to be within the 5th Army area, Superior Courts may be appointed by S.C.A.O.'s in terms of paragraph 6 of General Administrative Instruction No. 7 and orders for the appointment of General Military Courts will be issued by the appropriate authority through this HQ. to which application for the appointment of such courts will continue to be made.

3. All Officers acting as S.C.A.O.'s, C.A.O.'s or Judicial Officers as defined by Sect. 4 of Art. 3 of Proclamation 4 are authorized by the Military Governor to sit as Summary Courts without further orders, but no other Officers will sit unless specifically appointed.

4. No Officer not assigned to AMG will be appointed to sit on a Military Court without the consent of his commanding officer first having been obtained, and no C.A.P.O. will be appointed unless acting for the time being as C.A.O.

5. Detention prior to trial. Books of summonses in Italian and English, Form No. 2 in the Manual, are being distributed by this HQ. under separate cover. This form directs the person on whom it is served to appear before a Summary Military Court at a certain time to answer a certain charge. It thus does away with the necessity of arrest and detention, or release on bail, pending trial. It is desirable, when feasible, to have summonses issued in lieu of warrants of arrest in all cases of a minor nature and even in other cases in which the accused is not likely to become a fugitive, as when he is very old, or owns his own home and has a family. In such cases an accused person should be released with summons when it has been ascertained

27
to him that he will be required to appear before a Summary Court on a specific date. However, since Rule 4 (b) of the Rules of Procedure for Allied Military Courts (Special Administrative Instruction - Legal No. 2, in the Manual) provides that only an officer of AMG may issue a summons, it follows that when a proclamation offence is committed in the presence of Italian police or Allied soldiers, it will be necessary to arrest. A Summary Court Judge or a C.A.A.C. will then consider whether the accused should be released pending trial, either under a bail bond for a certain sum or simply with a form of summons to appear at a later date.

6. Procedure on Arrest:

Italian police on making an arrest must make a charge against the arrested person at the time he is handed over at a police station for detention. In this connection it should be borne in mind that (under Rule 4 (c) of the Rules of Procedure) the Italian police may without a warrant arrest for proclamation offences only. If a person is found committing the offence, however, a person suspected of having committed a proclamation offence may be arrested without a warrant by a member of the Allied Forces, and any officer of AMG may issue a warrant to arrest. Consequently, Italian police desiring to arrest a person suspected of having committed a proclamation offence should first obtain a warrant from an AMG officer or (if there is not time) ask an Allied soldier to make the arrest.

7. Allied soldiers who make an arrest should, like the Italian police, make a charge in writing at the time the arrested person is delivered at the police station for detention. In order to ensure the performance of this duty, the Commanding General, 5th Army Base Section, has made an order to this effect, which is binding upon all soldiers in the City of Naples. All S.C.A.C.'s should arrange with the commanding officer of any tactical organisation garrisoned in their provinces to issue a similar order.

8. The only exception to the requirement of a charge at the time of arrest is in those few cases in which pursuant to the provisions of Sec. 2 of Art. VII of Proclamation No. 2 a person is arrested and detained pending further investigation by order of the S.C.A.C., subject to review.

9. At the time the Commanding Officer of troops in each province is approached with regard to charges being made by soldiers arresting civilians, or later, in consultation with the Provost Marshal, in such cases as may arise, the following should be observed:

6. Procedure on Arrest:

Italian police on making an arrest must make a charge against the arrested person at the time he is handed over at a police station for detention. In this connection it should be borne in mind that (under Rule 4 (c) of the Rules of Procedure) the Italian police may without a warrant arrest for proclamation offences only if a person is found committing the offence. However, a person suspected of having committed a proclamation offence may be arrested without a warrant by a member of the Allied Forces, and any officer of AMG may issue a warrant to arrest. Consequently, Italian police desiring to arrest a person suspected of having committed a proclamation offence should first obtain a warrant from an AMG officer or (if there is not time) ask an Allied soldier to make the arrest.

7. Allied soldiers who make an arrest should, like the Italian police, make a charge in writing at the time the arrested person is delivered at the police station for detention. In order to ensure the performance of this duty, the Commanding General, 5th Army Base Section, has made an order to this effect, which is binding upon all soldiers in the C.T. of Naples. All S.C.A.C.'s should arrange with the commanding officer of any tactical organisation garrisoned in their provinces to issue a similar order.

8. The only exception to the requirement of a charge at the time of arrest is in those few cases in which pursuant to the provisions of Sec. 2 of Art. VII of Proclamation No. 2 a person is arrested and detained pending further investigation by order of the S.C.A.C., subject to review.

9. At the time the Commanding Officer of troops in each province is approached with regard to charges being made by soldiers arresting civilians, or later, in consultation with the Provost Marshal, in such province, it should be made clear that soldiers who have testimonial knowledge of an offence, must, when available, appear to give evidence before a Military Court and submit to cross examination, and that a signed statement of what the soldier can testify should be delivered at the police station where the accused is detained as soon as possible after the commission of the crime.

10. All Italian police and other witnesses must attend in person before a Military Court to give evidence in every case in which they are concerned and submit to cross examination.

11. Procedure after arrest:

When an arrest has been made and the accused has not been immediately released under a bail bond or simply with a summons, a charge sheet (Form No. 3) embodying the charge made at the time of arrest should be prepared as soon as possible and served at once on the accused in jail, together with a statement in Italian of his rights under Sec. 2 of Art. IV of Proclamation No. 4. At the time the charge is served (admission of service being obtained on a copy thereof) and he is advised of his rights, the accused should be informed that he will be brought before a Military Court at a certain time and place within 48 hours, at which time he will be asked to plead to the charge. Whenever it appears after an arrest on suspicion has been made that there is insufficient evidence to convict, the accused may be released by the Provincial Legal Officer or the CAC or the CAC without the necessity of bringing him formally before a Summary Military Court.

12. Referring cases to trial before Superior or General Military Court.

A Summary Military Court making an order committing an accused for trial before a Superior or General Military Court must observe the terms of Special Administrative Instruction No. 2 paragraph 7 (c)

13. Records. In General and Superior Military Courts the record of proceedings will be kept exactly as specified in Special Administrative Instruction No. 2 and in particular paragraph 12 thereof. One original and two copies of Form 8 will be made, one copy to be retained by the Provincial Legal Officer and one with the original will be sent to this HQ. Notwithstanding any previous or inconsistent instructions, in Summary Courts the proceedings of all cases in which the accused pleads guilty will be recorded only in the Summary Military Court Record Book, copies of which are being distributed. Where accused pleads not guilty, Form 8 will be completed in toto and an entry of the case when it is disposed of will also be made in the Summary Court Book. At the end of each week all Summary Court judges will send a copy of the Summary Military Court Record Book to the Provincial Legal Officer, with all Forms 8 as above mentioned. The Provincial Legal Officer will submit a consolidated return of all cases tried in his province in each week to this HQ, as already instructed. Form 8 will be retained by the Provincial Legal Officer until called for by this HQ.

14. Petitions to Review.

a copy thereof) and he is advised of his rights, the accused should be informed that he will be brought before a Military Court at a certain time and place within 48 hours, at which time he will be asked to plead to the charge. Whenever it appears after an arrest on suspicion has been made that there is insufficient evidence to convict, the accused may be released by the Provincial Legal Officer or the CAC or the CAC without the necessity of bringing him formally before a Summary Military Court.

12. Referring cases to trial before a Superior or General Military Court.

A Summary Military Court making an order committing an accused for trial before a Superior or General Military Court must observe the terms of Special Administrative Instruction No. 2 paragraph 7 (c).

13. Records.

In General and Superior Military Courts the record of proceedings will be kept exactly as specified in Special Administrative Instruction No. 2 and in particular paragraph 12 thereof. One original and two copies of Form 8 will be made, one copy to be retained by the Provincial Legal Officer and one with the original will be sent to this HQ. Notwithstanding any previous or inconsistent instructions, in Summary Courts the proceedings of all cases in which the accused pleads guilty will be recorded only in the Summary Military Court Record Book, copies of which are being distributed. Where accused pleads not guilty, Form 8 will be completed in toto and an entry of the case when it is disposed of will also be made in the Summary Court Book. At the end of each week all Summary Court judges will send a copy of the Summary Military Court Record Book to the Provincial Legal Officer, with all Forms 8 as above mentioned. The Provincial Legal Officer will submit a consolidated return of all cases tried in his province in each week to this HQ, as already instructed. Form 8 will be retained by the Provincial Legal Officer until called for by this HQ.

14. Petitions to Review

As provided in Sec. 1, Art. V-T, Proclamation No. 4, a petition to review may be filed by or on behalf of any person convicted by a Military Court within thirty days after the imposition of sentence. Judges of Courts should make known to accused that they may lodge petitions, and a notice will be posted to this effect in all prisons. The petition will be filed with the judge of the court (by which the accused was sentenced). When so filed it should be forwarded to the Provincial Legal Officer with all necessary records for an adequate review including any record of previous conviction for misdemeanors and crimes, translated into English, if possible. The Provincial Legal Officer will forward the papers, with the addition of any fact or comment desired, to this HQ. A printed form of application for review will be forwarded as soon as available.

26

15. Sentences: (1) Suspended Sentences.

All Allied Military Courts may impose suspended sentences, but a Military Court should suspend the execution of a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent, but has still committed a minor offence. The suspension referred to is a permanent suspension, and not a suspension of execution pending a decision by the C.C.A.O. on a petition to review. It is not contemplated at the present time that an accused after conviction be released on bail pending appeal. It would appear that too many sentences are being suspended by Summary Military Courts; suspension should be the exception, not the rule.

16. Amount of Sentences.

Interfering with telephone and telegraph lines, including the theft of wire, riots and public disturbances, attacks on Allied soldiers, sabotage or war crimes, substantial violations of price-fixing regulations and the food control program, and thefts and possession of substantial amounts of property of the Allied Military Government or the Allied Forces are sufficiently serious, in general, to warrant a substantial sentence or fine. Sentences must not only be imposed in the light of the circumstances surrounding the commission of an offence but also in the light of the gravity of the offence, the frequency with which it occurs and its effect on military security, for example, the offence of cutting telephone wire, even though committed openly to obtain binding wire and with little or no knowledge of the possibilities of its results on the Allied Forces, is a grave offence which may jeopardise tactical operations. In view of the present economic difficulties which are being experienced in this region, it is essential that all offences against ration laws and black market offences should be punished with all appropriate severity.

17. Confiscation of Property.

Your attention is called to the provision of Sec. 3 of Art.V or Proclamation No.4 under which a Military Court may order the confiscation of any material the wrongful sale, purchase, use or possession of which a Military Court has convicted the accused, or may order restitution or compensation to the owner. If the property belonged to the Allied Forces or to an Italian civilian from whom it has been stolen (in such cases as a Military Court shall take jurisdiction of this type), an order should be made restoring the property to the particular branch of the armed forces handling such goods or from whom such goods were stolen, or the Italian civilian

emplated at the present time that an accused after conviction be released on bail pending appeal. It would appear that too many sentences are being suspended by Summary Military Courts; suspension should be the exception, not the rule.

16. Amount of Sentences.

Interfering with telephone and telegraph lines, including the theft of wire, riots and public disturbances, attacks on Allied soldiers, sabotage or war crimes, substantial violations of price-fixing regulations and the food control program, and thefts and possession of substantial amounts of property of the Allied Military Government or the Allied Forces are sufficiently serious, in general, to warrant a substantial sentence or fine. Sentences must not only be imposed in the light of the circumstances surrounding the commission of an offence but also in the light of the gravity of the offence, the frequency with which it occurs and its effect on military security, for example, the offence of cutting telephone wire, even though committed openly to obtain binding wire and with little or no knowledge of the possibilities of its results on the Allied Forces, is a grave offence which may jeopardise tactical operations. In view of the present economic difficulties which are being experienced in this region, it is essential that all offences against ration laws and black market offences should be punished with all appropriate severity.

17. Confiscation of Property.

Your attention is called to the provision of Sec. 3 of Art.V or Proclamation No.4 under which a Military Court may order the confiscation of any material the wrongful sale, purchase, use or possession of which a Military Court has convicted the accused, or may order restitution or compensation to the owner. If the property belonged to the Allied Forces or to an Italian civilian from whom it has been stolen (in such cases as a Military Court shall take jurisdiction of this type), an order should be made restoring the property to the particular branch of the armed forces handling such goods or from whom such goods were stolen, or the Italian civilian to whom it belonged. In other cases, such as hoarding or sale at an excessive price in contravention of the Italian law, the property should be confiscated. In the event of confiscation, the confiscated property should be turned over to the nearest AMG Civilian Supply Officer against a receipt.

18. Fines:

On payment of a fine imposed by a Military Court, the Judge of the court should make out in triplicate a receipt Voucher (Form F/1). The forms will be obtained from Provincial Finance Officers. The original voucher should be given to the payer, a copy, together with the money should be delivered to the Provincial Finance Officer

217

(or in the case of Naples, to the Finance Officer of Naples Town) against a receipt from such Finance Officer, and the remaining copy should be attached to the original court record or pinned to the Summary Court Book. Where a fine alone is imposed, the Court should specify the period to be served in default of payment. Where a fine and imprisonment are imposed, the sentence should be in the following form: "The accused, being assessed with due regard to the probable capacity of the accused to pay, where a sentence of imprisonment and fine is imposed, the sentence should be in the following form: 'Two months imprisonment and fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment'".

19. Black Market Cases:

Such "Black Market" cases as come within the provisions of Proclamation No. 2 (violations of the Italian laws relating to rationing, selling at excessive prices, and agriculture) whether they be of a minor or a serious nature, should until further order be tried by the Military Courts and not referred to the Italian Courts. Since such violations of the Italian law are proclamation offences, it is unnecessary to make or obtain an order transferring such cases from the Italian Court to the Military Courts. The charges should of course be drawn under Proclamation No. 2 and not under Part 4 of Art. 17 of Proclamation No. 2, as has been done in some instances.

20. Cases of Juvenile Offenders (Under 18 years of age). Juveniles under 18 years of age should not be arrested and detained pending trial unless detention is absolutely necessary to ensure his appearance at the trial. In those cases where detention is deemed necessary, he or she must, if possible, be held in a place separate from those housing adult offenders. Judges will use their discretion in hearing the cases of juveniles under 17 upon the accepted practices of juvenile courts in Britain and the U.S., namely:

- (1) That first consideration be given to rehabilitation of the child instead of punishment;
- (2) That where parents seem to be irresponsible persons, the child be given an opportunity for re-adjustment in his own home under strict supervision of the parents or the police, that is to say he can be placed in protection for a limited period and required to report to the Italian police, if deemed necessary, periodically even at a designated period.
- (3) That if it is necessary to place the juvenile in an institution, he be committed for an indefinite period to a school for juveniles, such as that located at Santa Maria Capua Vetere, Naples Province, until such time as the school is able to take him back.

It is necessary to place the juvenile in an institution, he be committed for an indefinite period to a school for juveniles, such as that located at Santa Maria Capua Vetere, Naples Province, until such time as the school is able to take him back.

and fine is imposed, the sentence should be in the following form:
 "Two months imprisonment and fine of 50,000 lire, in default of payment of the fine, accused to serve a further period of three months imprisonment".

19. Black Market Cases:

Such "Black Market" cases as come within the provisions of Proclamation No. 2 (violations of the Italian laws relating to rationing, selling at excessive prices, and agriculture) whether they be of a minor or serious nature, should until further order be tried by the Military Courts and not referred to the Italian Courts. Since such violations of the Italian law are prosecutable offences, it is unnecessary to make an order transferring such cases from the Italian Court to the Military Courts. The charge should of course be drawn under Proclamation No. 1 and not under No. 2 of Art. II of Proclamation No. 2, as has been done in some instances.

20. Cases of Juvenile Offenders (under 18 years of age):

Juveniles under 18 years of age should not be arrested and detained pending trial unless detention is absolutely necessary to ensure his appearance at the trial. In those cases where detention is deemed to be necessary, he or she must, if possible, be held in a place separate from those housing adult offenders.

Judges shall base their procedure in hearing the cases of juveniles under 17 upon the accepted practices of juvenile courts in Britain and the U.S., namely:

(1) That first consideration be given to rehabilitation of the child instead of punishment;

(2) That where parents seem to be responsible persons, the child be given an opportunity for readjustment in his own home under strict supervision of the parents or the police, that is to say he can be placed on probation for a limited period and required to report to the Italian police, if deemed necessary, periodically even as signified above;

(3) That where it is necessary to place the juvenile in an institution, he be committed for an indefinite period to a school for juveniles, such as that located at Santa Maria Capua Vetere, Naples Province, until such time as the school decides that he will receive further education, and is ready for release.

(4) That the hearings be held informally in a closed chamber instead of open court.

(5) That in cases of commitment, a court record of the case be forwarded to the institution to which he is committed, together with any recommendation which may have been made regarding the same.

If the court feels that the juvenile who is 23 is of sufficient maturity, even physically, to be held in custody with the adult offenders after taking into consideration his limited experience.

21. Commitment Forms.

In order that the Italian police and prison officials may have a record of the disposition of accused who have been tried by Allied Military Courts, a commitment form should be filled out and signed by the Judge of any military court which has tried an accused and delivered to the Italian police, whether the accused be sentenced to a term of imprisonment or merely fined or acquitted.

By Command of Col. HUML.

Paul Devore
Paul Devore
Major AGD, M
Adjutant General.

DISTRIBUTION

S. C. A. C.	Naples City	5
"	" Province	20
"	Avellino "	20
"	Salerno "	20
"	Benevento "	20
"	I. Corps	6
"	VI Corps	6
	Staff Heads	2 each
	Files	2
	Spaces	50

By Command of Col. HUME.

Paul Hume
 Paul Hume
 Major AGC, M.
 Adjutant General.

DISTRIBUTION

S.O. A.C.	Regles City	5
"	" Province	20
"	Avellino "	20
"	Bolerno "	20
"	Benavente "	20
"	X Corps	6
"	VI Corps	6
	Staff Heads	2 each
	Files	2
	Copies	50

22

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

17 October, 1943

Subject: Reopening of Italian Criminal Courts.

To : The Acting President of the Court of Appeal.

From : Chief Legal Officer, AMG Region 3.

With reference to the meeting held with you and the members of the Tribunale di Penali of Naples, the Avvocato Generale and the Procuratore del Re for Naples authority is hereby given for the reopening of the Tribunale di Penale and the Praetura Court in Naples for the disposal of all cases within the criminal competence of these courts. Will you please transmit this authorization together with all the instructions governing the reopening to the officials of these courts as early as possible.

2. In those Courts all cases pending trial in respect to which the accused are presently detained in prison will be heard and disposed of before all other cases. The persons will be arrested and brought to trial before this Courts for any actions which were made offences for the protection or furtherance of the interests of the former fascist party or acts of a purely political or antisocial nature, including racial discrimination, in respect to which penalties were imposed.

3. I am obliged for your letter of 11th October 1943 signed by yourself and the Avvocato Generale together with the letters dated 11th October, 1943 from the President of the Praetura and 6th October, 1943 from the Procuratore del Re containing proposed recommendation and modifications to be introduced. Accordingly to meet the present state of emergency the following procedure is approved and will be adopted.

(a) The court and prosecution have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the acts committed do not justify the conditional detention of the accused. This provision shall apply to both offences committed since the

From : Chief Legal Officer, AMG Region 3.

With reference to the meeting held with you and the members of the Tribunale di Penali of Naples, the Avvocato Generale and the Procuratore del Re for Naples authority is hereby given for the reopening of the Tribunale di Penale and the Praetura Court in Naples for the disposal of all cases within the criminal competence of these courts. Will you please transmit this authorisation together with all the instructions governing the reopening to the officials of these courts as early as possible.

2. In those Courts all cases pending trial in respect to which the accused are presently detained in prison will be heard and disposed of before all other cases. The persons will be arrested and brought to trial before this Courts for any actions which were made offences for the protection or furtherance of the interests of the former fascist party or acts of a purely political or antisocial nature, including racial discrimination, in respect to which penalties were imposed.

3. I am obliged for your letter of 11th October 1943 signed by yourself and the Avvocato Generale together with the letters dated 11th October, 1943 from the President of the Praetura and 6th October, 1943 from the Procuratore del Re containing proposed recommendation and modifications to be introduced. Accordingly to meet the present state of emergency the following procedure is approved and will be adopted.

(a) The court and prosecution have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the acts committed do not justify the conditional detention of the accused. This provision shall apply to both offences committed since the occupation and also in cases of prisoners sentenced to terms of imprisonment by Italian courts before our occupation. In the latter case the decision of the Procuratore will be submitted to and approved by the Chief Legal Officer or an officer of his staff.

(b) If in any case before it the court is of opinion that the minimum sentence for the offence charged is excessive under the circumstances of the particular case the judge may impose a sentence less than the minimum required by law.

4. It will be assured that all Italian police authorities comply strictly with Art. 238 and 244 of the Code of Penal Procedure. The cases of all persons arrested upon suspicion or without warrant will be referred to the Procure-tore del Re or the Pretore within 24 hours of arrest.

5. All judgements in these courts will be issued in the name of "the law".

6. The following powers are reserved to the Allied Military Government:

- a) Any Legal or Civil Affairs Officer may attend any sitting of these courts.
- b) Any case may be reviewed and any verdict or sentence varied by order of the Chief Legal Officer, AMGOT.
- c) All defendants may position to the Military Governor for review of any judgement and sentence where it is claimed that the judgement was affected by hostility towards the Allied Forces or was prejudicial to their interests.
- d) Cases may be withdrawn from Italian Courts for trial by Allied Military Courts before sentences has been promulgated, under Article II section 3 of Proclamation 4.

7. At the conclusion of each week the Tribunale and Pretura Courts will supply to the AMG Legal Officer at his office in the Tribunale a return in triplicates of all cases disposed of these courts during that week showing: Case No, Name of Accused, age, Son, Address, Description, Charge, Plea, Finding, Sentence, and any reports by the judge. A return will also be made at the same time of all cases pending trial separating those persons arrested and in jail from those persons not in jail.

8. Those courts will NOT be opened until further order for trial of civil cases but in the meantime the following urgent procedure requested in the letters under reference may be proceeded with:

- a) Appointment of receivers "pendents lite" (deceased persons and creditors)
- b) Declaration of absence or of procured death.
- c) Judicial suspension of spouses.
- d) Measures to protect the interests of minors.
- e) Rights of married women.
- f) Adjudication, internment or release of and measures for the protection of lunatics and their estates.

129
Military Government:

- a) Any Legal or Civil Affairs Officer may attend any sitting of these courts.
- b) Any case may be reviewed and any verdict or sentence varied by order of the Chief Legal Officer, AMGOT.
- c) All defendants may position to the Military Governor for review of any judgement and sentence where it is claimed that the judgement was affected by hostility towards the Allied Forces or was prejudicial to their interests.
- d) Cases may be withdrawn from Italian Courts for trial by Allied Military Courts before sentences has been promulgated, under Article II section 3 of Proclamation 4.

7. At the conclusion of each week the Tribunale and Pretura Courts will supply to the AMG Legal Officer at his office in the Tribunale a return in triplicates of all cases disposed of these courts during that week showing: Case No, Name of Accused, age, Sex, Address, Description, Charge, Plea, Finding, Sentence, and any reports by the judge. A return will also be made at the same time of all cases pending trial separating those persons arrested and in jail from those persons not in jail.

8. Those courts will NOT be opened until further order for trial of civil cases but in the meantime the following urgent procedure requested in the letters under reference may be proceeded with:

- a) Appointment of receivers "pendents lite" (deceased persons and creditors)
- b) Declaration of absence or of procured death.
- c) Judicial suspension of spouses.
- d) Measures to protect the interests of minors.
- e) Rights of married women.
- f) Adjudication, internment or release of and measures for the protection of lunatics and their estates.
- g) Orders concerning shares and bonds destroyed or lost.
- h) Care of aged.
- i) Preservation of evidence.
- j) Affidavit.
- k) Obtaining of dying declarations.
- l) Restitution in cases of forceable entry ²³
- m) Protection of rights of absent or missing heirs.
- n) Procedure of ascertainment and administration of estates of deceased persons.
- o) Acceptance or refusal of legacies or benefits under will or by law of descent or distribution.

20
I shall be glad to receive for consideration any further recommendations from you which you or your colleagues may have which will tend towards the better functioning of the courts.

By order of Col. HUME.

Lt. Colonel,
Chief Legal Officer.

By order of Col. HUME.

Lt. Colonel,
Chief Legal Officer.

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6085/L
17 November 1943.

To : Legal Officer Naples Province,
Avellino
Benevento
Salerno.

Subject : Jurisdiction of Pretore Courts in Penal Cases.

1. Information has been received that in order to dispose of accused persons in jail Pretore have arrogated themselves the power or been instructed by C.A.O.'s to try persons accused for offences in respect to which if they were found guilty the sentence would be in excess of that which the Pretore Court can impose.

2. The power of Pretore Courts in penal cases is three years imprisonment and/or a fine of 10,000 lire.

3. Will you please inform C.A.O.'s of this maximum power in order to insure that the Pretore does not take cognisance of serious cases where the sentences would be in excess of their powers.

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

Copy to S.C.A.O. X Corps
VI Corps
Major Holt, Tribunale Building.

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE.

500 3/6017/L
7 November, 1943.

Subject: Fines under Italian Penal Code.

To: All Legal Officers (through S.C.A.Os).

1. Articles 163 to 168 of the Italian Penal Code give the right to judges and magistrates to suspend pecuniary penalties for two to five years. However this suspension must be granted when pronouncing the sentence and cannot be conceded after the latter has become executive.
2. Cases of hardship will arise in which persons sentenced to imprisonment and fine by Italian courts prior to our occupation will be detained in prison because of inability to pay their fines, notwithstanding that they have served in full the prison terms imposed.
3. The Italian Courts are powerless to remedy this situation, since there is no Italian legislation authorizing them to act. Only the King or Minister of Justice in the exercise of the privilege of pardon or condonation was empowered to take any action.
4. To meet this situation Legal Officers are hereby authorized in such cases of hardship as may from time to time be brought to their notice to extend the time for the settlement of fines over a longer period and to accept small installments at regular intervals as part payment of the amount involved and to release the convicted person from custody during such period of extension. All Italian judges and magistrates have been instructed through the President of the Court of Appeals to call such cases to your attention for executive action.

J.V.M. Shields,
Lt. Colonel.

Subject: Fines under Italian Penal Code.

To: All Legal Officers (through S.C.A.Oe).

1. Articles 163 to 168 of the Italian Penal Code give the right to judges and magistrates to suspend pecuniary penalties for two to five years. However this suspension must be granted when pronouncing the sentence and cannot be conceded after the latter has become executive.
2. Cases of hardship will arise in which persons sentenced to imprisonment and fine by Italian courts prior to our occupation will be detained in prison because of inability to pay their fines, notwithstanding that they have served in full the prison terms imposed.
3. The Italian Courts are powerless to remedy this situation, since there is no Italian legislation authorizing them to act. Only the King or Minister of Justice in the exercise of the privilege of pardon or condonation was empowered to take any action.
4. To meet this situation legal officers are hereby authorized in such cases of hardship as may from time to time be brought to their notice to extend the time for the settlement of fines over a longer period and to accept small installments at regular intervals as part payment of the amount involved and to release the convicted person from custody during such period of extension. All Italian judges and magistrates have been instructed through the President of the Court of Appeals to call such cases to your attention for executive action.

J.V.M. Shields,
Lt. Colonel,
Regional Senior Legal Officer.

Distribution:
Legal Office Naples Town and Province 3
" " Salerno 3
" " Benevento 3
" " Avellino 3
" " S.C.A.O. X Corps 3
" " VI Corps 3

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Airtel 3/6009/L.

5 November, 1943.

Subject : Sentences in Black Market Cases.

To : Legal Officers through S.C.A.O's.

1. Concerted action is being taken by various divisions concerned to stop completely "Black Market" trading and the arrest and trial of persons for this type of offense is a part of the plan.

2. Representation has been made to this division to impose severe penalties on persons found guilty of such offenses and it has been stated that the punishments already imposed have been disproportionately lighter than would have been imposed by the Italian Courts. I am not satisfied that this is so, and I will not allow unreasonable sentences to be imposed by A.M. Courts on pressure from any direction.

3. It is however necessary to bring to the attention of all Judges of Military Courts the paramount problem which the "Black Market" has created in the economic life of the territory under our control. The seriousness of this form of trading is reflected in division of supplies to this market which has caused and will continue to cause a grave shortage of essential commodities, especially in Naples, the inflation of prices and the unrest caused amongst the lower stratum of the people who are hungry and cannot afford to buy on this market.

4. All these matters must be borne in mind by all Judges trying cases of this type and the serious view taken by high authority of this trading as a part of the political policy in this region cannot be allowed to escape such Judges when imposing sentences.

5. May I please have a short report from you as to the relative sentences imposed in A.M. Courts in your area for "Black Market" offenses and those imposed by the Italian Courts before our occupation with your comments thereon.

To : Legal Officers through S.C.A.O.'s.

1. Concerted action is being taken by various divisions concerned to stop completely "Black Market" trading and the arrest and trial of persons for this type of offense is a part of the plan.
2. Representation has been made to this division to impose severe penalties on persons found guilty of such offenses and it has been stated that the punishments already imposed have been disproportionately lighter than would have been imposed by the Italian Courts. I am not satisfied that this is so, and I will not allow unreasonable sentences to be imposed by A.M. Courts on pressure from any direction.
3. It is however necessary to bring to the attention of all Judges of Military courts the paramount problem which the "Black Market" has created in the economic life of the territory under our control. The seriousness of this form of trading is reflected in diversion of supplies to this market which has caused and will continue to cause a grave shortage of essential commodities, especially in Naples, the inflation of prices and the unrest caused amongst the lower stratum of the people who are hungry and cannot afford to buy on this market.
4. All these matters must be born in mind by all Judges trying cases of this type and the serious view taken by high authority of this trading as a part of the political policy in this region cannot be allowed to escape such Judges when imposing sentences.

5. May I please have a short report from you as to the relative sentences imposed in A.M. Courts in your area for "Black Market" offenses and those imposed by the Italian Courts before our occupation with your comments thereon.

J. V. M. Shields

J.V.M. SHIELDS
Lieut. Colonel,
Regional Senior Legal Officer.

Distribution:

Naples Province	15	Benevento Province	15
" Town	15	SAO X Corps	3
Avellino Province	15	" VI "	3
Salerno "	15	Spares	3
		Files	2

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT

Angot 3/6023/L
4 November, 1943

SUBJECT: Powers of Local Legislation.

TO : All S.C.A.O.'s.

1. While it is essential that all provincial S.C.A.O.'s. have full responsibility for the administration of the area under their charge, and have the power to fulfill such responsibilities, it is equally essential to preserve as far as possible uniformity of government throughout the occupied area and to avoid the issuance of any local ordinances in one locality which might have a harmful effect on a neighboring area or which are inconsistent with Proclamations or General Orders issued from this or higher Headquarters.

2. Accordingly, except in emergencies, S.C.A.O.s are authorized to issue local ordinances only in relation to the following matters:

- (a) Curfew.
- (b) Extent to which inhabitants may be permitted to circulate during daylight hours. In this connection S.C.A.O.'s are authorized to issue such orders from time to time as they deem necessary extending the 10 kilometer restriction contained in par.43 of Proclamation No. 2 within the limits of their own provinces.
- (c) Prescribing forbidden areas where all circulation is prohibited.
- (d) Prescribing hours and days during which trade or business may be carried on.
- (e) Restricting street peddlers.
- (f) Control of the sale of intoxicating liquors.
- (g) Regulating the use of public streets and highways in the district.
- (h) Restrictions on local use of water and electricity.
- (i) Care and preservation of ancient monuments.
- (j) Restricting the use of buildings which are unsafe or unsanitary.
- (k) Local health and sanitation regulations.
- (l) Air Raid Protection.
- (m) Any matter necessary for the preservation of Law and Order.

3. There will also be many situations where instructions will be issued from this or higher Hq. requiring the issuance of local ordinances for particular purposes such as, the fixing of maximum prices for various commodities, requirements that certain businesses be licensed, requirements for the declaration of certain commodities, etc. While such ordinances may

TO : ALL S.C.A.O.'s.

1. While it is essential that all provincial S.C.A.O.'s, have full responsibility for the administration of the area under their charge, and have the power to fulfill such responsibilities, it is equally essential to preserve as far as possible uniformity of government throughout the occupied area and to avoid the issuance of any local ordinances in one locality which might have a harmful effect on a neighboring area or which are inconsistent with Proclamations or General Orders issued from this or higher Headquarters.

2. Accordingly, except in emergencies, S.C.A.O.s are authorized to issue local ordinances only in relation to the following matters:

- (a) Curfew.
- (b) Extent to which inhabitants may be permitted to circulate during daylight hours. In this connection S.C.A.O.'s are authorized to issue such orders from time to time as they deem necessary extending the 10 kilometer restriction contained in par.43 of Proclamation No. 2 within the limits of their own provinces.
- (c) Prescribing forbidden areas where all circulation is prohibited.
- (d) Prescribing hours and days during which trade or business may be carried on.
- (e) Restricting street peddlers.
- (f) Control of the sale of intoxicating liquors.
- (g) Regulating the use of public streets and highways in the district.
- (h) Restrictions on local use of water and electricity.
- (i) Care and preservation of ancient monuments.
- (j) Restricting the use of buildings which are unsafe or unsanitary.
- (k) Local health and sanitation regulations.
- (l) Air Raid Protection.
- (m) Any matter necessary for the preservation of Law and Order.

3. There will also be many situations where instructions will be issued from this or higher Hq. requiring the issuance of local ordinances for particular purposes such as, the fixing of maximum prices for various commodities, requirements that certain businesses be licensed, requirements for the declaration of certain commodities, etc. While such ordinances may differ in various provinces, such differences must be directed from this or higher Hq. so as to avoid unjustified differences between various localities. As such ordinances are only effective in a given locality, they should be issued by the S.C.A.O. as a local ordinance.

4. If any other subject arises which appears to require a local ordinance, S.C.A.O.'s should, except in the case of emergency, report the facts and circumstances to this Hq. and request authority to issue the proposed ordinance.

15

5. In cases of emergency a S.C.A.O. may issue any ordinances which the situation may require, but must in such cases immediately send full particulars to this Hq. In all cases a copy of each ordinance will be forwarded to this Hq.

6. S.C.A.O.s are authorized to delegate to C.A.O.s power to issue local ordinances having application only within the region under the control of the C.A.O. dealing with the subjects herein provided.

7. This memorandum is intended to deal only with local ordinances intended to be published and binding on all persons within the area under the control of the S.C.A.O. or C.A.O. issuing the ordinances or such portion thereof as he may direct. It is not intended to affect in any way the power of S.C.A.O.'s or C.A.O.'s to issue such special orders or administrative instructions or regulations either to officers under their command or to other persons in the area under their jurisdiction as may from time to time be necessary in the discharge of their duties.

8. Local ordinances will be made in the following forms:

"ALLIED MILITARY GOVERNMENT

PROVINCE (OR COMUNE) OF.....

Text of the ordinance which will be subscribed as follows:

BY ORDER OF THE ALLIED MILITARY GOVERNMENT

Senior Civil Affairs Officer (or Civil Affairs Officer)

"

By order of Colonel HUME:

Douglas M. Batson
DOUGLAS M. BATSON,
1st Lt., CMP,
Actg Asst Adjutant
General.

DISTRIBUTION:

S.C.A.O., Naples Province - 10
S.C.A.O., Naples City - 3
S.C.A.O., Avellino - 6

7. This memorandum is intended to deal only with local ordinances intended to be published and binding on all persons within the area under the control of the S.C.A.O. or C.A.O. issuing the ordinances or such portion thereof as he may direct. It is not intended to affect in any way the power of S.C.A.O.'s or C.A.O.'s to issue such special orders or administrative instructions or regulations either to officers under their command or to other persons in the area under their jurisdiction as may from time to time be necessary in the discharge of their duties.

8. Local ordinances will be made in the following forms:

"ALLIED MILITARY GOVERNMENT

PROVINCE (OR COMUNE) OF.....

Text of the ordinance which will be subscribed as follows:

BY ORDER OF THE ALLIED MILITARY GOVERNMENT

Senior Civil Affairs Officer (or Civil Affairs Officer)

By order of Colonel HUME:

Douglas M. Batson
DOUGLAS M. BATSON,
1st Lt., CMP,
Actg Asst Adjutant
General.

DISTRIBUTION:

S.C.A.O., Naples Province	- 10
S.C.A.O., Naples City	- 3
S.C.A.O., Avellino	- 6
S.C.A.O., Benevento	- 6
S.C.A.O., Salerno	- 8
S.C.A.O., X Corps	- 10
S.C.A.O., VI Corps	- 10
Heads of Staff Sections	- 17
Files	

14

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6002/L
18 October 1943

Subject: Persons awaiting trial before Italian Military
Tribunals.

To : Legal Officer Avellino
Benevento
Salerno
(u.f.s. S.C.A.O.'s)

1. As the question of maintaining the jurisdiction of the Italian Military Tribunals is presently under consideration you are asked with the Italian Court Officials to inquire into cases of any persons presently held in jail in your province at the disposition of that Tribunal.

2. Any persons who are held for minor offences and or who have been incarcerated for any considerable period may at your discretion and on the recommendation of the Italian officials be granted provisional liberty by order of the S.C.A.O.

3. The question of Military Tribunals has been discussed with the officials of that court for the Naples district who recommend this procedure. This should be pointed out to the Italian officials in your province.

4. Will you please submit a report on the action taken in this matter?

Lt. Colonel

Chief Legal Officer **13**

Copy to Director of Public Safety

13

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT

15 October, 1943.

Subject: Orders to Civilian Enemy Subjects

To : All S.C.A.O.'s

1. An order given orally to a civilian subject by any Officer of the Allied Forces acting in the course of his duties and within the scope of his authority is a proper order, and failure to observe it is an offence punishable under para. 44 of Proclamation No. 2.

2. If an order given orally is the basis of a prosecution under the above para., the prosecution should be in a position to prove that the order was definite and concise and that accused appeared to understand it. The order must not, of course, be one to do an illegal act.

3. Where civilian employees are concerned, they should only be prosecuted for failure to obey an order if there has been wilful neglect or disobedience in carrying out their duties in accordance with instructions. It is not desirable that incompetency or the trivial failures of civilian clerks should be made the subject of criminal proceedings.

J. M. Shields

Lieut. Colonel,
Chief Legal Officer.

Distribution:

S.C.A.O. Naples Province	15
S.C.A.O. Benevento "	15
S.C.A.O. Salerno "	15
S.C.A.O. Avellino "	15
S.C.A.O. Naples Town	3
Heads of Divisions	17

12

HEADQUARTERS
SECTION 3
ALLIED MILITARY GOVERNMENT

Amgot 3/6023/11
15th October, 1943.

Subject: Interpretation of Proclamations.

To : All S.C.A.O's and Legal Officers.

1. In prosecution of cases before the Military Courts in Sicily questions have arisen regarding interpretations of Sections of the Proclamations. To enable police officers and prosecutors to frame charges and for the guidance of officers presiding over military courts the following interpretations have been made. I shall be obliged if you will bring them to the attention of all C.A.O's and C.A.P.O's.

2. While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offence under Article I Section 18 of Proclamation No. 2. Mere possession of looted goods would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offence is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article 1 Section II, Article II Section 27, or Article II Section 40.

3. Minor thefts and larcenies of civilian property by civilians should be prosecuted in the Italian Courts under Italian law.

4. Instances have occurred in Sicily of public demonstrations against Italian public officials. These officials are carrying out their duties under the Military Government, and are acting on military authority. For the purpose of Section 21 of Article 1, Proclamation NO. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

5. It is to be noted that Section 21 of Article I, Proclamation No. 2, does NOT apply to persons participating in insurrections or demonstrations unless they are also guilty of incitement, organization or leadership. Furthermore, there must be an insurrection or intended insurrection. This is more serious than ordinary riot. If persons are not present, persons

1. In prosecution of cases before the Military Courts in Sicily questions have arisen regarding interpretations of Sections of the Proclamations. To enable police officers and prosecutors to frame charges and for the guidance of officers presiding over military courts the following interpretations have been made. I shall be obliged if you will bring them to the attention of all C.A.O.'s and C.A.P.O.'s.

2. While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offence under Article I Section 18 of Proclamation No. 2. Mere possession of looted goods would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offence is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article 1 Section II, Article II Section 27, or Article II Section 40.

3. Minor thefts and larcenies of civilian property by civilians should be prosecuted in the Italian Courts under Italian law.

4. Instances have occurred in Sicily of public demonstrations against Italian public officials. These officials are carrying out their duties under the Military Government, and are acting on military authority. For the purpose of Section 21 of Article 1, Proclamation NO. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

5. It is to be noted that Section 21 of Article I, Proclamation No. 2, does NOT apply to persons participating in insurrections or demonstrations unless they are also guilty of incitement, organization or leadership. Furthermore, there must be an insurrection or intended insurrection. This is more serious than ordinary riot. If all the requirements of the above section are not present, persons concerned in public disturbances should be charged under Section 29 or 30 of Article 2 Proclamation No. 2.

6. Under Proclamation No. 8 Articles I and V it is an offense in the Military Courts to violate Italian ration laws, includ-

ing Black Market offences.

Distribution.

S.C.A.O. Naples Province

" Town

Avellino

Benevento

Salerno

VI Corps

7 Corps

Director of Public Safety
Files.

15
3
15
15
15
10
10

J.V.M. Shields,
Lieutenant Colonel,
Chief Legal Officer.

Distribution:

S.C.A.O. Naples Province
" " Town

Avellino
Benevento
Salerno
VI Corps
X Corps

Director of Public Safety
Files.

15
3
15
15
15
10
10

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT

Amgot 3/6102/L

SUBJECT: Illegal possession of firearms.

1. A sufficiently serious view is not being taken of the illegal possession by persons of firearms:

2. All persons who are found in possession of arms, ammunition and explosives will be arrested and prosecuted for contravening Sec. 5 of Art.1 of proclamation No. 2.

3. All cases of possession of arms will normally be committed by an Allied Summary Military Court for trial by a higher court where however the quantity of explosives possessed is nominal, or the arms are not in proper working order or are out of date or retained merely as souvenirs, it is considered that Summary Military Courts could properly impose an adequate penalty.

For the Commanding Officer:

DOUGLAS H. BATSON,
1st Lt., CMF,
Actg Asst Adj Gen.

DISTRIBUTION:

S.C.A.C. Naples Province	12
" Naples Town	5
" Benevento Province	12
" Avellino "	12
" Salerno "	12
" II Corps	12
" X Corps	12
C.L.O., HQ. AMG, 15 Army Group	3
S.L.O., HQ Region IV	3
Files	2
Spares	3

10.

Subject: ~ Ref (1) Report for December 1943.

Ref. 100/235/10
15 May 1944
U.S.P.

Ref. 100/235/10
11 January 44.

H.C.L.O.,
Region III.

Your monthly report of 4 Jan 44 (3/5002/1) has been received.

2. The question with regard to such reports has been for them to be despatched by 1st of the month, not later than the 7th of the month following the report period. It is understood if the report covers the business of Allied and Italian Courts from the 15th of one month to the 15th of the following month, as long as the same relative period is always included.

3. Concerning the problem of the organization of the Legal Division which you raise in your third paragraph, it is important that the responsibilities of specialist officers be understood. One source is entirely true that all legal officers assigned or attached to the staff of a Provincial C.L.O. are under his direct control. A staff officer they must be. That fact, however, does not eliminate or contradict their direct responsibility in respect of all matters of a technical sort either to the senior legal officer on that provincial staff or, in the case of the C.L.O., to the C.L.O. It is the fact that the C.L.O. is on the staff of the H.C.L.O. does not prevent the Chief Legal Officer from being responsible for the specialist activities of the H.C.L.O., nor the assignment of a legal officer to a provincial staff does not eliminate the H.C.L.O.'s responsibility for that officer's proper execution of his specialist duties. Officers assigned to the Legal Division who devote the major portion of their time to judicial action on Allied Military Courts have the same dual responsibility.

4. I am surprised to learn that certain transactions in Law are being permitted in Region III. I had understood from Col. Shields that no licenses were being granted. Unless that authority to grant licenses had been expressly granted it would no longer be extracted until an order, now in process of drafting, is issued from this HQ.

5. As yet there has been no final definition by C.P.H. of the limits of the jurisdiction of Allied Military Courts over personnel of the Italian armed forces. For the present, however, we are exercising jurisdiction over all such personnel, other than prisoners of war, except those who are carried on the rolls of an Italian unit which has been offered for service with and has been accepted by the Allied Forces. If the persons in question are members of such a unit they should be turned over to their commanding officer for disciplinary action. If they are not they are triable in our courts.

6. Your action in provisionally re-appointing the Vice Pretori
.....whose terms.....

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

RMCC/bda
3/6002/L

4 January 1944.

MEMORANDUM for the Chief Legal Officer, A.M.G. Headquarters

Subject: Report on the work of the Legal Division,
Region III.

1. It appears from the records and files turned over to me by the Senior Legal Officer, A.M.G. Fifth Army, upon the effective date of the order announcing me as Chief of Legal Section, AMG Headquarters Region III (par. 2, Sec. I, G. O. No. 17, AMG HQ. Region III, 14 December 1943, received by me 22 December 1943) that it has been customary for him to report to you monthly on the operation of his section. It is assumed that you will desire such practice continued. In this connection I desire to point out that difficulties of communication are such that at least fifteen (15) days must elapse between the date chosen for the end of any monthly report period and the date upon which the report leaves this office if the report as to cases tried by Allied Military Courts and Italian courts during the report period is to be complete in any sense. It is requested that I be advised as to the reporting period and the due date for such reports to be made in the future.

2. As legal matters affecting the territory of Region III were supervised by the Senior Legal Officer, AMG Fifth Army, up to 22 December 1943 it is understood that officer will render a general report of his doings for the period ending 22 December 1943. However, it has been agreed that my report shall include a report of all cases disposed of by Allied Military Courts during the report period. My report also includes a report of my doings as Regional Chief Legal Officer, Region III, from 22 December 1943 to the end of the report period.

3. There is attached as Appendix "A" a list of officers serving in Region III under the general supervision of the Regional Chief Legal Officer, Region III, as of 31 December 1943.

8

In this connection it has been the practice of AMG, Fifth Army, while operating in this area to exercise direct control over the Allied Military Courts sitting in Naples City and to consider the officers assigned to such courts as forming a part of the Legal Division. With the activation of Region III and the incorporation of Naples City and Naples Province into a single Allied Military Government unit it is felt that the Superior and Summary Allied Military Courts of Naples Province should be under the direct control of the Senior Civil Affairs Officer, Naples Province, and that the personnel of such courts should be assigned to his headquarters. In Avellino and Benevento Provinces Superior and Summary Allied Military Courts are now under the control of, and assigned to, the headquarters of the respective Senior Civil Affairs Offices of those provinces. It is felt that one General Allied Military Court is sufficient for this region at the moment and that such court should remain under the general control of the Regional Civil Affairs Officer as it handles cases for the entire region.

4. The general section of this division has been employed on many different questions during the report period. A brief report on the major questions raised follows:

a. Consents to transfer of land. In connexion with these a change of procedure has been made. Hitherto the procedure has been for applicants to be informed that consent will be granted if the original deeds were sent to this headquarters for endorsement accompanied by a certificate signed by a notary that the price to be paid represented the market value of the land and, where the price was a considerable one, that the parties to the transaction were not fascists. It was felt that this procedure did not afford a sufficient safeguard to AMG. In addition the Notaries in one place (Benevento) objected to the procedure because it was unwise to part with original deeds in the present unsettled state of the country, and also because under Italian Law certain fees become payable as soon as a deed is executed and these fees cannot be recovered if the consent under the Proclamation is not given. The revised procedure is to obtain from the applicant a copy of the draft deed as finally settled between the parties and to obtain from the G 2 a report on the parties concerned and from the Controller of Property, and the Chief Financial Officer and from the Head of any other Division which may be concerned their observations on the transaction. The actual consent will be given by a separate document

referring in detail to the parties the and and the nature of the transaction involved.

b. Trial before AMG Courts of Italian Marines. I was asked by the CAPO of Naples whether three Italian marines who were in jail on charges of theft of Allied Military Stores, could be tried by an AMG Court. My advice was that, having regard to the legal complexities of the case and to the fact that neither International Law nor the Geneva Convention of 27 July 1929 appears to contemplate the state of affairs now existing between the United Nations and Italy who are, at the same time, technically at war and co-belligerents, it was most unwise for an AMG Court to try persons who are (a) members of a body of Italian forces recognised by the Allied Forces or (b) still in an internment camp as prisoners of war or (c) paroled prisoners of war. I understood from the CAPO that the marines with which he was concerned came in category (a). I reserved my opinion on the question whether an AMG Court could try a person who had ceased to serve as a member of the Italian armed forces by reason of discharge or desertion.

5. There is attached as Appendix "B" a table of cases disposed of by Allied Military Courts in this region during the report period.

6. There is attached as Appendix "C" a table showing cases disposed of by Italian criminal courts under the supervision of this section during the report period with information concerning the types of cases tried and sentences adjudged.

7. Near the end of the month of December, 1943, it became apparent that the terms of office of certain giudici and vice pretori onorari were to expire on 31 December 1943. As no Italian agency was available to extend the terms of office and as the services of these individuals were necessary to the proper functioning of the Italian courts in the region an order extending the terms of office in question pending further orders of competent authority was signed by the Regional Civil Affairs Officer, Region III, on December 30, 1943. This order was promulgated through the Senior Civil Affairs Officers of the various provinces of the region and through the appropriate official Italian judicial channels. A copy of this order was forwarded to AMG

6

15th Army Group under date of 2 January 1944.

Respectfully submitted.

Riley M. Clain

RILEY Mc CLAIN,
Lt. Col., J.A.G.D.,
Regional Chief Legal Officer.

6

See 6-4

5
Appendix A".

Officers employed in Legal Sections and on Courts in Region III as of 31 December 1943.

Lt. Col. R. McClain	R.C.L.O.
Major G.A. Bamlet	H.Q. Staff, Legal Officer.
Capt. S.C. Blair	(Attached) Reg. 3 H.Q. staff Legal.
Major Holt	O i/c Italian Courts.
+ Lt. Graziano	Asst. " " "
Major G.G.T. Ainslie	Legal Officer City and Naples Prov.
Major Hershermson	Naples Province.
+ Major Waugh	Permanent Summary Military Court, Officer Court No. 1 Naples.
Lt. E.N. Blacklock	Permanent Summary Military Court, Officer Court No. 2 Naples.
Lt. Saul Ziff	(Attached from 5 Army). Permanent Sum. Military Court, Officer Court No. 3. (Docks Court).
Lt. Sabatino	Asst. to O i/c Italian Courts, and Curfew Summary Court Officer and Summary Court Officer No. 5.
Capt. A.E. Gold	Legal Officer, Avellino Province.
+ Major Elder	" " Benevento "
+ Lt. Col. Chapman	Permanentn Superior Military Court Officer.
+ Capt. Carey	Prosecutor " " "
+ Capt. Oates	General Military Court, Prosecutor. President.

Major Holt	O i/c Italian Courts.
+ Lt. Graziano	Asst. " " "
Major G.G.T. Ainslie	Legal Officer City and Naples Prov.
Major Hersherson	Naples Province.
+ Major Waugh	Permanent Summary Military Court, Officer Court No. 1 Naples.
Lt. E.N. Blacklock	Permanent Summary Military Court, Officer Court No. 2 Naples.
Lt. Saul Ziff	(Attached from 5 Army). Permanent Sum. Military Court, Officer Court No. 3. (Docks Court).
Lt. Sabatino	Asst. to O i/c Italian Courts, and Curfew Summary Court Officer and Summary Court Officer No. 5.
Capt. A.E. Gold	Legal Officer, Avellino Province.
+ Major Elder	" " Benevento "
+ Lt. Col. Chapman	Permanentn Superior Military Court Officer.
+ Capt. Carey	Prosecutor " " "
+ Capt. Oates	General Military Court, Prosecutor.
+ Col. Wilmer	" " " , President.
+ Major Long, D.E.	" " " , Member.
+ Capt. Falk	" " " , Member.
+ Major W. Stump	Permanent Summary Military Court Officer Naples Province.

+ Attached from Region IV.

REGION No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF DECEMBER 1943

2

A. CASES TRIED AND FINDINGS.

Province of	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Naples	671	3872	5				671	3877	
Avellino	13	87					13	87	
Benevento		75						75	
Salerno	1	8					1	8	
TOTALS	685	4042	5				685	4047	

REGION No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF DECEMBER 1943

B. CONVICTIONS.

Province of	Curfew and Violations and Poss. of	Theft and Allied Prop.	Black Market	Looting	Poss. of Arms and Ammunition	Violation of Italian Penal Code	Others	Total
Naples	1864	1762	100	4	23	4	120	3877
Avellino	45	14	16		9		3	87
Benevento	49	6	2		1	14	3	75
Salerno		4	1	1			2	8
TOTALS	1958	1786	119	5	33	18	128	4047

.....
 Signature (Rank) (Official Designation)

Appendix "C".

RETURN OF PENAL CASES FROM 1 DEC. '43 TO 31 DEC. '43.

Total No of persons arrested from 1st to 31 Dec. '43 No 211

TRIALS	Convictions	Acquittals	Total
By PRETURA Courts	471	158	629
" TRIBUNALE	555	107	662
" COURT OF Appeal	221	76	297
" JUVENILE Court	45		45 (1)
TOTAL	1292	341	1633

(1) Judicial pardons were granted in 41 cases

Then following are the principal types of cases tried and sentences imposed.

PRETURA 95 Rationing offences (from 50 lire up to 15 days in prison & 1000 lire fine)
 14 Selling without license (from 20 to 250 lire fine)
 126 Begging (from 5 days to 20 days in jail)
 40 Accosting (from 5 to 40 days in jail)
 20 Entering the railway Yard (50 lire fine to 5 days in prison)
 19 Omission to return pawn (from 50 to 500 lire fine)
 41 Offences against blackout regulation (from 50 lire fine to 4 months in jail)
 8 Omitting to pay taxes (from 50 to 325 lire fine)

TRIBUNALE 163 Rationing offences (from 300 lire fine to 10 months in prison and 2000 lire fine)
 143 Theft (from 1 month to 6 years in prison)
 107 Aggr. Theft (from 300 lire fine to 1 year and 1000 lire fine)
 22 Receiving stolen goods (from 200 lire fine to 10 months in prison and 300 lire fine)
 22 Gambling (from 100 to 600 lire fine and 9 months in

" TRIBUNALE	555	107	662
" COURT OF Appeal	221	76	297
" JUVENILE Court	45		45 (1)
TOTAL	1292	341	1633

(1) Judicial pardons were granted in 41 cases

Then following are the principal types of cases tried and sentences imposed.

PRETURA 95 Rationing offences (from 50 lire up to 15 days in prison & 1000 lire fine)
 14 Selling without license (from 20 to 250 lire fine)
 126 Begging (from 5 days to 20 days in jail)
 40 Accosting (from 5 to 40 days in jail)
 20 Entering the railway Yard (50 lire fine to 5 days in prison)
 19 Omission to return pawn (from 50 to 500 lire fine)
 41 Offences against blackout regulation (from 50 lire fine to 4 months in jail)
 8 Omitting to pay taxes (from 50 to 325 lire fine)

TRIBUNALE 163 Rationing offences (from 300 lire fine to 10 months in prison and 2000 lire fine)
 143 Theft (from 1 month to 6 years in prison)
 107 Aggr. Theft (from 300 lire fine to 1 year and 1000 lire fine)
 22 Receiving stolen goods (from 200 lire fine to 10 months in prison and 300 lire fine)
 23 Gambling (from 100 to 600 lire fine and 9 months in prison)
 2 Bankruptcy offences (from 2 years to 3 years in prison)
 8 Pick pocketing (from 3 months in prison and 300 lire fine to 2 years and 2000 lire fine)

COURT of Appeal

196 Rationing offences (from 500 lire fine to 2 years and 5000 lire fine)

3 Using threats (7 months in prison)
6 Gambling (from 6 months to 1 month in prison and
12000 lire fine)
6 Theft (from 6 months to 4 years in prison and 4000
lire fine)

JUVENILE Court

20 Rationing offences (3 sentences ranging from 300
to 3000 lire fine)
2 Begging (Judicial pardon)
1 Theft (800 lire fine)
17 Agg. theft (Judicial pardon)
3 Using threats (Judicial pardon)
1 Stealing (Judicial pardon)
1 Failure to report for work (Judicial pardon).

JUVENILE Court

- 20 Rationing offences (3 sentences ranging from 300 to 3000 lire fine)
- 2 Begging (Judicial pardon)
- 1 Theft (800 lire fine)
- 17 Agg. theft (Judicial pardon)
- 3 Using threats (Judicial pardon)
- 1 Stealing (Judicial pardon)
- 1 Failure to report for work (Judicial pardon).

1161