

ACC

10000/142/1298
(BOX 453 C)

10000/142/1298
(BOX 453 C)

LEGAL DIVISION DIRECTIVES
AUG. - NOV. 1943

Temporary Amendments to Civil and Penal Procedure.

- ART I. The Procuratore della Legge shall have the right to order that an accused whether under arrest or at liberty be brought before the Court without further investigation, as set forth in Articles 502 to 505 of the C.P.P. and he shall not be bound by the provisions specified in Article 502 in connection with legal delays.
- ART II. The course of prescription in regard to the entries to be effected in the mortgage register is suspended from July 10th until further notice.
- ART III. The course of prescription in civil, penal and financial actions already started on July 10th is hereby suspended and legal terms extended until further notice.
All other terms in connection with cases of the competence of the Corte di Cassazione, Council of State, Court of Accounts and the High Court of Public Water Supply or any other Court sitting outside Sicily, are hereby suspended until new regulations have been instituted to reorganise such procedure.
- ART IV. Civil actions already on the roll for which a date of hearing has been fixed after 1st October, 1943 or adjourned to a specific date after October 1st by order of the Court will follow their normal course. The judge will determine if one or both parties are not represented or their legal representatives have failed to appear, that the hearing be adjourned and the parties duly notified of the new date of hearing.
- ART V. Civil actions already on the roll for which no date of hearing is fixed or for which a previous adjournment was granted, before October 1st, will be heard in successive sittings starting from October 1st as soon as the Court Register will have been able to notify the parties' legal representatives of the exact date, or, in their absence, the parties personally.
- ART VI. Copies of the original summons will have to be served again at the request of the most diligent party, when the date fixed for the hearing of the case fell due after 15th April, 1943 and the civil action therein referred to was not already on the roll.
- ART VII. In all actions, civil or penal, when service of summons may legally be effected by post, a duplicate service will be made by judicial process server three days after the date of the posting of the first service.
- ART VIII. In civil actions when the absence of one or both parties is

affected in the mortgage register is suspended from July 10th until further notice.

ART III. The course of prescription in civil, penal and financial actions already started on July 10th is hereby suspended and legal terms extended until further notice. All other terms in connection with cases of the competence of the Corte di Cassazione, Council of State, Court of Accounts and the High Court of Public Water Supply or any other Court sitting outside Sicily, are hereby suspended until new regulations have been instituted to reorganise such procedure.

ART IV. Civil actions already on the roll for which a date of hearing has been fixed after 1st October, 1943 or adjourned to a specific date after October 1st by order of the Court will follow their normal course. The judge will determine if one or both parties are not represented or their legal representatives have failed to appear, that the hearing be adjourned and the parties duly notified of the new date of hearing.

ART V. Civil actions already on the roll for which no date of hearing is fixed or for which a previous adjournment was granted, before October 1st, will be heard in successive sittings starting from October 1st as soon as the Court Registrar will have been able to notify the parties' legal representatives of the exact date, or, in their absence, the parties personally.

ART VI. Copies of the original summons will have to be served again at the request of the most diligent party, when the date fixed for the hearing of the case fell due after 15th April, 1943 and the civil action therein referred to was not already on the roll.

ART VII. In all actions, civil or penal, when service of summons may legally be effected by post, a duplicate service will be made by judicial process server three days after the date of the posting of the first service.

ART VIII. In civil actions when the absence of one or both parties is due to the fact that no summons can be served on them, or if appearance cannot be entered owing to the present new conditions, a special curator may be appointed to represent the absent party or parties under the provisions of Articles 78, 79 and 80 of the Code of Civil Procedure, whenever such absence would be prejudicial to the party or parties concerned.

ART IX. In all cases where the law provides that judicial decisions or other notices be published in the official Gazette or the official Bulletin of the Province, such publication will be made in the local newspaper two days in succession.

ART X. All newly appointed officials will take the following oath:-
"I swear to observe the law and to fulfil my duties with conscience."

ALGOT/4064/L

ALGOT HQ. SICILY

16th October 1943.

Subject:- Notarial Councils

To:- All S.L.Cs. (through S.C.A.Os)

1. A draft order in regard to the creation of Notarial Councils is forwarded herewith for necessary action.

2. Please take the required steps to fill in Article II with the names of five or seven notaries as the case may be, selected by each district and issue the order once completed in the form set out in the draft.

3. There are 13 Notarial Districts in Sicily as follows :-

<u>Notarial District</u>	<u>Responsibility</u>
Palermo {1}, Termini, Lercara (1)	S.C.A.O. Palermo
Catania {1}, Caltagirone (1)	S.C.A.O. Catania
Caltanissetta and Enna ..	(S.C.A.O. Caltanissetta.
Nicosia (1) ..	S.C.A.O. Caltanissetta.
Ragusa and Modica ..	S.C.A.O. Ragusa
Messina (1), Patti (1) ..	S.C.A.O. Messina
Agrigento (1), Sciacca (1) ..	S.C.A.O. Agrigento
Siracusa (1) ..	S.C.A.O. Siracusa
Trapani (1) ..	S.C.A.O. Trapani

4. The names of the senior or most qualified notary in each district whom you should consult as to the appointment of the other members to the Council are enumerated hereunder :-

Palermo (7 members)	Dott. Salvatore Stolla.
Termini (5 members)	" Irenio Cardito.
Agrigento (7 members)	Oreste Sciacca.
Sciacca (5 members)	Salvatore Scaglione.
Catania (7 members)	Mirone Fusco.
Caltagirone (5 members)	Periceno Libertini.
Messina (7 members)	Filippo Chiofalo.
Patti (5 members)	Francesco Ricca.
Caltanissetta -	
Enna (5 members)	Rosario Radroni.
Nicosia (5 members)	Salvatore Bontempo
Ragusa - Modica	Giuseppe Cavalieri.

2. Please take the required steps to fill in Article II with the names of five or seven notaries as the case may be, selected by each District and issue the order once completed in the form set out in the draft.

Notarial District

<u>Notarial District</u>	<u>Responsibility</u>
Palermo (1), Termini, Lercose (1)	 S. C. A. O. Palermo
Catania (1), Caltagirone (1)	 S. C. A. O. Catania
Caltanissetta and Nubia	 S. C. A. O. Caltanissetta.
Miccioia (1)	 S. C. A. O. Caltanissetta.
Ragusa and Modica	 S. C. A. O. Ragusa
Messina (1), Patti (1)	 S. C. A. O. Messina
Agrigento (1), Sciacca (1)	 S. C. A. O. Agrigento
Siracusa (1)	 S. C. A. O. Siracusa
Trapani (1)	 S. C. A. O. Trapani

Palermo { 7 members }	-	Dott. Salvatore Stella.
Terracina { 5 members }	-	" Ippazio Cardinale.
Agrigento (7 members)	-	" Oreste Sciascia.
Sciacca { 5 members }	-	" Salvatore Scaglione.
Catania (7 members)	-	" Mirone Eusebio.
Caltagirone (5 members)	-	" Pericorno Libertini.
Messina (7 members)	-	" Filippo Chiofalo.
Patti (5 members)	-	" Francesco Risco.
Caltanissetta -	-	
Enna (5 members)	-	" Rosario Rainaldi.
Nicosia (5 members)	-	" Salvatore Bontempo
Ragusa - Modica (5 members)	-	" Giuseppe Cavallieri.
Siracusa (7 members)	-	" Giuseppe Monteforte
Trapani (5 members)	-	" Giuseppe Triolo

5. Please report to this H.Q. as soon as the order has been issued.

Wm. C. CHAMLER,
Lt. Col. (AUS),
Chief Legal Officer.

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

ORDER NO. _____

CREATION OF A NOTARIAL COUNCIL FOR THE
DISTRICT OF _____

WHEREAS the Statutes of the Paroist Syndicates of Notaries was approved by Royal Decree of 4 June 1942 (embodying the Law of 27 May 1940 suppressing Notarial Councils)

WHEREAS such syndicates have ceased to function,

AND WHEREAS the notaries of the District of _____ have expressed the wish to reorganize their associations on lines more in harmony with their ancient traditions

WHEREFORE, I, Senior Civil
Affairs Officer, in pursuance of powers conferred in me, hereby order as follows :-

ARTICLE I. A Council of Notaries for the Notarial District of _____ is hereby created.

ARTICLE II. It will be composed of the notaries hereinafter designated:-

ARTICLE III. The seat of the Notarial Council will be at _____

ARTICLE IV. The functions of the Council will be :-

(a) To submit to the Allied Military Government any amendments to the laws regulating the functions of notaries as may be considered desirable or necessary in the interests of the public or the profession of

WHEREAS such syndicates have ceased to function.

AND WHEREAS the notaries of the District of _____ have expressed the wish to reorganise their associations on lines more in harmony with their ancient traditions

THÉODORE, I, Senior Civil
Affairs Officer, in pursuance of powers conferred in me, hereby order as follows :-

ARTICLE I. A Council of Notaries for the Notarial District of _____ is hereby created.

ARTICLE II. It will be composed of the notaries hereinafter designated:-

ARTICLE III. The seat of the Notarial Council will be at _____

ARTICLE IV. The functions of the Council will be :-

- (a) To submit to the Allied Military Government any amendments to the laws regulating the functions of notaries as may be considered desirable or necessary in the interests of the public or the profession of notaries;
- (b) To supervise the professional activities of all notaries in the Notarial District of _____ and whenever possible to arbitrate in disputes between notaries and their clients;
- (c) To propose candidates for the offices now vacant in the Notarial District of _____;
- (d) To exercise the powers and observe the regulations conferred and imposed upon the Notarial Councils by the Law of 16th February 1913;
- (e) To organise elections for a new Council as soon as the general meeting of the notaries of the District

/of _____ can be convened.

ASST/ADM/L.
ASST HQ., SICILY
27 September 1943

SUBJECT: Abandoned Property.
TO : Property Controller.

1. The Property Controller of the Province of Palermo has been harassed by persons presenting applications for the requisitioning of abandoned premises of all types, now empty and which could be used to house bombed out people, shops and other offices.
2. Ideally it would be within the scope of the Property Controller functions to take over such property, but unfortunately he does not possess the necessary staff to undertake a work of such magnitude. (It is estimated that over 1000 premises would fall in the above mentioned category.)
3. It was at first suggested that the "Presidente del Tribunale" should, in accordance with the provisions of Italian Law, appoint a curatore to take charge of the abandoned property. This he could not do without the necessary inquest having been effected by the police and a formal report establishing the "absence" of the owner (as required by Italian Law) being first presented to him.
4. It is obvious that under present conditions the police possess neither the time nor the facilities to effect such inquests, nor could the Property Controller request the President to act without respecting the existing provisions of Italian Procedure.
5. Therefore, it has been suggested by the Legal Section in agreement with the President of the Tribunale, that all persons who for valid reasons request that a curatore be appointed to take charge of certain abandoned premises, should present their applications to the President of the Notarial Syndicate, Dott. Salvatore Stella, 4 Piazza Castelnuovo, Palermo.
6. Dott. Stella would study each petition carefully and issue a recommendation as to the necessity of appointing a curatore, which will be approved by the Property Controller or the S.L.C., Palermo and forwarded to the "Presidente del Tribunale" for necessary action.
7. The "Curatore" should be chosen from the list of notaries now in Palermo. The "Honorarium" to which they are entitled according to Italian Law should be distributed among them according to the work entailed--Control of appointments will be effected by S.L.C. or the officer c/o Italian Courts.
8. All monies received by or paid to the "Curatore" should be placed in separate current accounts in the bank until the landlord is again in a position to take over his property, when proper accounts should be rendered. This procedure, according to the President of the Tribunale, is valid under the provisions of the Civil Code and Code of Civil Procedure.
9. A notice should be prepared by the Property Controller to appear in the "Sicilia Liberata" indicating the procedure to be followed by petitioners.

MEMORANDUM FOR E.F.C.O.Salaries of State and Provincial Officials.

1. In view of the policy pursued by AMSCOT in regard to reducing Allied personnel, it is obvious that the Allied Government will have to rely more and more on the efficiency of Italian officials to carry on with the administration of the Island.
2. To date a large proportion (39%) of Italian officials have not returned to their posts. This is due to two factors:-
 - (a) Many are refugees on the Continent;
 - (b) More are dispersed all over the island.
 Generally this second category of refugees have not been able to resume their functions for lack of transport and lack of funds.
3. Though nearly 50% of State Officials have received on 1/4 July, four months salary in advance from the Italian Government, their indemnities, which double their salaries, have not been paid.
4. For nearly two months we have been discussing with them the proportion of salary and indemnities due by the Italian Government or AMSCOT, taking into consideration the "mensualite" paid in advance and considered by them as a bonus. In fact most of this advance has been absorbed by the expenses incurred in moving from their offices and their homes to new premises, when transport was extremely costly and rents in safe towns extremely high.
5. Considering Lt. Comdr. Southard's report setting out that the official cost of living had risen since the occupation by 245% and the Black Market to 650%, and the fact that no official can plan a family budget if he does not know what will be the amount of his salary and indemnities, it would be preposterous to expect any efficient co-operation from people (especially the small civil servants) whom we shall have reduced, if not to starvation, at least to a social position totally incompatible with the office they occupy.
6. Could a definite policy be recommended to the Executive Committee for its next sitting, urging them to publish as soon as possible the general conditions under which Italian State and Provincial Officials will be requested to function.

9 Sept. 1943.

SGL/HW.

G. G. HANNAFORD
 G. G. HANNAFORD, Major.
 Legal Division.

To be discussed in EXCO today by order of Brig Gen McSherry

AMGT/9014/LAB

SUBJECT: General Wage and Salary Increase.
To : Executive Council

29 Oct. 43.

1. In accordance with your instruction, the following wage proposal is submitted as a temporary measure to be applied Island Wide pending conclusion of a more exhaustive study and analysis now under consideration:

a. Government Agencies. Employees of permanent and temporary status of the State, Provinces, Communes, Enti Para-Statale, and Public Institutions and Agencias (Aziende) which are administered by any of the foregoing governmental units shall receive a "temporary cost of living bonus" which shall be calculated on the base of present total salaries (base plus ordinary and extraordinary indemnities which normally represent an integral part of their total salary) as indicated in the attached table. Increases shall become effective 1 November 43.

b. Private Employers. Private employers are permitted to grant increases in both salaries and wages which shall not exceed the percentages indicated in the attached table. The table increases shall be applied to salaries and wages fixed by Collective Labor Contracts effective as of 1 Sept. 42. However, in the case of the cities of Palermo, Catania and Messina the percentage increases shall be based upon the contract wage plus the indemnity of Presenza. The above increases shall in no way affect or be affected by the Assegni Familiari.

(1) Increases in salaries and wages received by employees since 1 Sept. 42 shall be deducted from any increase granted as a result of this proposal.

(2) Increases in salaries and wages received by employees since 1 Sept. 42 which exceed the amount of increase granted by this proposal shall not be effected thereby.

2. The increases authorized under 1 (a) above shall be granted to persons now receiving pensions in accordance with the schedule in attached table.

3. Any disputes which arise between employer and employee or employees under Section 1 (b) above shall be adjusted in accordance with the machinery provided in A.M.G. General Order No. 8.

4. This proposal does not apply to persons directly employed by branches of the Allied Armed Forces or by contractors rendering service to said forces.

Junius R. Smith
JUNIUS R. SMITH,
Lt. Col., Q.M.G.,
Labor Sub-Commission of
Allied Commission.

DJM/tlw

NOTE: Increases are authorized v.s.:

On 1st L. 1,000 (or fraction thereof)	- 80%
" 2nd "	- 60%
" 3rd "	- 30%
" 4th "	- 20%
" 5th "	- 10%

10%

TABLE - A

<u>WAGE</u>	<u>AMOUNT OF INCREASE</u>	<u>POSSIBLE MAXIMUM TOTAL</u>	<u>AVERAGE TO</u>
1 - 1000	Up to 800	800	
1001 - 2000	1st 1,000 = 800 2nd 1,000 = 600	1,400	
2001 - 3000	1st 1,000 = 800 2nd 1,000 = 600 3rd 1,000 = 300	1,700	
3001 - 4000	1st 1,000 = 800 2nd 1,000 = 600 3rd 1,000 = 300 4th 1,000 = 200	1,900	
4001 - 5000	1st 1,000 = 800 2nd 1,000 = 600 3rd 1,000 = 300 4th 1,000 = 200 5th 1,000 = 100	2,000	
Over 5000	One max. Indemnity	of 2,000	TOTAL

On 1st 1. 1,000 (or fraction thereof) - 80%
 " 2nd " " " " - 60%
 " 3rd " " " " - 30%
 " 4th " " " " - 20%
 " 5th " " " " - 10%
 10%

are authorized v.s.:

TABLE - A

<u>AMOUNT OF INCREASE</u>	<u>POSSIBLE MAXIMUM TOTAL</u>	<u>AVERAGE TOTAL PER CENT INCREASE</u>
Up to 800	800	80
1st 1,000 = 800 2nd 1,000 = 600	1,400	70
1st 1,000 = 800 2nd 1,000 = 600 3rd 1,000 = 300	1,700	57
1st 1,000 = 800 2nd 1,000 = 600 3rd 1,000 = 300 4th 1,000 = 200	1,900	47
1st 1,000 = 800 2nd 1,000 = 600 3rd 1,000 = 300 4th 1,000 = 200 5th 1,000 = 100	2,000	40
One max. Indemnity	of 2,000	TOTAL 40

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HEADQUARTERS

ARMED MILITARY GOVERNMENT.

AMG/4098/L

4 November, 1943.

Subject:- Cases of Juvenile Offenders.

In order to ensure that no undue delay occurs in the holding of trials in which juveniles under 16 years of age are involved, by reason of the necessity of waiting for information from the Welfare Officer, amendments have been made to the Directive issued by me under the reference on 21 August, 1943. The Directive in the amended form is set out below:-

"It has come to the attention of the Chief Legal Officer that arrests have been made of juveniles under of 16 years of age who have violated AMG ordinances, laws or regulations.

1. (a) In these cases it is requested that the following procedure be followed:-

(i) That upon the arrests of minors and, if possible prior to trial, a copy of the charges will be given to the nearest Public Welfare Officer of AMG.

(ii) The Welfare Officer will procure or cause to be procured such information regarding the minor as may bear upon the case and will forward such information before trial, if possible, and in any event before sentence, together with a recommendation for use by the Judge in making his decision.

(iii) Such investigations and reports to the Judge will be made by the Welfare Officer at the earliest possible time in order not to delay the hearing unnecessarily.

(iv) The Welfare Officer will report back to the court on every case brought to his attention, even though no information on the individual in question can be furnished.

(v) Juveniles will be released pending trial on such conditions as may seem appropriate whenever possible. In those cases where detention of the juvenile is necessary, he or she must, if at all possible, be held in a place separate from those housing adult offenders.

(b) If the Court feels that a juvenile over 16 years of age is of maturity, both physically and mentally, this individual could be dealt with as an adult offender after taking into consideration his limited experience.

(c) That judges of the military courts will base their procedure in hearing the cases of minors under 17 upon the accepted practices of juvenile courts in Britain and the U.S., namely:-

(d) That when consideration be given to rehabilitation of the child

1. (a) In these cases it is requested that the following procedure be followed:-

(i) That upon the arrests of minors and, if possible prior to trial, a copy of the charges will be given to the nearest Public Welfare Officer of AG.

(ii) The Welfare Officer will procure or cause to be procured such information regarding the minor as may bear upon the case and will forward such information before trial, if possible, and in any event before sentence, together with a recommendation for use by the Judge in making his decision.

(iii) Such investigations and reports to the Judge will be made by the Welfare Officer at the earliest possible time in order not to delay the hearing unnecessarily.

(iv) The Welfare Officer will report back to the court on every case brought to his attention, even though no information on the individual in question can be furnished.

(v) Juveniles will be released pending trial on such conditions as may seem appropriate whenever possible. In those cases where detention of the juvenile is necessary, he or she must, if at all possible, be held in a place separate from those housing adult offenders.

(b) If the Court feels that a juvenile over 16 years of age is of maturity, both physically and mentally, this individual could be dealt with as an adult offender after taking into consideration his limited experience.

(c) That judges of the military courts will base their procedure in hearing the cases of minors under 17 upon the accepted practices of juvenile courts in Britain and the U.S., namely:-

(i) That first consideration be given to rehabilitation of the child instead of punishment.

(ii) 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.

(iii) That where it is necessary to place the child in an institution, he be committed for an indefinite period to a school for juveniles, such as Centro Rieducazione Minorenni, until such time as the school decides that he will refrain from further delinquency and is ready for release.

- 2 -

- (iv) That the hearings be held informally in a closed chamber instead of open court.
- (v) That in cases of commitment, a court record of the case be forwarded to the institution together with any recommendations which may have been made regarding treatment.

2. In the case of minors under 18 tried by the courts of Italy, copies of the records, indicating the dispositions of such cases shall be forwarded promptly to the Public Health Sub-Commission (Public Welfare Section)."

Wm. C. Chamber, Lt. Col. F.A.

WILLIAM C. CHAMBER, Lt. Col. F.A.
Chief Legal Officer.

DISTRIBUTION:-

R.C.A.O. Region I
Agrigento Province
Caltanissetta Province
Catania
Enna
Palermo
Ragusa
Siracusa
Messina
Troyand
R.C.A.O. Region II
R.C.A.O. Region III
R.C.A.O. Region IV

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ANGOT Liaison
" 8th Army
" 5th Army
" 15th Army Group
MCS. A.F.H.Q.
File (4098/L)
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Spares

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(20)

29

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

3 November 1943

AMG/4002/L

In requesting the appointment of a General Military Court please
use the attached form.



Wm. C. CHANLER,
Lt. Col. (FA),
Chief Legal Officer.

DISTRIBUTION

RCAG Region 1	(6)		
Agrigento Province	(3)		
Caltanissetta Province	(2)		
Catania	(2)		
Enna	(2)	AMCOT Liaison	(1)
Palermo	(4)	" 8th Army	(6)
Ragusa	(3)	" 5th Army	(6)
Syracuse	(2)	" 15th Army Group.	(6)
Messina	(3)	MCS AFHQ	(12)
Trapani	(3)		
RCAG Region II	(25)	Files (4002/L)	(1)
RCAG Region III	(25)	Float	(1)
RCAG Region IV	(25)	Spares	(20)

Subject:- Appointment of General Military Court

28

To: C.L.C. (for C.J.O.) A.M.C. H.Q.

From:

S.L.C. Region

1. A General Military Court is required to sit at
for the trial of person(s) accused of :-

- (a)
- (b)
- (c)
- (d)
- (e)

2. Evidence will be available by

3. The probable duration of the case will bedays.

4. The prosecutor will be

5. The interpreter will be

6. Officers available in this region to sit on the Court are

.....
.....
.....
.....
.....

Signed

HEADQUARTERS ALLIED MILITARY GOVERNMENT

AMG/4002/L.

1 November 1943.

ADMINISTRATIVE INSTRUCTION (LEGAL)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in remount of that conviction for more than one year.
2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:
"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

POAC Region I	(6)
Brigade Province	(3)
Calabria Province	(2)
Catania	(2)
Enna	(2)
Palermo	(4)
Reggio	(3)
Syracuse	(2)
"	(3)

AMCOT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(12)
AFHQ	(12)

WILLIAM C. CHANDLER,
Lt. Col., FA,
Chief Legal Officer.

27

or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.

2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable expediency of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:
 "Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

FCMO Region I	(6)
Agrianto Province	(3)
Calanissetta Province	(2)
C. and	(2)
Enna	(2)
Palermo	(4)
Reggio	(3)
Syracuse	(2)
Messina	(3)
Tripoli	(3)
FCMO Region II	(25)
" " III	(25)
" " IV	(25)

AWOT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
MCS AFHQ	(12)
Sub-Commissions	(15)
File	(1)
Float	(1)
Spares	(20)

WILLIAM C. CHAMLER,
Lt. Col., FA,
Chief Legal Officer.

ALGOT/4064/L
ALGOT HQ. SICILY
16th October 1943.

Subject:- Notarial Councils

To:- All S.L.Cs. (through S.C.A.Os)

1. A draft order in regard to the creation of Notarial Councils is forwarded herewith for necessary action.

2. Please take the required steps to fill in Article II with the names of five or seven notaries as the case may be, selected by each district and issue the order once completed in the form set out in the draft.

3. There are 13 Notarial Districts in Sicily as follows :-

Notarial District	Responsibility
Palermo (1), Termini, Imerese (1)	S.C.A.O. Palermo
Catania (1), Caltagirone (1)	S.C.A.O. Catania
Caltanissetta and Enna	(S.C.A.O. Caltanissetta.
Nicosia (1)	S.C.A.O. Caltanissetta.
Ragusa and Modica	S.C.A.O. Ragusa
Messina (1), Patti (1)	S.C.A.O. Messina
Agrigento (1), Sciacca (1)	S.C.A.O. Agrigento
Siracusa (1)	S.C.A.O. Siracusa
Trapani (1)	S.C.A.O. Trapani

4. The names of the senior or most qualified notary in each district whom you should consult as to the appointment of the other members to the Council are enumerated hereunder :-

Palermo (7 members)	Dott. Salvatore Stella.
Trapani (5 members)	" " Ignazio Camboto.
Agrigento (7 members)	" " Oreste Sciascia.
Sciacca (5 members)	" " Salvatore Scialione.
Catania (7 members)	" " Mirone Fusco.
Caltagirone (5 members)	" " Pericone Libertini.
Messina (7 members)	" " Filippo Chiofalo.
Patti (5 members)	" " Francesco Riccio.
Caltanissetta	" " Rosario Raimondi.
Enna (5 members)	" " Salvatore Bontempo
Nicosia (5 members)	" " Giuseppe Cavallaro.
Ragusa - Modica	" " (5 members)

1. A draft order in regard to the creation of Notarial Councils is forwarded herewith for necessary action.

2. Please take the required steps to fill in article II with the names of five or seven notaries as the case may be, selected by each district and issue the order once completed in the form set out in the draft.

3. There are 13 Notarial Districts in Sicily as follows :-

Notarial District	Responsibility
Palermo (1), Termini, Lercara (1)	S.O.A.O. Palermo
Catania (1), Caltavutrone (1)	S.O.A.O. Catania
Caltanissetta and Enna	(S.O.A.O. Caltanissetta,
Nicosia (1)	(S.O.A.O. Caltanissetta,
Ragusa and Modica	S.O.A.O. Ragusa
Messina (1), Patti (1)	S.O.A.O. Messina
Agrigento (1), Sciacca (1)	S.O.A.O. Agrigento
Siracusa (1)	S.O.A.O. Siracusa
Trapani (1)	S.O.A.O. Trapani

4. The names of the senior or most qualified notary in each district whom you should consult as to the appointment of the other notaries to the Council are enumerated hereunder :-

Palermo (7 members)	Dott. Salvatore Stella.
Termini (5 members)	" Ignazio Cardato.
Agrigento (7 members)	" Oreste Sciacca.
Sciacca (5 members)	Salvatore Sciacca.
Catania (7 members)	Mirone Eusebio.
Caltavutrone (5 members)	Periceno Libertini.
Messina (7 members)	Filippo Chiofalo.
Patti (5 members)	Francesco Ricca.
Caltanissetta -	
Enna (5 members)	Rosario Raimondi.
Nicosia (5 members)	Salvatore Bontempo
Ragusa - Modica	
(5 members)	Giuseppe Cavalieri.
Siracusa (7 members)	Giuseppe Monteforto
Trapani (5 members)	Giuseppe Triolo

5. Please report to this H.Q. as soon as the order has been issued.

W. C. CHANTLER,
Lt. Col. (AUS),
Chief Legal Officer.

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORIES

ORDER NO. _____

CREATION OF A NOTARIAL COUNCIL FOR THE

DISTRICT OF _____

WHEREAS the Statutes of the Fascist Syndicates of Notaries was approved by Royal Decree of 4 June 1942 (embodying the Law of 27 May 1940 suppressing Notarial Councils)

WHEREAS such syndicates have ceased to function.

AND WHEREAS the notaries of the District of _____ have expressed the wish to reorganize their associations on lines more in harmony with their ancient traditions

THEREFORE, I, Senior Civil
Affairs Officer, in pursuance of powers conferred in me, hereby order as follows :-

ARTICLE I. A Council of Notaries for the Notarial District of _____ is hereby created.

ARTICLE II. It will be composed of the notaries hereinafter designated. -

ARTICLE III. The seat of the Notarial Council will be at _____

ARTICLE IV. The functions of the Council will be :-

- (a) To submit to the Allied Military Government any amendments to the laws regulating the functions of notaries as may be considered desirable or necessary in the interests of the public or the profession of

expressed the wish to reorganize their
harmony with their ancient traditions.

THHEREFORE, I, Senior Civil
Affairs Officer, in pursuance of powers conferred in me, hereby order as
follows :-

ARTICLE I. A Council of Notaries for the Notarial District of _____
is hereby created.

ARTICLE II. It will be composed of the notaries hereinafter designated :-

ARTICLE III. The seat of the Notarial Council will be at _____

ARTICLE IV. The functions of the Council will be :-

- (a) To submit to the Allied Military Government any amendments to the laws regulating the functions of notaries as may be considered desirable or necessary in the interests of the public or the profession of notaries;
- (b) To supervise the professional activities of all notaries in the Notarial District of _____ and whenever possible to arbitrate in disputes between notaries and their clients;
- (c) To propose candidates for the offices now vacant in the Notarial District of _____;
- (d) To exercise the powers and observe the regulations conferred and imposed upon the Notarial Councils by the Law of 16th February 1913;
- (e) To organize elections for a new Council as soon as the general meeting of the notaries of the District

/of _____ can be convened.

P 0 - 2 -

of _____ can be conveyed, and,

- (f) To advise the Allied Military Government and its local officers on any points of material law on which it or they may from time to time require information.

ARTICLE IV. The Council will commence its functions from the date of this Order.

Lieut. Colonel,
Senior Civil Affairs Officer.

Dated 1943

24

AMCOT/4006/L.
AMCOT HQ., SICILY
12 October 1943

SUBJECT: Administrative Instruction on Construction of Proclamations.

TO : All Legal Officers (through SCAD).

Reference this HQ letter AMCOT/4006/L. dated 10 Oct 1943, please amend Par. 1 to read as follows:

"1. Proclamation 2, Article I, Section 12:

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 offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense 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 I Section 11, Article II Section 26, or Article III Section 39 as the case may be.

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

W. C. GUNLER
W. C. GUNLER,
Lt. Col., US,
Chief Legal Officer.

Distribution

Aggrigento	5
Caltanissetta	2
Catania	2
Enna	2
Palermo	4
Ragusa	3
Siracusa	2
Messina	3
Trapani	3

Amcot Liaison	1
Amcot 8th Army	10
Amcot 5th Army	10
File 4006/L.	1
File 4034/L.	1
Flot	1
Divisions	12
AGC, JHQ	12
Spares	16

Ja

23

AMGOT/4001/L.
 AMGOT HQ., SICILY
 11 October 1943

SUBJECT: Fines under Italian Penal Code.

TO : All SLO's (through SCAO's).

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. Certain cases of hardship have been reported to this Division by SLOs in the Provinces concerning persons sentenced to imprisonment and fines by Italian Courts prior to our occupation, who had served their sentence in gaol but could not pay the amount of the fine.

3. Italian Legislation provides no means of redress for such contingencies, with the exception of the pardon or condonation which were the privileges of the King or Minister of Justice.

4. To meet this situation, SLO's are hereby authorized, in such cases of hardship as may from time to time be brought to their notice to instruct Italian Judges and Magistrates to extend the time for the settlement of "multe and ammende" over a longer period and to accept small installments at regular intervals as part payments of the amount involved.

W. C. Chandler
for

W. C. CHANDLER,
 Lt. Col., AUS,
 Chief Legal Officer.

Distribution:

Agrigento	3	Amgot Liaison	1
Caltanissetta	2	Amgot 8th Army Reg. 2.	10
Catania	2	Amgot 5th Army Reg. 3.	10
Enna	2	Files 4001	1
Palermo	4	" 4034	1
Ragusa	3	Float	1
Syracuse	2	M.G.S. - A.F.H.Q.	12
Messina	3	Spares	16
Trapani	3		

jd

22.
 AMSCOT/14006/L.
 AMSCOT HQ., SICILY
 10 October 1943

SUBJECT: Administrative Instruction on Construction of Proclamations.

TO : All Legal Officers (through SCAG).

Some questions relating to the interpretations of provisions of Proclamations has arisen in the administration of Military Courts. For the purpose of assisting all officers providing over Courts and those prosecuting offenses the following interpretations have been made:

1. Proclamation 2, Article I, Section 17:

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 offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense 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 I Section 2, Article I Section 26, or Article I Section 39 as the case may be.

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

2. There have been instances 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 purposes of Section 20 of Article I, Proclamation No. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

3. It is to be noted that Section 20 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. This 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 Sections 30 or 31 of Article 2 of Proclamation No. 2.

4. Any theft of property in the custody or under control of the Controller of Property should be prosecuted under Proclamation No. 6, Article X, Sections (a) and (b).

5. Attention is likewise called to the provisions of Proclamation No. 6, Articles I and V which make it an offense in the Military Courts to violate Italian ration laws, including black market offenses.

Article I refers only to General Orders of the

See
 Count
 10/13
 12
 504

1. Proclamation 2, Article I, Section 17:

While an ordinary minor theft of property by one civilian from another in not to be considered as act of "plunder or pillage" looting of homes and buildings is an offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "participating in" the commission of an offense 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 I Section 2, article I Section 26, or Article I Section 39 as the case may be.

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

2. There have been instances 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 purposes of Section 20 of Article I, Proclamation No. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

3. It is to be noted that Section 20 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 Sections 30 or 31 of Article 2 of Proclamation No. 2.

4. Any theft of property in the custody or under control of the Controller of Property should be prosecuted under Proclamation No. 6, Article X, Sections (a) and (b).

5. Attention is likewise called to the provisions of Proclamation No. 6, Articles I and V which make it an offense in the Military Courts to violate Italian ration laws, including black market offenses.

6. Proclamation No. 2, Article I refers only to General Orders of the Allied Military Government to be published in the Sicily Gazette. Local orders need not be so published.

Copy to Files 48007/4027/1,
48007/4034/1.

Re
and
date
12
95

W. C. CHAMBER,
Lt. Col., AUS,
Chief Legal Officer.

21

AMCOT/6006/PC
 AMCOT HQ., SICILY
 30 September 1943

SUBJECT: Appointment of "Curatore" for abandoned property.

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

1. The following procedure will be adopted in all matters concerning movable or immovable property at present left uncared for by its lawful owners, after agreement has been reached with the President of the Tribunale.

2. All persons who for valid reasons request the appointment of a "Curatore" to take charge of property deemed to be left uncared for will present their petition to the senior notary (notaio) of the town or district where the said property is situated.

3. The notary will issue a recommendation as to the necessity of appointing a "Curatore" and forward it to the competent Assistant Property Controller or the S. L. O. of the Province for his approval.

4. The petition, if approved, will then be transmitted to the competent "Presidente del Tribunale" who will appoint a "Curatore" chosen from the list of notaries exercising their functions in the district in which the property is situated.

5. It will be specified in the order appointing the "Curatore" that for his services he will be entitled to the usual honorarium determined by Italian Law. All monies received by him will be deposited in a special Bank Account.

6. Notice that such procedure is coming into force should be published in the local newspapers and through any means of official publicity at your disposal.

DISTRIBUTION

S. C. A. Os.	Palermo.	1
	Ragusa	1
	Trapani	1
jd	Siracusa	1
	Enna	1
	Messina	1
	Agrigento	1
	Catania	1
	Caltanissetta	1
Spares.		10

Charles M. Spofford
 CHARLES M. SPOFFORD
 Colonel, GSC
 Chief Staff Officer

20

AMCOT/4039/L.
AMCOT HQ., SICILY
5 October 1943

SUBJECT: Judicial Officials.

TO : S.L.O.'s through S.C.A.O.'s.

1. Your attention is directed to instructions AMCOT/4039/L. of 12 September 1943 by which you were requested to forward at your early convenience a list of Judicial vacancies in the Provincial set up, and the names of suitable nominees to these posts.
2. To date only four Provinces have sent their report and recommendations thus delaying the appointment of officials who would help to relieve the present congestion of local Courts.
3. Could the required information be forwarded by return.
4. If no adequate personnel is available in your Province please state so as steps will be taken by this HQ to fill the remaining gaps in the local organizations as much as possible.

W. C. Chandler
W. C. CHANDLER,
Lt. Col., AUS,
Chief Legal Officer.

19
 AMCON/1002/L
 AMCON HQ., STICHEL
 1 October 1943

SUBJECT: Allied Military Courts - Sentences.

TO : All Senior Civil Affairs Officers
and All Senior Legal Officers.

1. On page 10 of minutes of meeting of Senior Civil Affairs Officers ref. AMCON/263/HQ, the report is contained of directions of Chief Civil Affairs Officer that there is to be no suspension of any sentence pending his decision as to whether or not he would revise it.
2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 3 of this instruction has been substituted.
3. All Allied Military Courts may impose suspended sentences. is, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will award 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.
4. Senior Civil Affairs Officers have no power to review cases, or suspend sentences.
5. The Chief Civil Affairs Officer is concerned about the smallness of sentences imposed for grave offences when the accused has been found "guilty". The attention of all officers who sit on Allied Military Courts will be drawn to the fact that sentences must not only be assessed on the circumstances in which the offence was committed, but also on the gravity of the offence, the frequency with which the offence occurs and its effect on Military Security. As an example, litterate pensants have frequently been committing the grave offence of cutting off pieces of Military telephone wires. This offence has generally been committed openly to obtain binding wires and with little or no knowledge of the possibilities of its results on the Allied Forces. Nevertheless, the offence must be punished severely as it is a grave offence, is very prevalent and the whole security of the Army may be jeopardized by it.

TO : All Senior Civil Affairs Officers
and All Senior Legal Officers.

1. On page 10 of minutes of meeting of Senior Civil Affairs Officers per. AMOT/263/19, the report is contained of directions of Chief Civil Affairs Officer that there was to be no suspension of any sentence pending his decision as to whether or not he would revise it.
2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 3 of this instruction has been substituted.
3. All Allied Military Courts may impose suspended sentences. As, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend 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.
4. Senior Civil Affairs Officers have no power to review cases, or suspend sentences.

5. The Chief Civil Affairs Officer is concerned about the smallness of sentence imposed for grave offences where the accused has been found "guilty". The attention of all officers who sit on Allied Military Courts will be drawn to the fact that sentences must not only be assessed on the circumstances in which the offence was committed, but also on the gravity of the offence, the frequency with which the offence occurs and it's effect on Military Security. As an example, illiciate payments have frequently been committing this grave offence of cutting off pieces of Military telephone wires. This offence has generally been committed openly to obtain binding wire and with little or no knowledge of the possibilities of it's results on the Allied Forces. Nevertheless, the offence must be punished severely as it is a grave offence, is very prevalent and the whole security of the Army may be jeopardised by it.

CHARLES H. SPOTSWOOD,
Colonel, U. S. C.,
Chief Staff Officer.

NOT DETECTED

7	Agriqento	11	AMGOT 5th Army	10
7	Caltanissetta	9	Region 3	
7	Catania	1	File 263/HQ and	
5	Enna	7	original	2
36	Palermo		float	1
7	Ragusa		Divisions	9
			U.S.S. A.F.H.Q.	12
			Stores	10

18
 NGOT/1030/L.
 AMOT HQ.-STONY.

29 Sep. 43.

SUBJECT: Records in Summary Court Cases.

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

1. Summary Court Dockets have been distributed to each Provincial Legal Officer for use of the Summary Courts in his Province.

2. These dockets have been prepared with a view to lessen the amount of paper work required. Some general directions will systematize and make more uniform the use of these records.

3. It is contemplated that notes will be kept by the Summary Court Judge in all cases. Where there appears to be a possibility of an appeal or a sufficient reason for the submission of the complete record to this headquarters, such record will be prepared on Form 8 and submitted. In all other cases, the notes will be filed and the record of the case will appear on the Summary Court loose leaf pages. If it becomes necessary for any reason, a form #8 can be called for at a later date. Some of the categories of cases where a form #8 report is desired are as follows:

- (a) When a sentence of 90 days imprisonment or more, or a fine of 4000 Lire or more is imposed.
 - (b) When the case involves new or complicated questions of law, without regard to the extent of the penalty imposed.
 - (c) Where unusual leniency or severity in the sentence is deemed necessary.
 - (d) Where there is an indication that an application for review may be filed.
 - (e) Where the Summary Court Judge feels that, for any reason, the full record should be submitted to this headquarters.
4. There is no necessity of preparing a full record in categories of cases where the cases themselves are of minor nature and otherwise do not come within the provisions of paragraph 3, above, such as violations of the curfew law, blackout regulations and similar offences.
5. It is believed that the violations, of the price fixing regulations, food control program, thefts and possession of Allied Military property, interfering with telephone and telegraph lines, including the theft of wire, riots and public disturbances, attacks on Allied soldiers, sabotage or war crimes are sufficiently serious, in general, to warrant a substantial sentence or fine and should therefore have a full record submitted.

6. A form of application for review is inclosed, printed copies of which will be available for distribution within a few days.

7. It is desired, that this form be used in all applications for review, and be submitted to the Senior Legal Officer of each Province for the addition of any fact or comment desired. Such application will be forwarded promptly to

uniform the use of these records.

3. It is contemplated that notes will be kept by the Summary Court Judge in all cases. Where there appears to be a possibility of an appeal or a sufficient reason for the submission of the complete record to this headquarters, such record will be prepared on Form 8 and submitted. In all other cases, the notes will be filed and the record of the case will appear on the Summary Court loose leaf pages. If it becomes necessary for any reason, a form #8 can be called for at a later date. Some of the categories of cases where a form #8 report is desired are as follows:

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- (b) When the case involves new or complicated questions of law, without regard to the extent of the penalty imposed.
- (c) Where unusual leniency or severity in the sentence is deemed necessary.
- (d) Where there is an indication that an application for review may be filed.
- (e) Where the Summary Court Judge feels that, for any reason, the full record should be submitted to this headquarters.

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6. A form of application for review is inclosed, printed copies of which will be available for distribution within a few days.

7. It is desired, that this form be used in all applications for review, and be submitted to the Senior Legal Officer of each Province for the addition of any fact or comment desired. Such application will be forwarded promptly to this office with all necessary records for an adequate review. This record will be submitted in the English language or a translation attached. However, it is not to be understood, that review will be refused in cases where an individual submits a personal letter in the Italian language, directly to this office.

8. Records of convictions for misdemeanors and crimes, as far as practicable, should be obtained from the Carabinieri or other local sources and submitted with each case where a review is contemplated.

9. A substantial compliance with this directive by all concerned will render more efficient the work of this Legal Division.

By order of Chief Legal Officer:

W. R. Jordan
W. R. Jordan,
Lt. Col., CMC.,
Chief Judicial Officer.

Copy to File AMCOT/4026/L.

17
ALICOT/4539/1.
ALICOT HQ., SICILY
27 September 1943

SUBJECT: Salaries and Indemnities of Judicial Officials.

TO : All S.I.O.s through S.C.A.O.s.

1. A number of S.I.O.s have requested on several occasions that the instructions in regard to salaries and indemnities payable to Judicial Officials be clarified.

2. The C.F.O. has confirmed the following points:

(a) The equivalent of four months salary paid in advance by the Italian Government prior to the Allied occupation is not to be considered as a bonus but as salary.

(b) All indemnities payable under the old regime will be continued, and Pensions to all State, Provincial and Criminal Officials will also be maintained.

(c) Any official appointed by the Allied authorities will receive exactly the same amount of salary and indemnities as his predecessor.

3. Adjustment of salaries and indemnities to the cost of living are being considered, but no decision in this respect will be taken in the immediate future.

W. C. CHANLER,
Lt. Col., AUS,
Chief Legal Officer.

Subject:- Corte d' Assize.

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

AMGOT/4034/L.

AMGOT H.Q. SICILY.

19 September, 1943

1. S.L.Os. in all provinces should instruct local Italian Judicial Authorities to hold assizes at the earliest convenient date.
2. In towns where assizes sit normally and both Assessors and "Consiglieri" are available, such arrangements as may be necessary should be made forthwith to enable the sessions to take place early in October. (It is understood that both Agrigento and Catania can do so).
3. S.L.Os in Provinces where no "Consiglieri" are present owing to the War conditions, should notify this H.Q. forthwith, so that instructions may be given to the President of the Corte d' Appello to send two or more "Consiglieri" on circuit in order that the Corte d' Assise may sit as early as possible in October.
4. As soon as they have consulted with the local officials, S.L.Os. will report on the position to the C.L.O., stating at the same time the approximate dates when such sessions may be held in their respective districts.
5. The number of cases to be tried during the session and a list of prisoners awaiting trial in gaols situated outside the Provinces should also be furnished.
6. A calendar will then be published in order to regularise the sittings of the "Court of Assize" throughout the island for the coming year.

W.C. CHAMBER, Lt. Col. (A.N.S.)
Chief Legal Officer.

Subject:- Temporary Amendments to Italian Penal Procedure. AMGOT/4001/L.

To:- All S.L.Os. through S.C.A.Os.

AMGOT H.Q. SICILY.

19 Sept. 1943.

Further to instructions set out in para. 4 of the Temporary Modifications to Italian Penal Procedure published in "Sicilia Liberta" of

be made forthwith to enable the sessions to take place early in October. (It is understood that both Agrigento and Catania can do so).

3. S.L.Os in Provinces where no "Consigliere" are present owing to the War conditions, should notify this H.Q. forthwith, so that instructions may be given to the President of the Corte d' Appello to send two or more "Consigliere" on circuit in order that the Corte d' Assise may sit as early as possible in October.

4. As soon as they have consulted with the local officials, S.L.Os. will report on the position to the C.L.O., stating at the same time the approximate dates when such sessions may be held in their respective districts.

5. The number of cases to be tried during the session and a list of prisoners awaiting trial in gaols situated outside the Province should also be furnished.

6. A calendar will then be published in order to regularise the sittings of the "Court of Assise" throughout the island for the coming year.

(11 November 1943)

W.C. CHANLER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Subject:- Temporary Amendments to Italian Penal Procedure. AMCOT/4001/3.

AMCOT H.Q. SICILY.

19 Sept. 1943.

To:- All S.L.Os. through S.C.A.Os.

Further to instructions set out in para. 4 of the Temporary Modifications to Italian Penal Procedure published in "Sicilia Liberata" of 6 Sept. 1943, reading as follows:-

"The Court and Prosecution to 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 act has been committed do not justify the continuous detention of the accused".

This provision applied only to offences committed since the occupation. It has now been decided that Procuratore delle Legge may also grant provisional liberty in cases of prisoners sentenced to a term of imprisonment by the Italian Courts before our occupation. In this instance, however, the decision of the Procuratore must be submitted to and approved by the S.C.A.O. of the Province.

W.C. CHANLER, Lt. Col. (A.U.S.)
Chief Legal Officer.

15

Subject:- Fines Imposed by Allied Military Courts.

AMCOT/1092/L.

AMCOT H.A. SICHEL

12th Sept. 1943.

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

With reference to the "Rules of Procedure for Allied Military Courts", para. 19 (2), for the purpose of collecting and accounting for fines imposed by the Allied Military Courts, Legal Officers are hereby directed to pay all fines collected to Sub-Accountants as directed in the AMCOT Accounting Manual.

T. E. G. G. G.
T. E. G. G. G., Lt. Col. (A.U.S.)
Chief Legal Officer.

Copies to: All Heads of Divisions.

SUBJECT: Regolamenti Comunali.

114
AFCON/1957/1

ACCT HQ. SUPPLY

15th September, 1943.

TO: All S.C.A.Os

1. According to Italian Law (R.D. 3 Marzo 1934) Regolamenti Comunali are required in all cases to be submitted to the Prefect for approval. In certain categories of cases, Regolamenti Comunali are also submitted to the Council of the Prefettura and the Provincial Giunta for advice, and in others the approval of the Central Government has also to be obtained.

2. To enable Regolamenti Comunali to be made by the Comunes at the present time, the accompanying Administrative Instruction has been issued. Notice thereof should be given to the Prefect and Comunes.

Charles R. Spottford
CHARLES R. SPOTTFORD,
Colonel, U.S.C.
Chief Staff Officer.

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HEADQUARTERS ANGOT

ANGOT/AD37/L

SICILY

21st September 1943

GENERAL ADMINISTRATIVE INSTRUCTION NO. 19.

The following instructions have been issued:-

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, after considering the Regolamenti Comunali together with the recommendations of the Prefect and of the Civil Affairs Officer (if any) for the Comune, issues directions to the Prefect to approve or refuse approval of the Regolamenti.
5. Regolamenti Comunali, after approval by the Prefect as above-mentioned shall be of full force and effect.

[Signature]
CHARLES M. SPOTFORD,
Colonel, G.S.C.
Chief Staff Officer.

DISTRIBUTION:-

S.C.A.O. AGRIGENTO	6
S.C.A.O. CALTANISSETTA	6
S.C.A.O. CATANIA	6
S.C.A.O. ENNA	4
S.C.A.O. PALERMO	3
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S.C.A.O. TRAPANI	6
S.C.A.O. MESSINA	8

ANGOT Liaison	1
ANGOT Eighth Army Region 2	10
ANGOT Fifth Army Region 3	10
File 266 and Original	2
Float	1
Division	6
H.Q.S., A.F.H.Q.	12
Spares	10

12

Subject:- Prosecutions - Orders to Civilian Enemy Subjects

AMCOT/1034/L

AMCOT HQ. SICILY

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

11th Sept. 1943

1. An order given orally to an enemy 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. 43 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 be only 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 usual trivial failures of civilian clerks should be made the subject of criminal proceedings.

Lieut. Colonel,
Chief Legal Officer.

Subject: Prisoners in Provincial Goals

ALGOT/4018/L.

7 Sep 1943

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

This memorandum sets out the action to be taken in respect of prisoners in provincial goals. It is based on experience gained in Palermo.

1. Prisoners duly charged and convicted by Italian Criminal Courts.

ALGOT will ensure that no political bias affects or has affected the case. Any suspect cases are to be reported.

2. Prisoners charged with an offence and awaiting trial.

This class has been found to be numerous. The list will be scrutinised carefully in conjunction with the Italian authorities and in any case where it is found that a prisoner charged with any offence has already been in goal for a period equal to the full sentence if found guilty, the prisoner will be released immediately. In other cases every effort will be made to expedite the hearing by the appropriate Italian Tribunal.

3. Prisoners held at the disposition of the Quasitor "Motivo Publica Sicurezza".

This class was numerous in Palermo, the former occupants of USMICA having been brought here. Each prisoner of this category was interviewed by a legal officer. It was found that they nearly all had criminal records, varying in gravity. They had been sentenced to "Confino", normally for three or five years, by a Quasitor or Provincial Commission, without trial or for no particular offence; in some cases it was additionally because of their previous records.

Those without too bad a record have been freed on the following conditions:-

- (i) an entry to that effect to be made on their identity card,
- (ii) Registration with Police,
- (iii) Weekly reporting to the Police,
- (iv) Limit of travel to be 10 km.

Those with a really bad record are being held pending further consideration. If it is determined that the safety of the Allied Forces or the order and tranquility of the Occupied Territory require their further detention, they will be transferred to an internment camp; otherwise they will be released.

A copy of the Form filled in by the interviewing officer in respect of each case is attached at appendix "A".

4. Prisoners held at the disposition of the former Italian Military Tribunal

Prisoners held at the disposition of the former Italian Military Tribunal

2. Prisoners charged with an offence and awaiting trial.

This class has been found to be numerous. The list will be scrutinized carefully in conjunction with the Italian authorities and in any case where it is found that a prisoner charged with any offence has already been in jail for a period equal to the full sentence if found guilty, the prisoner will be released immediately. In other cases every effort will be made to expedite the hearing by the appropriate Italian Tribunal.

3. Prisoners held at the disposition of the Quattro "Motivo Pubblico Sicurezza".

This class was numerous in Palermo, the former occupants of Ustica having been brought here. Each prisoner of this category was interviewed by a legal officer. It was found that they nearly all had criminal records, varying in gravity. They had been sentenced to "Carfano", normally for three or five years, by a Quattro or Provincial Commission, without trial or for no particular offence; in some cases it was admitted because of their previous records.

Those without too bad a record have been freed on the following conditions:-

- (i) An entry to that effect to be made on their identity card,
- (ii) Registration with Police,
- (iii) Weekly reporting to the Police,
- (iv) Limit of travel to be 10 km.

Those with a really bad record are being held pending further consideration. If it is determined that the safety of the Allied Forces or the order and tranquillity of the Occupied Territory require their further detention, they will be transferred to an internment camp; otherwise they will be released.

A copy of the Form filled in by the interviewing officer in respect of each case is attached at Appendix "A".

4. Prisoners held at the disposition of the former Italian Military Tribunal

The Italian Military Tribunal was occupied by cases such as improper use of Italian Government petrol for private gain and printing and selling forged travelling warrants.

An "ad hoc" tribunal was set up to investigate and to give directions in appropriate cases for speedy trial by the normal Italian Courts and in other cases (e.g. where the offence alleged was not serious and the prisoner had already been held in prison for a long time, or where, owing to absence of witnesses or other reasons a speedy trial was not possible) to give directions for the release of the prisoner.

A copy of the order served on the Quattro is attached at Appendix "B".

5. Prisoners detained by the Military or JAGOT as dangerous Fascists.

Instructions covering the arrest and detention of this class will be (cont'd...A review...)

- 2 -

issued separately.

A review of the prisoners held in the gaols of your province will be made on the above lines and action taken as indicated.

In some gaols there are a number of Arabs who were sent to Sicily from North Africa. S.G.A.O.s will take steps to return those Arabs to North Africa as soon as possible and inform this H.Q. of the action taken. If it is not found possible to arrange their return, this will be reported to this H.Q. with a statement showing:-

- (a) Their numbers,
- (b) In what gaol they are,
- (c) Names and place of origin, and,
- (d) Copies of any available records.

W. H. H. H.

Major-General,
Chief Civil Affairs Officer.

AMGOF HQ
15 Army Group.

10

Appendix A

Date of Interview: _____ 1943. Prison Record Number _____

Surname _____

Christian Name _____

Sex _____ Married or Single _____

Particulars of Personal Identity Card _____

Date of Birth _____

Place of Birth _____

Residence during last 5 years _____

Address _____

Occupation _____

Brief Description _____

Previous Criminal Record _____

Political Tendencies _____

Remarks by Detainee _____

Remarks by Interviewing Officer _____

Place of Birth _____

Residence during last 5 years _____

Address _____

Occupation _____

Brief Description _____

Previous Criminal Record _____

Political Tendencies _____

Remarks by Detainee _____

Remarks by Interviewing Officer _____

Action to be taken _____

To: Al Signor Questore
Questura di Palermo

Appendix B

Take notice that a Tribunal constituted for that purpose by the Allied Military Government will sit at 9.0 o'clock on Friday, the 27th of August, 1943, at the Ball Room, The Prefecture, Palermo, and on such later days as the Tribunal may direct to consider the cases of the prisoners whose names are set out in Annexure A hereto being prisoners held in Palermo (sole at the disposition of the former Italian Tribunale Militare, and all other, if any, the prisoners there held on the like grounds and that you are required to bring before the Tribunal on the said day or days all the said prisoners.

And also take further notice that you or a proper representative will attend at all sittings of the Tribunal and will be prepared to inform the Tribunal in respect to each prisoner (a) whether any lawful charge has been made against him, and (b) whether it is wished to make any, or any additional, lawful charges against him, and if so, to state the charges and the facts on which it is proposed to found them.

The Tribunal is authorized to give all necessary directions for obtaining a speedy trial or release of all the said prisoners.

DOI: 10.1002/anie

Il Direttore Delle Grandi Giudiziarie
Controlli, Palermo

Il Direttore Del Giornale Popolare
Salerno.

Sally Law, Andrew M. Davies, Theodore G. ...

Chief Legal Officer, A.M.C.O.T.

Subject:- Cases of Juvenile Offenders.

AMGOT/1034/1.

To: all Senior Legal Officers (Through S.C.A.O.s)

31 Aug. 43.

It has come to the attention of the Chief Legal Officer that arrests have been made of juveniles under 18 years of age who have violated AMGOT ordinances, laws or regulations.

1. (a) In these cases it is requested that the following procedure be followed:-

(i) That upon the arrests of minors and prior to trial, a copy of the charges will be given to the nearest Public Welfare Officer of AMGOT.

(ii) The Welfare Officer will procure or cause to be procured such information regarding the minor as may bear upon the case and will forward such information before trial together with a recommendation for use by the Judge in making his decision.

(iii) Such investigations and reports to the Judge will be made by the Welfare Officer at the earliest possible time in order not to delay the hearing unnecessarily.

(iv) The Welfare Officer will report back to the court on every case brought to his attention, even though no information on the individual in question can be furnished.

(v) Juveniles will be released pending trial on such conditions as may seem appropriate whenever possible. In those cases where detention of the juvenile is necessary, he or she must, if at all possible, be held in a place separate from those housing adult offenders.

(b) If the court feels that the juvenile over 16 years of age is of maturity, both physically and mentally, this individual could be dealt with as an adult offender after taking into consideration his limited experience.

(c) That judges of the military courts will base their procedure in hearing the cases of minors under 17 upon the accepted practices of juvenile courts in Britain and the U.S., namely:

(i) That first consideration be given to rehabilitation of the child instead of punishment.

(ii) 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.

- (i) That upon the arrests of minors and prior to trial, a copy of the charges will be given to the nearest Public Welfare Officer of ALGOT.
- (ii) The Welfare Officer will procure or cause to be procured such information regarding the minor as may bear upon the case and will forward such information before trial together with a recommendation for use by the Judge in making his decision.
- (iii) Such investigations and reports to the Judge will be made by the Welfare Officer at the earliest possible time in order not to delay the hearing unnecessarily.
- (iv) The Welfare Officer will report back to the court on every case brought to his attention, even though no information on the individual in question can be furnished.
- (v) Juveniles will be released pending trial on such conditions as may seem appropriate whenever possible. In those cases where detention of the juvenile is necessary, he or she must, if at all possible, be held in a place separate from those housing adult offenders.
- (b) If the court feels that the juvenile over 16 years of age is of maturity, both physically and mentally, this individual could be dealt with as an adult offender after taking into consideration his limited experience.
- (c) That judges of the military courts will base their procedure in hearing the cases of minors under 17 upon the accepted practices of juvenile courts in Britain and the U.S.; namely:
 - (i) That first consideration be given to rehabilitation of the child instead of punishment.
 - (ii) 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.
 - (iii) That where it is necessary to place the child in an institution, he be committed for an indefinite period to a school for juveniles, such as Centro Educazione Minorenni, until such time as the school decides that he will refrain from further delinquency and is ready for release.
 - (iv) That the hearings be held informally in a closed chamber instead of open court.
 - (v) That in cases of commitment, a court record of the case be forwarded to the institution together with any recommendation which may have been made regarding treatment.

2. In the case of minors under 18 tried by the courts of Italy, copies of the records indicating the dispositions of such cases shall be forwarded promptly to the Public Health Division (Public Welfare Section) *W. O. Chandler*

ALGOT H. Q.,
15 Army Group

W. O. CHANDLER
Lt. Col. (AUS). Chief Legal Officer.

HEADQUARTERS AMSCOT.

Subject:- Opening of Italian Civil Courts in Sicily. AMSCOT/4001/L.
 To:- All Senior Civil Affairs Officers. 31st August, 1943.

1. Further to my instructions of 13th and 19th instant you are now authorised to open all Italian Civil Courts in your Province (Conciliatori, Preture, Tribunali Civili), the civil Chambers of the Court of Appeal at Catanzarotta (Section of Palermo) and the Court of Appeal at Catania. The following is a list of the Courts to be re-opened:-

(a) Court of Appeal of Palermo, Court of Appeal of Catania.

(b) The following Tribunali subject to the jurisdiction of the above Court:

Agrigento
 Palermo
 Solofra
 Termini Imerese
 Trapani
 Caltagirone
 Catania
 Modica
 Ragusa
 Siracusa

(c) All Preture subject to the jurisdiction of the above Court. All Preture subject to the jurisdiction of the above Court.

2. Will you, therefore, communicate these instructions to the Italian judicial officials responsible and ensure that necessary steps are taken by them to effect their re-opening at the earliest possible date.

3. The following Courts will remain closed until further instructions:

(a) The Court of Appeal of Messina (now at Castromarone)

(b) The following Tribunali subject to the jurisdiction of the above Court:

Messina
 Reggio Calabria (Italy)
 Catanzaro

(c) All Preture subject to the jurisdiction of the above Court.

If, however, any Preture or other Courts in the Province of Messina have already been re-opened or have remained open, they should continue to function.

(Cancellatori, Preture, Tribunale Civili), the civil chambers of the Court of Appeal at Caltanissetta (Section of Palermo) and the Court of Appeal at Catania. The following is a list of the Courts to be re-opened:-

- | | |
|---|---|
| (a) Court of Appeal of Palermo. | Court of Appeal of Catania. |
| (b) The following Tribunale subject to the jurisdiction of the above Court: | The following Tribunale subject to the jurisdiction of the above Court: |
| Agrigento
Palermo
Sciacca
Termini Imerese
Trapani | Caltanissetta
Catania
Modica
Ragusa
Siracusa |
| (c) All Preture subject to the jurisdiction of the above Court. | All Preture subject to the jurisdiction of the above Court. |

2. Will you, therefore, communicate these instructions to the Italian Judicial Officials responsible and ensure that necessary steps are taken by them to effect their re-opening at the earliest possible date.

3. The following Courts will remain closed until further instructions:

- | |
|---|
| (a) The Court of Appeal of Messina. (now at Castrolibero) |
| (b) The following Tribunale subject to the jurisdiction of the above Court: |
| Messina
Reggio Calabria (Italy)
Patti |

(c) All Preture subject to the jurisdiction of the above Court.

If, however, any Preture or other Courts in the Province of Messina have already been re-opened or have remained open, they should continue to function.

By order of the Chief Civil Affairs Officer:

LUCOT H.Q.
15 Army Group.

Charles H. Spofford
CHARLES H. SPOFFORD,
Lt. Colonel, GSC.
Chief Staff Officer.

SUBJECT:- Powers of Local Legislation.

COPY.

File No. 266/HQ.

AMGOT H.Q., SIGHLY.

27th August 1943.

TO:-

All S.C.A.Os.

1. While it is essential that all provincial or regional S.C.A.Os have full responsibility for the administration of the area under their charge, and have the power to fulfil 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 neighbouring area or which are inconsistent with Proclamations or General Orders issued from this Headquarters.

2. Accordingly, except in emergencies, S.C.A.Os are authorised 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.Os. are authorised to issue such orders from time to time as they may deem necessary extending the 10 kilometre restriction contained in para 42 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 pedlars.
- (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 H.Q. 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

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 neighbouring area or which are inconsistent with Proclamations or General Orders issued from this Headquarters.

2. Accordingly, except in emergencies, S.C.A.O.s are authorised 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 authorised to issue such orders from time to time as they may deem necessary extending the 10 kilometre restriction contained in para 42 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 pedlars.
- (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 H.Q. 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; While requirements for the declaration of certain commodities, etc. While such ordinances may differ in various provinces, such differences must be directed from this H.Q. 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 H.Q. and request authority to issue the proposed ordinance.

5. In cases of emergency a S.C.A.O. may issue any ordinances which the situation may require but must in such case immediately send full particulars to this H.Q.

- 2 -

6. S.C.A.Os are authorised to delegate to C.A.Os 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 portions thereof as he may direct. It is not intended to affect in any way the power of S.C.A.Os or C.A.Os 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 OF OCCUPIED TERRITORY.

PROVINCE (OR COMBINE) 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)

DISTRIBUTION:-

S.C.A.O.	Agrianto.
S.C.A.O.	Caltanissetta
S.C.A.O.	Catania
S.C.A.O.	Enna
S.C.A.O.	Messina
S.C.A.O.	Palermo
S.C.A.O.	Ragusa
S.C.A.O.	Siracusa
S.C.A.O.	Torrevicenza

PERRELL OF RODD Major General,
Chief Civil Affairs Officer.

C.A.O. 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 OF OCCUPIED TERRITORY.

PROVINCE (OR COMRADE) 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)

KEMWELL OF RODD Major General,
Chief Civil Affairs Officer.

DISTRIBUTION:-

S.C.A.O. Agrigento,
S.C.A.O. Caltanissetta
S.C.A.O. Catania
S.C.A.O. Enna
S.C.A.O. Messina
S.C.A.O. Palermo
S.C.A.O. Ragusa
S.C.A.O. Siracusa
S.C.A.O. Trapani

All Heads of Divisions

ASST Liaison IS Army Group

File.

Subject:- Temporary Amendments to Italian Penal Procedure.

To:- The President of the Court of Appeal, Palermo, ALICOT/4001/L.

From:- The Chief Legal Officer, ALICOT, H.Q. 19th Aug. 1943.

1. I have studied with interest your memorandum of 13th August, and as a result of your recommendations, I give that notwithstanding the provisions of the Italian Penal Code and Code of Penal Procedure, the following forms of procedure will be adopted to meet present emergencies:-

(a) The legal delay between date of service and date of trial to be reduced to 5 days.

(b) Articles 462 and 463 of the Code of Penal Procedure to be modified so that whenever witnesses or injured parties are absent or cannot be served by reason of the state of war, the Court may have power to dispense with their presence and to order that the evidence given by them before the examining magistrate should be read instead.

(c) Article 439 (requiring joint trial of joint defendants) and Article 474 (permitting separation during trial) to be amended to permit separate trial of joint defendants now in custody when it is impossible to produce all the joint defendants.

(d) The Court and Prosecution to 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 act has been committed do not justify the continuous detention of the accused.

(e) If in any case before it the Court is of the opinion that the maximum sentence for the offence charged is excessive under the circumstances of the particular case, it will forward the record to the Chief Legal Officer of ALICOT with its recommendations.

Please have prepared forthwith and submit to me as soon as possible a draft of the amendments required to carry out the above.

2. It is also agreed that Italian Civil Courts may proceed with the following urgent procedures:-

"Appointment of receivers 'pendente lite' (absconded persons and creditors)."

"Declaration of absence or of presumed death."

"Judicial Separation of Spouses."

"Measures to protect the interests of minors."

"Rights of married women."

"Interment or release of lunatics."

"Orders concerning absence and things destroyed or lost."

to the Order to be

(3) the legal delay between give of service and date of trial to be reduced to 5 days.

(b) Articles 462 and 463 of the Code of Penal Procedure to be modified so that whenever witnesses or injured parties are absent or cannot be served by reason of the state of war, the Court may have power to dispense with their presence and to order that the evidence given by them before the examining magistrate should be read instead.

(c) Article 439 (requiring joint trial of joint defendants) and Article 444 (permitting separation during trial) to be amended to permit separate trial of joint defendants now in custody when it is impossible to produce all the joint defendants.

(d) The Court and Prosecution to have the right to grant provisional liberty even in cases set forth in Article 283 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the act has been committed do not justify the continuous detention of the accused.

(e) If in any case before it the Court is of the opinion that the minimum sentence for the offence charged is excessive under the circumstances of the particular case, it will forward the record to the Chief Legal Officer of MAGOT with its recommendations.

Please have prepared forthwith and submit to us as soon as possible a draft of the amendments required to carry out the above.

2. It is also agreed that Italian Civil Courts may proceed with the following urgent procedures:-

"Appointment of receivers 'pendente lite' (deceased person and creditors)."

"Declaration of absence or of presumed death."

"Judicial Separation of Spouses."

"Measures to protect the interests of minors."

"Rights of married women."

"Interment or release of lunatics."

"Orders concerning shares and debts destroyed or lost."

Will you also submit in draft your proposals as to the Order to be issued by the Allied Military Government to carry this into effect.

3. In future all judgments will be given "in the name of the Law". Please issue the necessary instructions to that effect to all judges throughout the Occupied Territory.

4. In conclusion, I wish to draw your attention to the fact that in regard to both criminal and civil courts, the following powers are reserved to the Allied Military Government:-

(e) The right of attendance by a Civil Affairs Officer or Legal Officer at any court session:

(4).

- 2 -

- (b) The right to revise any sentence or verdict;
- (c) The right of recourse to the Military Governor by all defendants under petition by any party, when the claim is made that the judgment was affected by hostility towards the Allied Forces or was prejudicial to their interests;
- (d) The confirmation of death sentences and the power of clemency being vested in the Military Governor.

I agree with you in regard to the opening of Civil Courts and hope to be able to give the necessary instructions to that effect shortly.

AMGOT, H.Q.

[Signature]
Lieut. Col.,
Chief Legal Officer,
AMGOT.

19 August, 1945.

HEADQUARTERS ALGOT.

Subject: - Italian Legal Advisory Committee.

To: - All concerned.

ALGOT/4001/1.

1. CREATION OF COMMITTEE.

A Committee to be known as the "Italian Legal Advisory Committee" (hereinafter called "the Committee") is hereby created.

2. COMPOSITION OF THE COMMITTEE.

The Committee will consist of not more than seven and not less than four members appointed from those who have held high positions as judges, legal officials or members of the bar in Sicily.

3. The power of appointing and removing members of the Committee is vested in the Chief Legal Officer, ALGOT.

4. FUNCTIONS OF THE COMMITTEE.

The powers and duties of the Committee, which may be modified from time to time by the Chief Legal Officer, ALGOT, are as follows:-

- (1) To advise the Chief Legal Officer, ALGOT on any points of Italian Law or Procedure or other points connected therewith which may be submitted to it;
- (2) To advise the Chief Legal Officer, ALGOT on the functioning of Italian Courts, Judges, judicial officials, legal practitioners or other legal personnel throughout Sicily, at any time occupied by Allied Troops and to make recommendations regarding the improvement of efficiency with a view to procuring increased speed and efficiency throughout the Italian legal system;
- (3) To advise ALGOT on any suggestions, complaints, claims or requests emanating from any Judge, judicial official or legal practitioner addressed to the Legal Division of ALGOT;
- (4) To make recommendations for the removal or appointment of any Judge or judicial official as may be necessary, but without prejudice to removals or appointments of any member of the judiciary being made by ALGOT without reference to or contrary to the recommendations of the Committee;
- (5) To appoint for each province a local representative previously approved by ALGOT, whose duties shall be:-
 - (a) To act as the provincial representative of the Committee;
 - (b) To advise the Senior Legal Officer of the Province on any

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- (2) To advise the Chief Legal Officer, ALGOT on the functioning of Italian Courts, Judges, Judicial officials, legal practitioners or other legal personnel throughout Sicily, at any time occupied by Allied Troops and to make recommendations regarding the same particularly with a view to procuring increased speed and efficiency throughout the Italian legal system;
- (3) To advise ALGOT on any suggestions, complaints, claims or requests emanating from any Judge, Judicial official or legal practitioner addressed to the Legal Division of ALGOT;
- (4) To make recommendations for the removal or appointment of any Judge or Judicial official as may be necessary, but without prejudice to removals or appointments of any member of the judiciary being made by ALGOT without reference to or contrary to the recommendations of the committee;
- (5) To appoint for each province a local representative previously approved by ALGOT, whose duties shall be:-
 - (a) To act as the provincial representative of the Committee;
 - (b) To advise the Senior Legal Officer of the Province on any points of Italian Law or Procedure which he may request and generally to act as intermediary between the Senior Civil Affairs Officer and the Italian Courts, Judges, Judicial officials, legal practitioners and other legal personnel in the province.
- (6) Generally to perform such other functions as ALGOT may from time to time request.

By Order of the Chief Civil Affairs Officer:

F. J. S. P.
 CHARLES M. STOFFORD,
 Lt. Colonel, G.S.C.
 Chief Staff Officer.

3

9 August 1943.

HEADQUARTERS AMOL.

AMGOT/4004/L.

Subject:- Opening of Italian Courts.

To: All Senior Civil Affairs Officers.

1. Further to the Chief Staff Officer's instructions of the 13th instant with regard to the re-opening of Italian Courts, Provincial Senior Civil Affairs Officers are now directed to re-open all "preture" wherever they have not so far been re-established. The competence of these Courts will be exclusively criminal and specific directions will be forwarded shortly in connection with Civil Procedure.
2. The opening of Tribunale Penale, being a matter now under consideration, Senior Civil Affairs Officers and Legal Officers should take steps to prepare their re-establishment at short notice. They should contact judges and judicial personnel immediately available, ascertain that they are politically suitable to undertake their functions, instruct them to collect their archives forthwith and whenever necessary new premises will have to be found to enable them to pursue their activities.
3. All judicial personnel having left the district for "reasons of war" should be made to return to their posts at the earliest possible date under penalty of dismissal. Payment of their salaries will have to be assured and amounts agreed by the Financial Section.
4. As soon as these steps are taken an Provincial Senior Civil Affairs Officer are authorized that Tribunale Penale can be re-opened without delay, an order will be issued to that effect setting forth rules and regulations under which they will be allowed to carry out their legal functions.
5. Temporary assignments to the Italian Penal Procedure may also be decided upon by the Chief Legal Officer in order to speed up the hearing of trials and judicial investigations, so as to relieve the present congestion of local prisons.
6. The "Tribunale Civile" will not be re-opened until further notice but this step is also under consideration. In the meantime the "Tribunale del Tribunale" will be allowed to deal with the following urgent procedures under Legal Officers' supervision:-
 - "Appointment of Receivers "bonafide lite" (absent persons and creditors)."
 - "Declaration of absence or of presumed death."
 - "Judicial Separation of Spouses."
 - "Measures to protect the interests of minors (appointment of Guardians etc.)."
 - "Rights of married women."

Procedure.

2. The opening of Tribunale Civile, being a matter now under consideration, Senior Civil Affairs Officers and Legal Officers should take steps to prepare their re-establishment at short notice. They should contact judges and judicial personnel immediately available, ascertain that they are politically suitable to undertake their functions, instruct them to collect their archives forthwith and whenever necessary new premises will have to be found to enable them to pursue their activities.

All judicial personnel having left the district for "reasons of war" should be made to return to their posts at the earliest possible date under penalty of dismissal. Payment of their salaries will have to be assured and amounts agreed by the Financial Section.

3. As soon as these steps are taken an Provincial Senior Civil Affairs Officers are satisfied that Tribunale Penale can be re-opened without delay, an order will be issued to that effect setting forth rules and regulations under which they will be allowed to carry out their legal functions.

Temporary amendments to the Italian Penal Procedure may also be decided upon by the Chief Legal Officer in order to speed up the hearing of trials and judicial investigations, so as to relieve the present congestion of local prisons.

4. The "Tribunale Civile" will not be re-opened until further notice but this step is also under consideration. In the meantime the "Presidenti del Tribunale" will be allowed to deal with the following urgent procedures under Legal Officers' supervision:-

- "Appointment of Receivers 'pendente lite' (deceased persons and creditors)."
- "Declarations of absence or of presumed death."
- "Judicial Separation of Spouses."
- "Measures to protect the interests of minors (appointment of Guardians etc.)."
- "Rights of Married Women."
- "Interment or Release of Lunatics."
- "Orders concerning Seizure or Bonds destroyed or lost."

5. Senior Civil Affairs Officers will report on the situation in their province as soon as they are in a position to do so.

By order of the Chief Civil Affairs Officer:

Charles E. Spurgeon
 CHARLES E. SPURGEON,
 Lt. Colonel, GSC,
 Chief Staff Officer.

CONFIDENTIALAMCOT/4033/14AUG. 1943

SUBJECT:- Instructions to all Senior Legal Officers
in reference to referring cases to
Superior or General Military Courts.

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

1. Pursuant to the provisions of Rule 7, para (3) (b) of the "Rules of
Procedure for Allied Military Courts"

(a) In any case referred by a Summary Court to a Superior Court the Senior
Legal Officer or any officer designated by him, is empowered to order
that the record be sent directly to the Superior Court for trial.

(b) In any case referred to a General Court, the Senior Legal Officer is
empowered to order the record sent directly to the General Court for
trial, when facilities of transportation and communication are of such
a limited nature that undue delay might result if such record were
transmitted to the Chief Legal Officer.

2. Pursuant to the provisions of Rule 5, para (1) of the "Rules of
Procedure of Allied Military Courts":

(a) The Senior Legal Officer of any Province may order that any particular
Case or class of cases within his province shall be brought directly
before a Superior Court. The Senior Legal Officer may also order that
any particular case be brought directly before a General Court when faci-
lities of transportation and communication are of such a limited nature
that undue delay might result if such record were first transmitted to
the Chief Legal Officer, and when there is a good and valid reason
for dispensing with the procedure before a Summary Court.

1. Pursuant to the provisions of Rule 7, para (3) (b) of the "Rules of Procedure for Allied Military Courts:

(a) In any case referred by a Summary Court to a Superior Court the Senior Legal Officer or any officer designated by him, is empowered to order that the record be sent directly to the Superior Court for trial.

(b) In any case referred to a General Court, the Senior Legal Officer is empowered to order the record sent directly to the General Court for trial, when facilities of transportation and communication are of such a limited nature that undue delay might result if such record were transmitted to the Chief Legal Officer.

2. Pursuant to the provisions of Rule 5, para (1) of the "Rules of

Procedure of Allied Military Courts":

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Wm C. Chandler

WILLIAM C. CHANDLER
Lt. Col.
Chief Legal Officer.

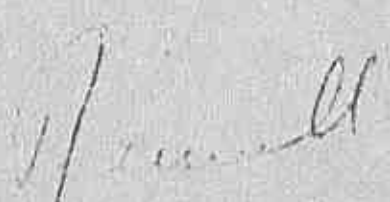
Subject:- Constitution of Allied Military Courts

AMGOT/1002/L

10 Aug 43

1. Each Senior Civil Affairs Officer is hereby authorized to appoint, by special order, such Summary and Superior Courts he may deem necessary, to hear and determine such cases as may arise in the districts and territories under his control in accordance with the provisions of Proclamation No. 4.
2. All Senior Civil Affairs Officers are authorized to sit as a Summary Military Court or as a member of a Superior Military Court.
3. All Officers of AMGOT who are lawyers by profession are hereby designated as Judicial Officers within the meaning of Proclamation No. 4.
4. No officer not assigned to AMGOT will be appointed to an Allied Military Court without the consent of his Commanding Officer.
5. Civil Affairs Police Officers will not be appointed to Allied Military Courts.
6. Two copies of all such orders of appointment will be forwarded to this Headquarters directed to the attention of the Chief Legal Officer.

AMGOT
15 Army Group.


Major-General Lord Rennell of Rodd,
Chief Civil Affairs Officer.

ITALIAN JUDICIAL ORGANIZATION

By Cav. Mf. Sullano, Public Ministry, Syracuse

Justice in Italy is administered as follows:

CIVIL MATTERS

(a) By the Conciliators, who are competent in causes up to 1,000 lire. There is an office of conciliation with a conciliator and one or more vice conciliators (all officials without pay) for each comune or part of comune. In each office of conciliation there is a Chancellor (clerk) and one or more attendants.

The conciliators and vice conciliators are named by the first president of the Court of Appeal, from among citizens over 21, capable by reason of honesty and rectitude of performing the office. The functions of the Clerk's office of the Conciliation offices are performed by the clerks of the communal secretariat and the attendants from competent persons; authorized, in both cases, by the Procuratore del Re (Public Ministry).

(b) The Pretori, who have competence for civil and commercial cases up to 10,000 lire. They also hear appeals from the judgement of the Conciliators. There is an office of the Pretore for each Mandamento, composed of one or more comunes. In every Pretura there is a Pretore and there may be additional Pretore (career officers) and honorary vice-pretori. There is also a Directing Chancellor and one or more assistant chancellors. There may be attendants for minor duties. There are also one or more judicial officers for serving notices and executions. Magistrates and Chancellors are named after public examinations in the royal name. The honorary vice-pretori are named from amongst the doctors of law, by royal decree on the proposal of the Chiefs of the Court of Appeal.

(c) The Tribunale which are competent in civil and commercial cases involving more than 10,000 lire. They also adjudicate appeals from the Pretori. In the Province of Syracuse, there is one Tribunale with its seat in Syracuse. There is one President, there may be one or more Presidents of session and appropriate number of judges. The judicial Collegio is composed of a president and two judges. Civil cases are instructed by a Civil Judge of Instruction (Istruttore) and when ready for decision are carried to the Collegio to be discussed and decided. In each Tribunale there is a Chief Chancellor and one subordinate Chancellors and assistants of the chancellery. There are also attendants for minor duties and judicial officers for serving notices and compulsory execution. In addition for each Tribunale there is an officer of the Public Ministry (Public Ministry), composed of a Procuratore del Re, one or more substitutes (career officers). There is also Chief Secretary, and one or more assistants and one or more attendants for minor duties.

(d) The Courts of Appeal which sit in appeal on the judgements of the Tribunale.

The conciliators and vice conciliators are named by the first president of the Court of Appeal, from among citizens over 21, capable by reason of honesty and rectitude of performing the office. The functions of the Clerk's office of the Conciliation offices are performed by the clerks of the communal secretariat and the attendants from competent persons; authorized, in both cases, by the Procuratore del Re (Public Ministero).

(b) The Pretori, who have competence for civil and commercial cases up to 10,000 lire. They also hear appeals from the judgement of the Conciliators. There is an office of the Pretore for each Mandamento, composed of one or more concourses. In every Pretura there is a Pretore and there may be additional Pretore (career officers) and honorary vice-pretori. There is also a Directing Chancellor and one or more assistant chancellors. There may be attendants for minor duties. There are also one or more judicial officers for serving notices and executions. Magistrates and Chancellors are named after public examinations in the royal name. The honorary vice pretori are named from amongst the doctors of law, by royal decree on the proposal of the Chiefs of the Court of Appeal.

(c) The Tribunali which are competent in civil and commercial cases involving more than 10,000 lire. They also adjudicate appeals from the pretori. In the Province of Siracusa, there is one Tribunale with its seat in Siracusa. There is one President, there may be one or more Presidents of session and appropriate number of judges. The judicial Collegio is composed of a president and two judges. Civil cases are instructed by a Civil Judge of Instruction (Istruttore) and when ready for decision are carried to the Collegio to be discussed and decided. In each Tribunale there is a chief Chancellor and more subordinate Chancellors and assistants of the chancellery. There are also attendants for minor duties and judicial officers for serving notices and compulsory executions. In addition for each Tribunale there is an officer of the Public Ministero (Public Ministry), composed of a Procuratore del Re, one or more substitutes (career officers). There is also Chief Secretary, and one or more assistants and one or more attendants for minor duties.

(d) The Courts of Appeal which sit in appeal on the judgements of the Tribunali.

FEDERAL MATTERS

(a) The Pretori have competence for crimes punishable with not more than (5) years imprisonment or fine of not more than 10,000 lire.

(b) The Tribunali have competence for crimes punishable with more than (5) years imprisonment or fine of more than 10,000 lire; also for appeals from judgement of the Pretore; appeals from sentences of the Tribunali are decided by the Court of Appeal.

(c) The Courts of Assise have competence for the most serious crimes punishable with more than 10 years imprisonment. The Court of Assise issues out of the Court of Appeal and sits in sessions established from time to time either at Catania or at the seats of the Tribunali.

PROCEDURE FOR THE PROSECUTION OF CRIMES

Federal actions are public and started on the initiative of the P. M.
Cont Page 2.

2.

(Public Ministry), officers or the judicial police charged with law enforcement must make reports to the P. M. The judicial police are composed of officers and agents of the Carabinieri, Public Safety, finance guards, urban guards etc. For crimes subject to prosecution on the instance of a private party the person injured may present the complaint to the Judicial Police or the *Procuratore del Re* or the *Protezione*.

The *Procuratore del Re* who receives complaints or reports has the power to weigh the facts and dispose of the case by filing it away.

If the complaint or report appears to be well founded, he completes the preliminary investigation or carries out a summary instruction. In serious or complicated cases the Penal Judge of Instruction (*Giudice Istruttorio*) carries out penal instruction. The summary instruction completed, if there are sufficient elements of guilt the P. M. invokes the Justice of the Tribunal by direct citation (without the intervention of the Judge of Instruction) or most direct citation (form or quick justice). When formal instruction is completed by the Penal Judge of Instruction, on the request of the P. M., the Judge of Instruction either absolves the accused or refers him to the Justice of the Tribunal or Court of Assizes. In proceeding is commenced by the P. M. and the Tribunal is involved always and exclusively through the work of the P. M. by most direct citation (in quick cases in which there is no special instruction) or direct citation, in cases of summary instruction and upon remand in cases of formal instruction completed by the Judge of Instruction.

Syracuse.
5 August 1943

