

acc 10000/143/2105 250

COURTS

MAY. JUNE 1945

MINUTE SHEET

No. of sheet	Date	File no. of Ans'd Ltr.	From whom	Subject
1	30 May	 	 	LETTERS MISDIRECTED
2.	30 June	- - -	- - -	GIOVANNOLI Filippo

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/250

30 June 1945

SUBJECT : GIOVAGNUOLI Filippo
Via Roccapriore 8, Roma

TO : Legal Sub Commission

1. The above named came to this office with regard to a fine and costs amounting to L. 4375 inflicted on him for "Listening to foreign radio" at Viterbo during the fascist regime.

2. He appealed but the sentence was confirmed.

3. Your opinion was sought, and the reply given that a recent decree abolished the law in question together with whatever sentence was attached to it.

4. Your opinion was passed to Subject who informed the Judicial Authorities whose reply has been to serve a final notice for payment on him.

5. Apart from the legal side, it is pointed out that the demand for payment of a fine inflicted under this particular law might conceivably lead to unpleasant repercussions if the matter became public.

6. The relevant documents are attached and it would be appreciated if the matter could be taken up with the authorities concerned.

96
JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

CBH/nb

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/250

26 May 1945

SUBJECT : Letters Misdirected

TO : Ministry of Grace and Justice,
General Direction of Prisons.

1. The enclosed letters received at this office
were apparently sent here in error.

CH
JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

CHH/nb

TRANSLATION

PROCURA DEL REINO
FLORENCE

18 May 1945

Ref no. 306/45 D.C.

SUBJECT: Payment For Provisional Liberty.

TO : Ministry of Grace & Justice,
General Direction for the Reformatory,
Pine Cash Office.

We forward the attached money order no. 24 issued in Florence on the 8th of May 1945 for the sum of 10,000 lire, payment made at the local registration office. Judiciary acts - 8th May 1945 with bill no. 3114 to obtain the provisional liberty of Figlietti Lorenzo di Giovanni, in execution of this Procura's measures taken on the same date.

/s/ Procurator of the Kingdom.

Enclosure: 1

cc.

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TRANSLATION

GENERAL PROCURA OF THE KINGDOMRef no. 1617

Florence, 21 May 1945.

SUBJECT: TAMAGNI Maria fu Pietro - Internee.TO : Ministry of Grace & Justice;
General Direction of the Reformatory Institute.
ROME.COPY to: Direction of the Women Reclusion House of
FOSSEMBOLE, URBINO.

On the 23rd of June 1945 the above named person will finish to expiate the principal penalty, after which she will be interned in a hospital for not less than three years.

Reference to my letter dated 4 November 1944 n. 3135, with which the prescribed documents have been forwarded, to beg your Ministry, to assign the establishment in which TAMAGNI is to be recovered for the execution of Security.

/s/ General Lawyer
For : the General Procurator
of the Kingdom.

cc.

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MEMORANDUM

- ON -

ITALIAN COURTS AND LEGAL SET-UP

FOR INFORMATION OF LEGAL OFFICERS

PART I		ITALIAN COURTS
PART II		PROBLEMS ARISING FROM MILITARY OCCUPATION
APPENDIX "A"		URGENT AMENDMENTS TO PROCEDURE
APPENDIX "B"		PROVISIONAL AND CONDITIONAL FREEDOM OF PRISONERS.
APPENDIX "C"		GROUND OF APPEAL UNDER ITALIAN LAW
APPENDIX "D"		GLOSSARY OF LEGAL TERMS

PART I

1.

attention is directed to General Administrative Instruction No. 7 (Ref. "AMGOT Plans, Instructions and Instructions" - Sept. 1943 - p. 131 - pages 18 to 25 incl.). Succinctly, these instructions direct the following immediate steps to be taken for re-establishing law and order in the departments of Italian Justice:

- (a) Courts with criminal jurisdiction only to be expeditiously reopened under supervision of AMG with primary object of relieving congestion in jails, and in following order of priority:

- (1) Pretura
(ii) Tribunale
(iii) Corte d'Appello (Criminal Chamber)
(iv) Corte d'Assise.

- (b) Obtain particulars of trustworthy judicial officials suitable for continuing duties of administration of criminal justice. (Vide: AMGOT letter 4001/L dated 19th August 1943 to Italian Legal Advisory Committee).

- (c) Apply to Finance Division for continuance of payment of salaries of above.

- (d) Consider situation arising out of impossibility of reestablishing courts under (a) within a reasonable delay and desirability of taking action under Proclamation No. 4, Art. II, Sec. 3 providing for exercise of necessary jurisdiction by Allied Military Courts.

- (e) Before reopening civil courts, await approval of AMG HQ.

- (f) Establish list of persons awaiting trial and particularly note those cases which it is undesirable to try before Italian Courts. (Vide: AMGOT letter to all SDOs - AMGOT/LD18/L dated 7th Sept. 43).

2.

- Pretura (986 in Italy)

- (a) Jurisdiction - Civil and criminal. Original and appellate.

- (b) Bench - Single qualified regular magistrate sitting alone. Title "Pretore." Comparable to

Criminal And
Civil Courts
& Personnel.

(a) Courts with criminal jurisdiction only to be expeditiously reopened under supervision of AG with primary object of relieving congestion in jails; and in following order of priority:

- (i) Pretura
- (ii) Tribunale
- (iii) Corte d'Appello (Criminal Chamber)
- (iv) Corte d'Assisi.

(b) Certain particulars of trustworthy judicial officials suitable for continuing duties or dispensation of criminal justice. (Vide: SACOT letter 4001/L dated 19th August 1943 on Italian Legal Advisory Committee).

(c) Apply to Finance Division for continuance of payment of salaries of above.

(d) Consider situation arising out of impossibility of reestablishing courts under (a) within a reasonable delay and desirability of taking action under Proclamation No. 4, Art. II, Sec. 3 providing for exercise of necessary jurisdiction by Allied Military Courts.

(e) Before reopening Civil courts, await approval of AG Ho.

(f) Establish list of persons awaiting trial and particularly note those cases which it is undesirable to try before Italian Courts. (Vide: Directions to AG Ho - SACOT/4019/L dated 7th Sept. 43).

2. Pretura (986 in Italy)

(a) Jurisdiction - Civil and criminal. Original and appellate.

(b) Bench - Single qualified regular magistrate sitting alone. Title "Pretore." Comparable to subsidiary magistrates Court. District termed "Municipio" within the judicial framework of Appeal Court of appeal. There are Assistant and Honorary "pretori."

(c) Commetence

(i) Criminal offences punishable with a maximum of 3 years imprisonment and/or maxi-

Criminal And
Civil Courts
& Personnel.

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sum fine of L. 10,000. Appeals to Fifth -
rate. Exclusive jurisdiction in following
matters up to L. 10,000: (1) fines and
customs offences punishable by fine only;
(2) stamp offences.

Exercises powers of criminal investigation
(or examining magistrate) within his juris-
diction and may pronounce sentences in sum-
mary cases by means of decrees ("decreti"),
i.e. without a formal instruction.

(iii)

Civil: Possesses both original and appel-
late jurisdiction in cases involving not
more than L. 10,000 and hears appeals from
the Communal Conciliation Court.

Original jurisdiction, regardless of value,
in possessory actions; fixing boundaries
and distances; evictions; master and serv-
ant; co-tenancy. Appeal lies to Tribunali.
All cases coming within competence of the
Procura listed in AMOT letter 4001/L dated
19th August, 1945 addressed to President of
Court of Appeal, Palermo extending juris-
diction to urgent procedure.

(iii)

Original and civil matters affected by tem-
porary modifications to procedure as pub-
lished under the authority of the Allied
Command from time to time.

3. Tribunale: (142 in Italy).

(a) Jurisdiction - Civil and criminal. Original and
appellate.

(b) Bench - President and two judges - "Collegio".

Each Tribunale composed of several chambers or
sections is within the judicial district of a
court of appeal to which the judges are attached
for administrative purposes.

Comparable to English County Courts. May be com-
posed of one or more sections each with a President.

(c) Competences:

(i)

All criminal offences except those coming
within the jurisdiction of the "Procura"
and within that of the Court of Assize
(infine) e.g. imprisonment up to eight years
and/or fine exceeding L. 10,000.

(ii)

Original civil jurisdiction includes claims
arising out of corporation matters, taxes
and customs and estate.

(12) Civil: Possesses both original and appellate jurisdiction in cases involving not more than L. 10,000 and hears appeals from the Communal Conciliation Court. Original jurisdiction, regardless of value, in possessory actions; fixing boundaries and distances; evictions; master and servant; co-tenancy. Appeal lies to Tribunal. All cases coming within competence of the Pretura listed in 44657 letter 4001/L dated 19th August, 1943 addressed to President of Court of appeal, Palermo extending jurisdiction to urgent procedure.

(13) Original and civil matters affected by temporary modifications to procedure published under the authority of the Allied Command from time to time.

3. Tribunale: (142 in Italy).

(a) Jurisdiction - Civil and original. Original and Appellate.

(b) Bench - President and two judges = "Collegio".

Each Tribunale composed of several chambers, or sections is within the judicial district of a court or appeal to which the judges are attached for administrative purposes. Comparable to English County Courts. May be composed of one or more sections each with a President.

(c) Competence:

(i) All criminal offences except those coming within the jurisdiction of the "Pretore" and within that of the Court of Assize (infra) e.g. imprisonment up to eight years and/or fine exceeding L. 10,000.

(ii) Original civil jurisdiction includes claims arising out of corporation matters, taxes and customs and excise, patents and capacity of persons, actions for deceit; and in all cases where the value of the subject matter is indeterminate. Appeal to Court of Appeal (Corte d'Appello).

4. Corte d'Appello (Court of Appeal).

- (a) Jurisdiction: Center of regional judicial organization including the above-mentioned tribunals and the Court of Assize (vide infra). Hears appeals from Preture and Tribunale. Jurisdiction of special labor Section suspended during period of AMGOT administration by substitution of provincial labor offices with full powers of arbitration, organization and mediation. Possesses original jurisdiction in matrimonial causes and makes orders for enforcement of Decrees of Ecclesiastical Courts of Vatican and abroad = "delibazioni." Also a special section for trying juvenile cases (in this connection vide AMGOT letter 4034/L dated 31 Aug. 43). In certain matters calling for urgent procedure, jurisdiction is extended under terms of AMGOT letter 4001/L dated 19th Aug. 43.

- (b) Bench - Three magistrates consisting of a President and two counsellors, in each of the different sections, or chambers. There are eighteen regular Courts of Appeal and six detached sections of appeal in Italy. (For appeals see appendix "C").

5. Court of Assize.

- (a) Jurisdiction - Exclusive in criminal matters involving capital punishment, life sentences, ("ergastolo") and imprisonment for not less than ten years. Sits on circuit at Tribunale within the judicial district of the Court of appeal of which it forms a section.

(b) Bench - composed of

- (i) A President of a section of the Court of Appeal as President.
- (ii) A counsellor of Court of Appeal, or president of a section of a Tribunale; and,
- (iii) Five assessors from the panel of jurors.

The magistrates and assessors together constitute the bench = "collegio." The former advise on technical questions and the "collegio" determines questions of both fact and law, fixes penalties, and pronounces sentence.

There is no appeal against the degree of punishment inflicted by the Court of Assize.

6. The Magistrates (Presidents, counsellors and judges) in

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tion in matrimonial causes and makes orders for enforcement of Decrees of Ecclesiastical Courts of Vatican and abroad = "delibazione." Also a special section for trying juvenile cases (in this connection vide AGOZ letter 4034/L dated 31 Aug. 43). In certain matters calling for urgent procedure, jurisdiction is extended under terms of AGOZ letter 4001/L dated 19th Aug. 43.

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5. Court of Cassation.

- (a) Jurisdiction - Exclusive in original matters involving capital punishment, life sentences, ("ergastolo") and imprisonment for not less than ten years. Sits on circuit at Tribunals within the judicial district of the Court of appeal of which it forms a section.

(b) Bench - composed of

- (i) A President of a section of the Court of appeal as President.
- (ii) A counsellor of Court of appeal, or president of a section of a Tribunale; and,
- (iii) Five assessors from the panel of jurors.

The magistrates and assessors together constitute the bench = "collegio." The former advise on technical questions and the "collegio" determines questions of both fact and law, fixes penalties, and pronounces sentence.

There is no appeal against the degree of punishment inflicted by the Court of Cassation.

6. The Magistrates (Presidents, counsellors and judges) in Italian Courts are state servants, selected normally by competitive examination from candidates holding academic legal diplomas and presented for appointment by the King on recommendation of the Minister of Justice. Under the pre-fascist system they served a probationary period of three years before confirmation in office when for all practical purposes they were considered irremovable - a principle reversed under the fascist regime when judges could be transferred for "incompatibility of political opinion."

The Magistrates and Judiciary.

Magistrates fall into the following promotional classes in order of rank:

- (a) Judicial Auditor;
- (b) Judicial assistant;
- (c) Judge;
- (d) Prosecutor (Proteore);
- (e) Counsellor of Court of Appeal;
- (f) First President of Court of appeal, etc.

The Public Ministry.

7. The office of the public ministry (Pubblico Ministero) is a department of state representing the executive power in judicial jurisdiction and lies midway between the judicial and administrative systems. It is independent of both and responsible solely to the Minister of Justice, whilst its judicial functions are comparable to that of the Director of Public Prosecutions in Britain or the attorney General's office in U.S. It also fulfills supervisory duties over a wide field including the safeguarding of state interests in the administration of justice, the work of the police in the suppression of crime, the work of the officials charged with keeping criminal records, prison services, defense of poor persons, the conduct of the various branches of the legal profession and questions relating to the incapacitated persons. Its officers have the right of audience and intervention in all cases both civil and criminal where public interest or safety of the state are involved. The principal officers of this department attached to the Courts of Justice are as follows:

- (a) Procurator General or deputy before the Court of appeal and Assize or deputy (Sostituto del Procuratore Generale)
- (b) Procuratore del Re' (King's Procurator) or deputy (Sostituto) before Tribunal.

Procurators.

EXAMINING

MAGISTRATE

8. The examining magistrates or "Giudice istruttore" is a judicial officer attached to the Criminal Chamber at the seat of each Court of Appeal and is charged with the formal investigation of offences (including examination of accused and witnesses) coming within the jurisdiction of the Courts of Assize and Tribunal. Where there is a prima facie case to go to trial, this official prepares the papers ("istruzione") for submission to the public prosecutor and puts in motion the necessary procedure for setting the case down for trial, and ascertaining if third parties are affected thereby (intervener by civil party). During the course of investigation by examining Magistrate, the accused's defender has a right of audience, but cannot interfere with the investigations, other than by recording his observations on legal points.

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Legal Practitioners.

9.

(c) Italian lawyers practising in and out of Courts are the following:

- (i) Advocate = barrister, advocate.
- (ii) Procuratore = solicitor, attorney.
- (iii) Patrocinatore = legal practitioner in summary courts.
- (iv) Notaio = Notary combining the functions of notary public official conveyancer and counsellor at law (non-litigious).

To (i) and (ii) is applied the general term of "avvocatura", the members of which are now combined to all intents and purposes into one professional body by an Ordinance of ASG dated 25th October, 1943 A.V. which established unified control of the two branches.

Avvocati.

(b)

The Avvocato performs the function of counsel in judicial matters and assumes the defence of accused persons before the criminal courts.

and

Procuratori.

(c)

The Procuratore is charged with the protective and representation of the party or litigant before the court by virtue of a power of attorney from his clients. The services of a Procuratore may be either voluntary or obligatory. Before the Tribunale and higher courts the services of a Procuratore are obligatory (poor persons being allotted counsel from a panel).

(d)

The two professions may be exercised simultaneously by the same person having the necessary professional qualifications. The legal status of both branches is regulated by statute, and they are regarded as essential collaborators in the machinery of the administration of justice, e.g. quasi official. The role of the "avvocato" is to intervene between the interested party and the judge in order to (i) clarify the situation; (ii) bring out the facts and truths to be taken into consideration in determining judgment. In civil matters all so-called advocates may plead before all Courts of appeal, Tribunals and Preture in the Kingdom, but the "Procuratori" can only appear before the section of the Court of appeal of the judicial district in which he is licensed to practice, or before the Tribunale or Pretura of the district to which he is appointed. In penal matters before the courts of appeal, Assises and Tribunals, the defense is reserved to the "avvocati" whilst either "avvocati" or "procuratori" may represent the interests of the intervening civil party.

A "procuratore" may defend an accused before the Tribunale and Section of the Court to which he is especially assigned.

There is a class of "unofficial" legal practitioners called "patrocinatori" who are granted right of audience before the lower courts, e.g. Preture and Conciliatori = communal conciliation

"Patrocinatori."

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"Patrocinatori."

There is a class of "unofficial" legal practitioners called "patrocinatori" who are granted right of audience before the lower courts, e.g. Preture and Conciliatori = communal conciliation magistrates.

Notaries and Court Bailiffs.

The Notaio = notary, occupies an important place amongst the branches of the legal profession in Italy. He is nominated to office, after public examination, on a restrictive basis by Royal decree on recommendation of the Minister of Justice, as and where vacancies in any particular

"UFFICIALIGIUDIZIARIO"

Judicial district occur.

As a transitory measure to meet the actual situation AMG has agreed to the reorganization of the organization on the basis of a council for a district of one or more Tribunali (vide AMCOR letter 4004/L dated 16th October 1943).

The Notary is appointed as a public official for the purposes of

- (a) recording deeds, contracts, declarations and testaments;
- (b) attributing authenticity and public faith to these acts;
- (c) depositing the originals in the archives of his office;
- (d) issuing certified copies and extracts to interested parties;
- (e) investing such acts with executory force; and
- (f) carrying out the formalities of official registration where provided for by law.

The Court Usher and Bailiff attached to every tribunal (including that of the Communal Conciliation Magistrature), performs the following duties:

- (a) Keeps order in Court and calls on the cases.
- (b) Serves summonses, citations, notifications and levies execution.
- (c) Has the right of drawing up all necessary documents in connection with these functions.

The "Ufficiali Giudiziari" are nominated by Decree of the Minister of Justice to Pretori, Tribunali, Corti d'appello, but the "Uscieri degli Uffici di Conciliazione" is appointed by the President of the Tribunal.

- (c) depositing the original in the archives of the office;
- (d) issuing certified copies and extracts to interested parties;
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PART III

PROBLEMS ARISING OUT OF MILITARY OCCUPATION

1) Reopening of Courts.

As stated in the introduction, the first problem is to work out ways and means of reopening the local courts. Conditions will vary according to the provinces, but the following suggestions should be of use:

- a) Preture. Each province may contain between ten and twenty preture.

If the preture are opened, it will be advisable not to close them. The competence of this court is limited enough to prevent any serious miscarriage of justice taking place.

Furthermore, supervision should be organized at once on the lines set out in paragraph 6, infra.

If, on the contrary, some or all of the Preture are closed, it is recommended to reopen them as soon as practicable. In many cases, especially in bombed areas the difficulty will be the lack of personnel and the absence of competent magistrates. When Pretore is unavailable, the Pretore can automatically act; if both are out of reach there will exist in the town a number of "Pretore or Vice Pretore onorario" and retired Pretori; all are qualified to sit in Court and can be legally designated by CAOs to take up the Pretore's place.

- b) Tribunale. Generally two and no more than four tribunali are likely to be found in each province. As they are composed of a number of chambers civil and criminal, and judges are interchangeable, it is likely that LOs or CAOs will find little difficulty in collecting three of them to form a college for at least one criminal chamber. As far as the "Pubblico Ministero" is concerned, the "Procuratore or the senior "Sostituto" should be the official with whom closest liaison must be kept. All arrests are notified to his office, all local criminal records are in his hands, all penal procedure is initiated by his office. The control of the activities of the Police, the Investigating Magistrate (Giudice Istruttore) and the Courts themselves (Preture e Tribunali) can more easily be effected through the PM's departments.

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- b) Tribunale. Generally two and no more than four tribunali are likely to be found in each province.

As they are composed of a number of chambers civil and criminal, and judges are interchangeable, it is likely that CIOs or CIOs will find little difficulty in collecting three of them to form a college for at least one criminal chamber. As far as the "Pubblico Ministero" is concerned, the "Procuratore" or the Senior "Sostituto" should be the official with whom closest liaison must be kept. All arrests are referred to his office, all local criminal records are in his hands, all penal procedure is initiated by his office. The control of the activities of the Police, the Investigating Magistrate (Giudice Istruttore) and the Courts themselves (Preture e Tribunali) can more easily be effected through the PM's departments.

- c) Corte d'Appello. One for four to sixteen tribunali dispersed over a number of provinces. The reopening of this court will be the responsibility of the Regional CIO and special instructions on policy, personnel, etc. will have to be issued to him. At the seat of the Court of appeal should be formed the "Italian Legal Advisory

Committee to the CIO", composed of four to eight members. These should include at once the First President or the next Senior President, the Procuratore Generale or the Senior Sostituto, the Presidente del Tribunale and the "Procuratore del Re". At a later date when conditions and reorganization will allow the "President of the Bar Association" and the "President of the Notarial Council" should also become members. If there are more than one Corte d'Appello in a Region, sub-Committees of the Central Organization should be formed by local SIO act on the same lines and keep constant liaison with it. The main functions of the committee should be as follows:

- (i) to reopen the Criminal and Civil Chambers of the Court of Assise as soon as instructed to do so by CIO.
- (ii) to reorganize the judicial personnel in their district in accordance with CIO's directives and to supervise their activities.
- (iii) to advise the CIO as to the necessary modifications to Italian procedure which may be required at an early date.
- (iv) to ensure that Procedure remains uniform throughout the judicial district of the Court of Appeal and that amendments are put in force at the same time by every Court affected by them.
- (v) to advise CIO on any points of Italian law.

d) Corte di Assisi. The system under which the Courts of Assise function in Italy is set forth in Part I, the Organization of Circuits is the responsibility of the Court of Appeal (Procuratore Generale and President of Section).

It should be one of the first problems of the "Legal Advisory Committee."

e) Cancellieri. To each type of Court is attached the "Cancellieri" at the head of which is the "Capo Cancelliere" with a numerous staff. Their functions are similar to those of Master and the Registrar in British Courts.

No court can work without its "Cancellieri" and it is therefore most important that this office should be in position to resume its activities forthwith. The question of their names will seldom arise as there exist innumerable "Primi Cancellieri", "Cancellieri aiutanti", "Ufficiali Giudiziali Usieri" who can carry on with their work or start anew as the case may be. The probable problem will be to find new offices and to transfer the archives if the former premises have been destroyed. Suggestions as to this point are contained in subparagraph "Buildings."

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- (iii) to advise the CIO as to the necessary modifications to Italian procedure which may be required at an early date.
- (iv) to ensure that Procedure remains uniform throughout the judicial district of the Court of Assise and that amendments are put in force at the same time by every Court affected by them.
- (v) to advise CIO on any points of Italian Law.

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It should be one of the first problems discussed by the Legal Advisory Committee.

e) Cancellieri. The each type of Court is attached one "Cancellieri" at the head of which is the "Canc. Ufficio" with a numerous staff. Their functions are similar to those of Master and the Registrar in British Courts.

No court can work without its "Cancellieri" and it is therefore most important that this office should be in position to resume its activities forthwith. The question of personnel will seldom arise as there exist innumerable "Primi Cancellieri", "Cancellieri Assistanti", "Ufficiali Giudiziari Usieri" who can carry on with their work or start new as the case may be. The probable problem will be to find new offices and to transfer the archives if the former premises have been destroyed. Suggestions as to this point are contained in subparagraph "Buildings."

f) Conciliatori. The most inferior form of jurisdiction without criminal competence. They should never stop their functions and ought to be a help in sifting smaller cases before they are brought before the Rector.

2) Congestion of Trials.

From past experience, there appears to exist no better solution as far as this problem is concerned. Neither the prisons are completely empty (all prisoners having been released by troops) or full to capacity and overcrowded with serious food shortages.

There are three ways of releasing prisoners without transgressing existing instructions or infringing the provisions of Italian law.

- (a) by setting up a small commission to deal with political or similar prisoners (confino); sentences of the Tribunal Speciale or even the Tribunale Militare).
- (b) by instructing Procurators (al Re) to grant an amnesty or liberty as the seriousness of the offences may warrant. The list of such freed prisoners to be submitted referred to SMO.
- (c) by giving similar directions to Procurators General in regard to granting conditional liberty to already sentenced offenders. For further information see Appendix A.

3) Transport and Communications (Lack of).

This material difficulty is certainly the most universal; as far as the Legal Division is concerned it affects, especially in devastated areas, the following:

- (a) Judicial personnel, who cannot be brought from their temporary homes, where they have taken refuge, to their offices.
- (b) Process servers, who have no means to serve summons or citations outside the very small radius of the town they live in.
- (c) Prisoners, removed to jails outside the battle area who can't be brought before the competent courts.
- (d) Judges on Circuits, for the same reason cannot proceed in their duties.
- (e) Archives, generally transferred to safer areas distant from the seat of the Court.

There exist few remedies to this problem and they depend entirely on local conditions. Some suggestions based on previous experience are summed up hereunder:

- (a) Requisitioning of cars and motorcycles or even bicycles for judicial personnel and process servers can sometimes be achieved in areas where the armed forces have not remained too long.
- (b) When good liaison exists between the local army units and SMOs, lorries and trucks may from time to time be obtained to remove prisoners and archives.

- (c) General passes for judicial officials should be obtained for them as soon as possible from the competent authorities.

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- (c) By giving similar directions to Procurators General in regard to granting conditional liberty to already sentenced offenders. For further information see Appendix 2.

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- (a) Requisitioning of cars and motorcycles or even bicycles for judicial personnel and process servers can sometimes be achieved in areas where the armed forces have not remained too long.

- (b) When good liaison exists between the local army units and SCAGs, lorries and trucks may from time to time be obtained to remove prisoners and archives.

- (c) General passes for judicial officials should be obtained for them as soon as possible from the competent authorities to enable them to travel by rail or road whenever such services function.

- (d) Facilities should be granted to Judges on Circuit or Pretori to travel with the regular courier.

- (e) As the services of the Post Office will no doubt be disrupted for a certain amount of time, CAGs should be instructed to accept judicial correspondence from the local courts to be forwarded to HQ for distribution to proper quarters and vice versa.

4) Salaries and Indemnities.

This matter should be investigated at once with available judicial personnel and Finance Officer. All salaries and indemnities should be maintained. FOS will give necessary instructions to the Treasury Department of the local branch of the Bank d'Italia on its agents and, if required, supply the necessary funds.

5) Dual Competence of Allied and Civil Courts under Proclamations and Italian Legislation.

There again local conditions will determine the policy. At the start Allied Courts will try all Proclamation offences until such time as the Civil Courts are in a position to relieve them of some of their burden. As soon as possible C.I.C. an Advisory Committee should decide which type of offences under which legislation will be reserved to the Allied Courts in any case. It is suggested that all offences against Allied personnel and property and possibly black market crimes should always be tried by Allied Courts. Most of the others would come within the competence of the local courts when they are in a position to administer adequate justice. As soon as a decision has been reached, it should be notified to all S.I.O.s and C.I.C. by means of an order or at least a directive.

In cases, if any, where Allied Military Forces are established but still under the control of Italian authorities, the latter should be urged to issue the requisite decrees to protect our personnel, material and I. of C.

6) Supervision of Civil Courts.

The physical presence of I. Os. at each session of the Court being an impossibility, the best way of ensuring efficient supervision is by way of the advisory Committee or one of its members (preferably the Procurator). Whoever is given this function will report weekly to the C.I.C. on the activities of all the Courts. He must be made responsible for any miscarriage of justice which he may fail to notify. At lower levels Pretori should report direct to I.O.s or C.I.C. on the functioning of their Court. Powers of reviewing sentences of Civil Courts being vested in Allied authorities, it must be ensured that all prisoners are given adequate facilities to forward their pleas to them. General instructions to that effect must be given to the Governors of the Prisons by the Italian authorities.

The policy to be followed by Civil Courts, within the scope of existing or amended Italian legislation should be the subject matter of regular discussions at the meetings of the Advisory Committee.

7) Urgent Temporary Legislation.

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7) Urgent Temporary Legislation.

The following always published by order of the Allied authorities, they may originate from two sources:

- (a) Allied Requirements;
- (b) Local Needs.

They should never affect organic legislation or the substance of any Italian decrees but only procedure.

It is certain that Italian Judicial authorities will have time to time require from the Allied authorities that certain steps be taken in order to prevent injustice or unnecessary hardship.

Many of these have been already published in Sicily and should meet at least some of the contingencies C.I.O. and S.I.O.s, are likely to encounter in their respective functions:

See Appendix "5"

8) Actual Situation of Judicial Personnel

...in local condition will prevail. In regions extensively affected by operations, judicial personnel will be dispersed all over the country without any means of transport enabling them to join their posts. A list of vacancies should be compiled by the Advisory Committee at the earliest possible time together with the names of possible candidates. These should be examined promptly by our Security Staff who unfortunately will know extremely little about them. In any case a census must be taken with competent officials even if their political past is not what it ought to have been. They cannot do much harm while they function under the general supervision of their colleagues and will eventually be removed by the Italians themselves. In the meantime they will have served a useful purpose. Furthermore the percentage of violent fascists in the judicial personnel is very small.

9) Re-organization, Council of Ministers:

In Sicily the Fascist legislation affecting these bodies has been abrogated. They have been re-organized under the provisions of the former Fascist statute at the governing these associations, with slight modifications by Allied Ordinance. This reorganization, which appears to be popular throughout Sicily and to meet the considerations of the legal classes is embodied in the attached Orders (122). C.I.O.s. should conform to them if and when they decide to proceed with such reorganization.

10) Buildings-(under Transport)

In most towns the Palace of Justice and the Pretura will have been destroyed or damaged. Pretori can always sit in the Municipio or the Prefettura as they require little space.

No definite directions can be given as to the transfer of the Higher Courts to suitable premises; it will depend entirely on local conditions. In certain cases the Court of Appeals or a Court of Appeal can even be transferred to another town. (Access to Castoreo for instance).

11) Protection of Archives.

This should be entrusted entirely to Italian authorities (Police and Carabinieri). In all probability as mentioned in Para. 3, archives will be dispersed all over the Province, generally in small out of the way towns where the risk of bombing is minimized. Criminal records of individuals should be made available

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person all over the country without any means of transport enabling them to join their posts. A list of members should be compiled by the Advisory Committee at the earliest possible time together with the names of possible candidates. These should be examined promptly by our Security Staff who unfortunately will know extremely little about them. In any case a check must be taken with competent officials even if their political view is not what it ought to have been. They cannot be kept away while they function unless the general supervision of their colleagues are well eventually be removed by the Italian themselves. In the meantime they will have served a useful purpose. Furthermore the percentage of violent Fascists in the judicial personnel is very small.

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11) Protection of Archives.

This should be entrusted entirely to Italian authorities (Police and Carabinieri). In all probability as mentioned in Para. 5, archives will be dispersed all over the Province, generally in small out of the way towns where the risk of bombing is minimized. Criminal records of individuals and files of pending cases should be made available to the Courts as soon as they re-open. It will need serious pressure on the transport officer to obtain adequate vehicles and labour to achieve this.

1 NOVEMBER 1943

G.G.H. and A.R.T.

APPENDIX "A"

SUBJECT: RELEASE AND MIGRATION OF PRISONERS OF WAR CAPTURED BY OR
AWAITING TRIAL IN ITALIAN COURTS.

TO : ALL S.I.O.s. (through S.C.A.O.s.)

1. This letter is in clarification and amplification of previous directives on the above subject.

2. Three kinds of liberation exist under the Italian Law: provisional liberty before trial or pending appeal; conditional liberty after a third one half of the sentence of three quarters in the case of previous offenders; and Gracia (pardon), which includes reduction of sentence.

3. Provisional liberty is granted by the Procuratore del Re or by a judge or court, according to the nature of the proceeding. The power has been extended by order of the Allied Military Government to cases in which provisional liberty is not permitted under the Italian Penal Code.

4. Conditional liberty is granted by the Ministry of the Interior at Rome upon recommendation of the Pretore, if imprisonment in a mandamental jail otherwise of the Giudice Istruttore of the Tribunale of the place of confinement. By order of the Allied Military Government, the S.C.A.O. of the place of confinement has power to order release on conditional liberty even in cases not permitted under the Italian law, after receiving the opinion of the competent Italian authority. He may exercise his power by a commission of suitable officers appointed by him, which may include one Italian official.

5. Pardon in the Italian law is granted by the King through the Ministry of Pardon and Justice at Rome on application of the prisoner and recommendation of the Procuratore del Re of the place of conviction. In AMGOT, the power resides in the Military Governor. In view of the broad power of conditional liberation, there should be little or no occasion for exercise of the power of pardon. An application which has been processed by the Procuratore del Re for pardon may be determined as one for conditional liberty.

6. Where information necessary or desirable for consideration of an application is not available within the Province and it is feasible to obtain it from an authority within territory under Allied or friendly control, it should be requested, together with formal opinion if appropriate.

7. Petitions for condonation of fines imposed by Italian Courts before occupation will not be entertained by the Allied Military Government. Competent Italian authority may be instructed to permit payments in instalments or to extend time for payments.

8. In considering applications for conditional liberty the following information may be useful. Before the war less than $\frac{1}{4}$ or $\frac{1}{5}$ of the applications were granted. After the war and before the occupation it was the practice to grant every application where the prisoner was eligible, unless a political or war offence was involved.

9. General amnesties granted before occupation, the application of which to time in particular cases, should be treated

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9. General amnesties granted before occupation, the application of which becomes appropriate from time to time in particular cases, should be treated as still in effect.
10. The methods of liberation discussed above should not be confused with the power to suspend a sentence at the time of judgment, under Articles 133, 163, 164, - 168 of the Code of Penal Procedure. That power still exists.
11. The labour and responsibility of handling the matters discussed herein should be imposed on the ^{Italian Authorities to the maximum possible} competent extent.
12. This instruction is issued under the status of AMG as of this date and is subject to any changes which may take place in that status.

APPENDIX "B"

SUBJECT : TEMPORARY AGREEMENTS TO ITALIAN PENAL PROCEDURE.

TO : THE PRESIDENT OF THE COURT OF APPEAL, PALERMO AMGOT/4001/L.

FROM : THE CHIEF LEGAL OFFICER, AMGOT, H. Q. 19th AUG. 1943.

1. I have studied with interest your memorandum of 13th August, and as a result of your recommendation, I agree 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 499 (requiring joint trial of joint defendants) and Article 414 (permitting sever trial during trial) to be amended to permit separate trial of joint defendants and 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 accused 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 AMGOT with its recommendations.

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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 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

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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."

NOTES ON GROUNDS OF APPEAL

The following is a resume in outline only of the grounds of appeal from the lower to the higher courts terminating with the Supreme Court of Italy, the Court of Cassation - "Corte di Cassazione".

The appeal against a judgment and opposition against a condemnation by default constitute the two main heads of grounds of appeal in Italian Law.

CIVIL APPEALS1. Procedura to Tribunale.

- (i) In all cases of sentence of detention or of fine exceeding L. 2,000, or when the accused is declared to be an habitual or professional delinquent.
- (ii) In cases of acquittal for reasons of insufficient proof or of judicial pardon, if the charge is punishable by reclusion.
- (iii) Appeal by Public Minister.

(iii) The representative of the Public Minister may likewise enter an appeal in all cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

2. Tribunale to Corte d'Appello.

- (i) Appeals in second instance from Preture.
- (ii) On same grounds as (i) above.
- (iii) On same grounds as (ii) above.
- (iv) By the Procuratore del RE or Procuratore Generale of Court of Appeal on same grounds as above.

3. Corte d'Appello and Corte d'Assise to Corte di Cassazione.

Recourse to the Court of Cassation lies in the following cases:

- (i) Disregard of or error in application of the penal laws or other additional rules of which account must be taken in applying civil laws.
- (ii) Exercise by the judge of some power reserved by law to the legislative or administrative departments of State.
- (iii) Disregard of regulations of the Code involving nullity, inadmissibility or prescription.

Before all courts the accused may appeal against a sentence or judgment fixing the amount of damages awarded or expenses ordered to be reimbursed to third parties; likewise intervening third parties ("parte civile") and the party civilly liable for payment of any fine imposed upon the accused may impugn the judgment in a like manner.

- (i) In all cases of sentence of detention or of fine exceeding L. 2,000, or when the accused is declared to be an habitual or professional delinquent.
- (ii) In cases of acquittal for reasons of insufficient proof or of judicial pardon, if the charge is one punishable by reclusion.
- (iii) The representative of the Public Minister may likewise enter an appeal in all cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

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COURT OF CASSATION

The Corte di Cassazione, the Supreme Court of Italy, has its seat in Rome, a fact which under present circumstances renders it impossible for the Italian Courts functioning under law to have recourse to its permanent jurisdiction or be regulated by its normal attributions. Appeals to the Supreme Court are suspended therefore for the time being.

APPENDIX "C" (CONT'D)

Jurisdiction.

Over all Courts both Criminal and Civil and administrative tribunals. Only exception is the Senate sitting as a judicial assembly to judge members of the legislature.

Composition.

First President, 11 Sectional presidents and 87 Councillors. Sectional Sessions are composed of benches of 7 judges and a plenary Session of all sections.

Competence.

1. Decides only on points of law and not points of fact.
2. Maintains exact observance and uniformity of interpretation of the law.
3. Determines jurisdictional limits and resolves conflicts of competency.
4. Hears appeals in civil matters delivered in second instance by the Courts of appeal, Tribunals and Pretori, and in the case of judgments against a resident of the same Court to the ordinary Courts, or judgments upheld by the same grounds as the first. In the latter case the session is a plenary one.
5. Hears appeals on first instance from the Courts of appeal on points of law, procedure and jurisdiction, but not on amount of sentence.

Judgment.

The Court does not pronounce a judgment in the ordinary sense of the term but orders, and directs the judges and interpreters the law to the lower Courts.

When the Court of Cassation annuls a judgment or sentence or annuls it, the following procedure is adopted:

- (1) If a judgment is annulled, the Court of Cassation sends back the case to the judge who decided it and he then pronounces the sentence of annulment.
- (2) If it is a sentence of a Court of appeal which is quashed, the case is sent back to another Section of the same Court or to another neighbouring Court.
- (3) If it is that of a Court of Justice, Tribunal or Pretore, the judgment is sent back to another Court or judge of the same rank or another section of the same Court for pronouncement.

The same principle applies to the decisions of examining magistrates.

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4. Hears appeals in civil matters delivered in second instance by the Courts of Appeal, Tribunals and Pretori, and in the case of judgments against which there is no appeal to the ordinary courts, or judgments upheld by a resitting of the same court when the second sentence is contested on the same grounds as the first. In the latter case the session is a first one.
5. Hears appeals on first instance from the Courts of Appeal on points of law, procedure and jurisdiction, but not on amount of sentence.

Judgment.

The Court does not pronounce a judgment in the ordinary sense of the term but orders, and directs the judges and interprets the law to the lower courts.

When the Court of Cassation admits revision, annuls a judgment or sentence or commutes it, the following procedure is adopted:

- (1) If a judgment is quashed, the Court of Cassation sends back the case to the judge who decided it and who then pronounces the sentence of amendment.
- (2) If it is a sentence of a Court of Appeal which is quashed, the case is sent back to another Section of the same Court or to another neighbouring Court.
- (3) If it is that of a Court of Appeal, Tribunal or Pretore, the judgment is sent back to another Court or judge of the same rank or another section of the same court for pronouncement.

The same principle applies to the decisions of examining magistrates.

APPENDIX "B"

VOCABULARY OF USUAL TERMS IN ITALIAN
LEGAL PROCEDURE.
(Second Edition)

- A -

ABBANDONO	Abandon of domestic domicile - grounds for judicial separation.
ABITUALITA	Condition of habitual delinquent.
ABORTO	Abortion.
ABRAZIONE	Emascul.
ACCATTONEGGIO	Mendacity.
ACERTAMENTO	Verification (of identity).
ACCOMANDITA	Form of commercial undertaking lying between a corporation and a partnership. (Vide: Società).
ACCOMPAGNAMENTO	(Vide: Mandato d' accompagnamento).
ADEMPIMENTO	Redemption of a charge or mortgage or execution of a contract.
ADMISSIONE	Bill posting.
AFFITTATORE	Lessor, landlord.
AFFITTO	Letting.
AFFITTUARIO	Tenant.
AGVOLAZIONE COLPOSA or DOLOSA	Act of facilitating a criminal act. (accessory before the fact).
AMENDA	Fine imposed as the result of a misdemeanour, such as breaking town or traffic regulations, for which no imprisonment sentence can be inflicted (contravvenzioni).
AMONITO	Admonition.
AMONIZIONE	Police measure - restricted freedom.
AMNISTA	Amnesty - Grant of pardon to a class of offenders or for certain types of crime.
ANNONARIO	Food control laws; eg. reato annonario = offense against rationing laws.
ANTIORESI	Pledge by debtor to creditor of enjoyment of immoveable property to satisfy debt = anticaprese (Fr.)
APOLIDO	Person without notations.

ABORTO	Abortion.
ABRAZIONE	Excuse.
ACCATTORAGGIO	Mandacity.
ACCERTAMENTO	Verification (of identity).
ACCOMANDITA	Form of commercial undertaking lying between a corporation and a partnership. (Vide: Società).
ACCOMPAGNAMENTO	(Vide: Mandato d' accompagnamento).
ADEPIAMENTO	Redemption of a charge or mortgage or execution of a contract.
AFFISSIONE	Bill posting.
AFFITTAGGIO	Lessor, landlord.
AFFITTO	Letting.
AFFITTUARIO	Tenant.
AGGIUVAMENTO COLPOSA or DOLOSA	Act of facilitating a criminal act. (Accessory before the fact).
AGGIUNTA	Fine imposed as the result of a misdemeanor, such as breaking town or traffic regulations, for which no imprisonment sentence can be inflicted (contravvenzione).
AMMONITO	Admonition.
AMMONIZIONE	Police measure - restricted freedom.
AMNISTA	Amnesty - Grant of pardon to a class of offenders or for certain types of crime.
ANNONARIO	Food control laws; eg. reato annonario = offense against rationing laws.
ANTICRESI	Pledge by debtor to creditor of enjoyment of immovable property to satisfy debt = anticrese (Fr.)
APOLLITO	Person without nationality (e.g.heimatlos) and as such subject to Italian jurisdiction.
APPALTO	Letting out work under contract.
APPELLO	Appeal - Corte d' Appello.
APPOSIZIONE DEI SIGILLI	Affixing the seals of the Court.

- 2 -

ARRESTO	Arrest or sentence to short imprisonment.
ARROLAMENTO	Recruiting or enrolment of Italian Citizens in foreign forces.
ASSAGIO	Sample.
ASSICURAZIONE	Assurance, E.S. ... contro i danni == against loss; sulla vita = .. on life.
ASSOLUZIONE	Acquittal.
ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI GIUDIZIALI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
AUDIZIONE	Hearing.
AVVELENAMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Baristers, only concerned in pleading before Court.
AZIONE CIVILE	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.

- B -

BANCAROTTA	Fraudulent bankruptcy. Vide: "Fallimento" - Arts. 694 and 856 et seq. Com. Code.
BANDO	Proclamation. Also banishment, exile.
BARRATIERIA	Cheating, charlatanism, chicanery.

BENEFICIO D'INVENTARIO

ASSOLUZIONE	Acquittal.
ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI GIUDIZIARI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
AUDIZIONE	Hearing.
AVVELENAMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Lawyers, only concerned in pleading before Court.
AZIONE CIVILE	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.
- B -	
BANCAROTTA	Prudent bankruptcy. Vide: "Fallimento" - Arts. 694 and 656 et seq. Com. Code.
BANDO	Proclamation. Also banishment, exile.
BARRATTERIA	Cheating, charlatanism, chicanery.
BENEFICIO D'INVENTARIO	Acceptance of deceased's estate.
BENESTARE	Approbation.
BENI	Property in general e.g. beni immobili e mobili.
BESTEMIA	Blasphemy - an offence under Art. 724 of C.P.
BIBBO	Person who has remarried.
BOLLO, CARTA DA	Stamped paper.

BORSEGGIO

Larceny - pickpocket.

BREVETTO

Patent.

BUONA CONDOTTA, CAUZIONE DI Caution for good conduct

BUONA FEDE

Good faith.

BUONO

Bond. E.G. Buono del tesoro = treasury bond.

- C -

CALCE, IN CALCE

a foot of a page.

CALUNIA

Act of falsely inculpating an innocent person.

CAMBIALI

Bill, Lettre de change. E.G. Scadenza della cambiale = date of maturity of bill.

CANCELLERIA

Registrar's Office.

CANCELLIERE

Registrar of Court who takes evidence in long hand. All Courts and magistrates have a registrar or a clerk in attendance.

CAPARRA

Deposit to guarantee conclusion of a contract. E.G. Caparra confirmatoria or caparra penitenziale = deposit to be forfeited in case of non-execution.

CAPOVERSO

Paragraph.

CASELLARIO GIUDIZIALE

Individual original record files.

CAUTELA

Surety, caution money.

CEROGRAPHO

(SEE PAGE 15 FOR CERE-ICO & CERO)
Note or hand or promissory note. (For formalities required - Com. Code 1325.)

CHIUSURA

Closure e.g. chiusura del dibattimento = closure of enquiry, proceedings or debate.

CITAZIONE

Summons to appear before Court as a witness (not to be confused with the warrant "di comparizione" dealing with persons having to appear before the "tribunale istruttorio" or examining magistrate before the trial).

CITTADINANZA

Citizenship.

CLAUSOLA

Clause, proviso.

COLLAZIONE

Comparison of documents - checking.

CALICE, IN CALICE	4 foot of C. page.
CALUNIA	act of falsely inculpating an innocent person.
CAMBIALI	Bill, Lettre de change. E.C. Scadenza della cambiale = date of maturity of bill.
CANCELLERIA	Registrar's Office.
CANCELLIERE	Registrar of Court who takes evidence in long hand. All Courts and magistrates have a registrar or a clerk in attendance.
CAPERA	Deposit to guarantee conclusion of a contract. E.C. Caparra confirmatoria or caparra penitenziale = deposit to be forfeited in case of non-execution.
CASOVVERSO	Paragraph.
CASELLARIO CRIMINALE	Individual criminal record files.
CAUTELE	Buety, caution money. (SEE PAGE 12 FOR C.E.I. 100 & C.E.T.O.) Note of hand or promissory note. (for formalities required - Com. Code 1325.)
CHIROGRAFO	
CHIUSURA	Closure E.C. chiusura del dibattimento = closure of inquiry, proceedings or debate.
CITAZIONE	Summons to appear before Court as a witness (not to be confused with the warrant "di comparizioni" dealing with persons having to appear before the giudice istruttore" or examining magistrate before the trial).
CITTADINANZA	Citizenship.
CLAUSOLA	Clausula, proviso.
COLLAZIONE	Comparison of documents - checking.
COLLOCAMENTO, PERICOLOSO	Misplacing of objects to danger of public.
COLONO, COLONIA	Contractor and contract between landlord and tenant for agricultural land.
COMESSE	Clerk, employee in office.

- 4 -

COMMISSIONE PROVINCIALE	Commission composed of Prefect, Questore, Procuratore del Re, Capo Carabinieri, Capo Milizia who decide that a person be sentenced to amonizione or confino.
COMPARIZIONE:	Comparison, to appear.
COMPARSA	Appearance, to enter an appearance.
COMPETENZA:	Competence, jurisdiction. Eg Competenza per materia, or Competenza per territorio.
COMPUTO (delle pene)	Method of reckoning duration of penal sentences; fixation of legal limitations.
Complesso, nel	In Toto
Conciliatore	Communal conciliation Magistrate
CONCORSO	Complicity
CONDANNA	Sentence of condemnation.
CONFINO	Police measure without trial or appeal; generally political offence.
CONGIUNZIONE CARNALE	Carital knowledge. Rape, vice violenza carnale, ratto.
CONIUGI	Spouses
Concessione	Connexion, used when a number of crimes committed by the same individual are within the competence of different courts or if a number of persons are connected with the same crime, but not in the same degree.
CONNOTATI	Description of a person's physiognomy and characteristics for identification purposes.
CONSAPEVOLE	Cognisant, eg consapevole del fatto.
CONSEGNA	Seizure by Bailiff (Ufficiale giudiziario)
CONSERVATORE	Registrar of transactions in and charges on property.
CONSIGLIO di SARVEGLIANZA	Prison Overseers.
CONSORZIO	Consortium, syndicate, association.

COMPUTO (delle pene)	Method of reckoning duration of penal sentences; Fixation of legal limitations.
Complesso, nel	In Toto
Conciliatore	Concursal conciliation Magistrate
CONCORSO	Concurrence
CONDANNA	Sentence of condemnation.
CONFINO	Police measure without trial or appeal; Generally political offence.
CONGIUNZIONE CARNALE	Carual knowledge. Rape, wider violenza carnale, ratto.
CONIUGI	Spouses
Concessione	Concession, used when a number of crimes committed by the same individual are within the competence of different courts or if a number of persons are connected with the same crime, but not in the same degree.
CONNOTATI	Description of a person's physiognomy and characteristics for identification purposes.
CONSAPEVOLE	Cognizant. eg consapevole del fatto.
CONSEGNA	Seizure by Bailiff (Ufficiale giudiziario)
CONSERVATORE	Registrar of transactions in and charges on property.
CONSIGLIO DI SANT'EGGIANZA	Prison Overseers.
CONSORZIO	Consortium, syndicate, association.
CONSIGLIA MUNICIPALE	Municipal Council
CONSUETUDINE	Custom, routine.
CONSULENTI TECNICI	Technical advisors.
CONTAGGIO VENEREO delitto di	Offense of transmitting venereal disease.
CONTRAVVENZIONE	Misdemeanor or petty offence.

Competenza per territorio.

- 5 -

CONTROGGE	Contingency. Sentence in contravvenzione = sentence by default.
COPIA	Copy c.c. Copia e estratti = copies and extracts.
COPIA AUTENTICA	Authentic or certified copy delivered by a court, registrar or notary.
COPIRIFUGO	Curfew blackout.
CORREDO	Trousseau
COSTRIZIONE	Duress, constraint. eg. Costrizioni alla prostituzione.
CONTINIO	Terms of piece workers contract of employment. eg. tariffa di continuo = piece worker's scale.
CRULLO	Offense occasioned by causing the collapse of a building eg. crollo colosso, deloso.
CHIRLOTTE	Trustee, official receiver, guardian.
CUSTODE	Guard, custody, custodianship of pledged or sequestered property. Sequestro.
CUSTODIA	Guardianship.
DANNOCCIAMENTO	Damage to private or public property-movables and immovables.
DANNI	Ordinary damages.
DECADENZA	Loss of legal rights, expiration of time limits.
DECRETO-LARGE	Decree-law.
DELIBERAZIONE	Homologation by court of appeal or Ecclesiastical tribunals in matrimonial causes, of execution of foreign judgments.
DELLI	Crimes as opposed to felonies or misdemeanours.
DELLIO PUBBLICO	State domains or property.
DEMENTIA	Information given by a person to the judicial authorities that a criminal offence has come to his or her notice.
DETURBAMENTO	Disfigurement or destruction or defacement of objects of natural beauty.
DETTATE	Perishable goods.
DETTAMENTO	Debate; the proceedings of a criminal trial before the Court.

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COSTRUZIONE	Buildings, construction. eg. Costituzione della Repubblica.
CONTRATTO	Terms of piece workers contract of employ ment. eg. tariffa di cottimo = piece worker's scale.
COLLO	Offence occasioned by causing the collapse of a building eg. crollo colosso, colosso.
CHIAVARE	Trustee, official receiver, guardian.
CUSTODE	Custody, guardianship of pledged or sequestered property. Sequestro.
CUSTODIA	Guardianship.
DANNOCCHIAMENTO	Damage to private or public property-movables and immovables.
DANNI	Ordinary damages.
DECADENZA	Loss of legal rights, expiration of time limits.
DECRETO-LEGE	Decree-law.
DELIBERAZIONE	Homologation by court of appeal of ecclesiastical fragments in matrimonial cases, eg. assenso of foreign fragments.
DELITTI	Crimes as opposed to felonies or misdemeanours.
DEMANIO PUA LING	State domains or property.
DETRUOLA	Information given by a nation to the judicial authorities that a criminal offence has come to his or her notice.
DETURBAMENTO	Interference with destruction or defacement of objects of natural beauty.
DEPERIRE	Perishable goods.
DETRATTAMENTO	Debate; the proceedings of a criminal trial before the Court.
DIFFAMAZIONE	Defamation (vis, injuria)
DIORA	Solenn, stay address of diploma. Bitum = concile.
Dimorante a.	Residing at.
DILAZIONE	Delays, adjournment.
DIRETTISSIMO	Proceedings taken by procurators in cases of flagrant delicto- accused committed for trial without further investigation.

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DISCIPLINA	Control excised by the provisions of the penal code over the commission of offenses. eg. generally, means of correction.
DISTURBO	Disturbances.
DITTA	Business house
DIVIZIO	Prohibition
DOCUMENTO	A public or private writing to which the State attributes value as a means of proof.
DOLO	Dol, fraud.
DOLOSO	Fraudulent. eg. fallimento doloso = fraudulent bankruptcy.
DOMICILIO ELETTO	Choice of jurisdictional domicile.
DOVE	Marital dot
ECCEZIONE DI INCOMPETENZA	-E- Exception of incompetence; challenge as to competence of court or magistrate.
ELEMENTI COSTITUTIVI	Elements of a crime.
ELENCO	List
EMANCIPATO	Emancipated minor.
ENFITEUSI	A lease of property in perpetuity or for a term of years in return for a canon (canone) rent, and conferring upon the lessee many of the rights of ownership.
ENTE COLLETTIVO	Collectivistic, association.
ERARIO	Public treasury.
EREDITA GLACANTE	Vacant estate.
ERGASTOLO	Reclusion or imprisonment for life.
ESCHESIONE	Interrogatory. Audition of witnesses.
ESPERIMENTO	Reconstitution of a crime.
ESPORAZIONE	Expropriation.
ESTINZIONE	Extinction of penal offenses.

DIVIETO	Prohibition
DOCUMENTO	A public or private writing to which the State attributes value as a means of proof.
DOLO	Dol, fraud.
DOLOSO	Fraudulent. eg, fallimento doloso = fraudulent bankruptcy.
DOMICILIO ELETTO	Choice of jurisdictional domicile.
DOVE	Marital dot
ECCEZIONE DI INCOMPETENZA	-3- Exception of incompetence; challenge as to competence of court or magistrate.
ELEMENTI COSTITUTIVI	Elements of a crime.
ELESCO	Elet
EMANCIPATO	Emancipated minor.
EMFITEUSI	A lease of property in perpetuity or for a term of years in return for a canon (canone) rent, and conferring upon the lessee many of the rights of ownership.
ENNE CIVILITIVI	Collectivities, associations.
ERARIO	Public treasury.
EREDITA GIACENTE	Vacant estate
ERGASTOLO	Reclusion or imprisonment for life.
ESCUSSIONE	Interrogatory. Addition of witnesses.
ESPERIMENTO	Reconstitution of a crime.
ESPROPRIAZIONE	Expropriation.
ESTINZIONE	Extinction of penal offenses.
ESTORSIONE	Extortion
EVIZIONE	Eviction
FALLIMENTO	^F Insolvency, declaration of
FALSO	False declaration; errors of identity.
FAVOREGGIARE TO	Act of facilitating the escape of a criminal (accessory after).
FIDEIUSSORI	Bailors, persons who stand as security for bail.

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PIRELLIO	Child-generic term including both sexes.
PIRELLIO	Location, letting eg fitto di casa = letting of house. Fitto di podere = location of farm.
PIRELLIO	"flagrante delicto".
PIRELLIO	Competent jurisdiction.
PIRELLIO	Theft or larceny.
- G -	
PIRELLIO	Guarantee
PIRELLIO	Endorser of a cheque or bill of exchange. (vide Franto)
GIUDICE ISMUTATORE	Examining magistrate, member of the Ministro Pubblico
GIURAMENTO	Oath
GIURY D'ONORE	Court of honour recognised by Penal Code.
GRAZIA	Pardon or grazia giudiziale = judicial pardon.
ORDINAMENTI	Instruments used to force open doors or windows.
ROBBERIO	Enjoyment.
Quarto	Damage, destruction.
- I -	
INDEBITA	Suitability, (idoneo, adeguato, apt) Suitable.
INDEBITAZIONE	Opposition or refutation by defence of a statement of facts.
INDEBITATO	Accused.
INDEBITAMENTO	Non execution, unfulfillment.
INDEBITO	Sale eg il pubblico incanto = public auction.
INDEBITO	Investigation, enquiry.
INDEBITO DEL REATO	Nature of the offense.
INDURIO	Delay
Indulto	Indult, pardon to an individual (vide amnistia)

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CARANZELLA	Carantes
GERANVO	Endorse of a cheque or bill of exchange. (viro Prudente)
GIUDICE ISPIRATORE	Examining magistrate, member of the Ministro Pubblico
GIURAMENTO	Oath
GIUSTI D'ONORE	Court of honour recognised by Penal Code.
GRAZIA	Pardon eg grazia giudiziale = judicial pardon.
GRANDUCELLI	Instrumenta used to force open doors or windows.
GOGLIARITO	Enjoyment.
Gusto	Damage, destruction.
GRONELLA	- I -
GRONELLA	Suitability, (idoneo, adeguato, apt) Suitable.
GRONELLA	Opposition or refutation by defence of a statement of facts.
GRONATO	accused.
GRONAMENTO	Non execution, unfulfillment.
GRONATO	Sale eg il pubblico incanto = public auction.
GRONARE	Investigation, enquiry.
GRONARE DEL REATO	Nature of the offense.
GRONATO	Delay
GRONATO	Infant, pardon to an individual (viro amnistia)
GRONATO	Infantile eg infanticidio per causa di onori = for reasons of family honor. .
GRONATO	Prison, slavery.
GRONATO	Injunction
GRONATO	Result as distinct from confession = confession.
GRONATO D'UFFICIO	Action started automatically by the State in criminal matters.
GRONABILITA'	Unappealable, without recourse.
GRONATO	Intervenor eg interveni di terzi in causa = intervention of third parties.

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INVITO A ESIBIRE	Summons to produce an object (an exhibit) in connection with examination. Step taken by magistrate before ordering a perquisition.
IPOTECA	Mortgage.
IRRETRAZIBILITA'	Is used in cases when penal action if started cannot be legally withdrawn, even by mutual consent.
ISTANZA	Petition; memorandum by the defense, instance.
ISTRUZIONE URMATE or SOMMARIA	Examination either summary or complete of persons and facts connected with a criminal case by an examining Magistrate (Pretore, Giudice Istruttore, or Procuratore del Re.)
LATITANZA	-1- Status of a person who voluntarily avoids answering a summons or warrant issued by a magistrate.
LEGITTIMAZIONE	Legitimation of bastards.
LEZIONI	Attack on person causing bodily harm. eg. lesioni personali colpose.
LETTERA DI TESTIMONIO	Carrier's note.
LIVIDINE	Bust.
LICENZA LINTO	Dismissal, discharge.
LIMITAZIONE	Defense against the liberty of the person or l'indobita limitation of personal liberty.
LUTO VEDOVILE	Widow's period of mourning (vide nuove nuove).
MALATTIA CUTANEA	VENEREAL DISEASE.
MALEFADARIA o MALEVERIA	Caution, bail, guarantee.

ISTANZA	Petition; memorandum by the defence, instance.
ISTRUZIONE PRIMAIRE or SOMMARIA	Examination either summary or complete of persons and facts connected with a criminal case by an examining Magistrate (Procuratore, Giudice Istruttore, or Procuratore del Re.)
LIBERTAZIONE	-I- Status of a person who voluntarily avoids answering a summons or warrant issued by a magistrate.
LESIONI	Legitimation of bastards. Attack on person causing bodily harm, eg. lozioni personali colpose.
LETTERA DI VETURA	Carrier's note.
ERIDENE	Luot.
LICENZA DI VOTO	Dismissal, discharge.
LIBERAZIONE	Ordinance against the liberty of the person eg. l'indebita limitazione of personal liberty.
LUTO VEDOVILE	Widow's period of mourning (vide negro nuncve).
MALATTIA ORETTICA	VENEREAL DISEASE.
MALDIVADANIA or MALDIVENIA	Caution, bail security for leases.
MALVAGITA'	Intention to cause harm, eg. brutale- elivagite = malicious act
MANDATO	Warrant. A summons.
MILANTE	By means of
MEFETRICIO	The exercise of the trade of keeper of a house of prostitution.

MISTRIA	(French Metayer) see definition for MEZZADRIA.
MESTIERI GIROVASHI	Trade exercised by wandering individuals without a known domicile.
MEZZADRIA	Contract for the division of products from an estate between landlord and tenant.
MEZZAIOLO	Rural tenant.
MEZZI	Legal means.
MILLANTATO	Act of promising to procure some favour from or mediation by a public official in exchange for payment or rewards. Milantato del patrocinatore = offer by an advocate to use influence with a judge to favour his client's case.
MINACCIA	Threat
MINORI/MINORENNI	Minors betwix 14 & 18 years.
MOBILI	Movables
MULTA	Fine as imposed by the Courts (pretura or Tribunale in lieu of a sentence or) imprisonment or in addition to the sentence.
MUTUO	Loan of money or consumables upon a free of interest.
DOCUMENTO	Damage, prejudice, tort.
NEGOCIO	Charter, hiring. eg contratto di noleggio= charter party.
NORNE	Rules of court, of procedure, administra- tive regulations, also Regole.
NORME PROCESSUALI	Rules of proceedings.
NOTAIO	Notary, receives all deeds for transfer of real estate; he keeps the original and

MEZZAI

ALLIANTATO

Legal means.

Act of promising to procure some favour from or mediation by a public official in exchange for payment or reward. Millesimo del petrocinatore = offer by an advocate to use influence with a judge to favour his client's case.

MINACCIA

Threat

MINORI/MINORENNI

Minors between 14 & 16 years.

MOBILI

Movables

MULTA

Fine as imposed by the Courts (preture or Tribunale in lieu of a sentence or) imprisonment or in addition to the sentence.

MUTUO

Loan of money or consumables goods free of interest.

DOCUMENTO

Damage, prejudice, tort.

VELEGGIO

Charter, hiring. as contratto di noleggio= charter party.

NORME

Rules of court, of procedure, administrative regulations, also Regole.

NORME PROCESSUALI

Rules of proceedings.

NOTAIO

Notary, receives all deeds for transfer of real estate; he keeps the original and delivers a copy to the parties (certified); acts as a official liquidator of estates; receives and drafts wills and other official deeds. Appointed by state, he is submitted to the supervision of the Minister of Justice.

NOVAZIONE

The substitution of a new debt or obligation for an existing one.

NOZZE NUOVE

Remarriage-widow forbidden to remarry until expiration of 300 days after preceding marriage has ceased to exist (civil code article 89)

-1C-
-0-

OBELITAZIONE CIVILE liability resulting from Commission of
crime.
OBELAZIONE mitigation of a minor offense or petty mis-
deemeanor by payment or fine before trial
or judgment.

OZIOSO idle, person without visible means of support.

-P-

PARIFICAZIONE To give equal status.

PATROCINATORE legal advisers practicing in lower courts
not called to the bar, no degree. Generic
term for all classes of defenders before
the court.

PATROCINIO Defense of a cause, as patrocinio gratuito=
defense of poor persons.

PATTO Agreement, pact

PECULATO Peculation

PEGNO Pledge, guarantee.

PERITI Experts

PERIZIA Expert's report.

PERIZIONE Rent or contract of location.

PERFORAMENTO Attachment and seizure of property by bailiff
to secure a debt.

POLIZIA GIUDIZIARIA Polizia. I/C of criminal investigations.

POTERI Powers, as i pieni poteri= full powers.

PRACTICA, docenda. File of documents.

PRATICANTE Articled clerk, learner or practicing
advocate.

PRESCRIZIONE Extinction of a right or cause of action by

PARIFICAZIONE To give equal status.

PARROCCHIALE Local advisers practicing in lower courts not called to the bar, no degrees. Generic term for all classes of defenders before the court.

PARROCCHIANO Defense of a cause, as patrocinio gratuito defense of poor persons.

PARTITO Agre ment, pact

PERCUSSIONE Execution

PERNO Pledge, guarantee.

PERITI Experts

PERITIA Expert's report.

PERIZIONE Rent or contract of location.

PERONCHIMENTO Attachment and seizure of property by bailiff to secure a debt.

1. POLIZIA GIUDIZIARIA Policia/. I/C of criminal investigations.

2. POTERI Powers, as i pieni poteri= full powers.

PRATTICA, COPIER File of documents.

PRATICANTE Articled clerk, learner as practicante avvocato.

PRESCRIZIONE Extinction of a right or cause of action by lapse of a period of time fixed by law. -- Statute of limitations.

PRETERINTEN- ZIONALITA Commission of a crime more serious than that intended by the delinquent.

PROCEDURA Proceedings in general.

PROCESSO VERBALE A report of the circumstances of the commis- sion of an offense or of action taken by a public official--police, judicial or adminis- trative officer - in the course of his duties.

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PROCURATORE GENERALE

The Attorney General Corte Di Appello

PROCURATORE DEL RE

The Crown Attorney Tribunale.

PROCURATORE

Do the same court work as a solicitor; preparing case, lodging documents, attending to all proceedings.

PROLE

Children, progeniture.

PROSCIOLTO

An accused who has been acquitted.

PROSCIOLTO INTO

Acquitted, decision of court or judge releasing or absolving accused of penalties even if sentenced.

PROVVEDI RATTI

Provisions of the Code (of the law), judicial measures generally.

PUBBLICO MINISTERO

Office of the Crown Attorney; by extension, the State Prosecutor, whoever he may be, in whatever court.

PUNTERUOLO

A pointed arm or instrument used to cause injury.

PUPILLO

Ward or minor in Guardianship.

QUERELA

Complaint in justice eg. querela di falso-complaint for fraud. In the case of certain offenses prosecution need be set in motion by a private person by means of "querela" proceedings.

RADUNATA

- R -

Seditious meeting

RASIONE

Rights

RAGGIO

Impostor, trickster.

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PROSCIOLTO	An accused who has been acquitted.
PROSCIOGHI ENTO	Acquittal, decision of court or judge releasing or absolving accused of penalties even if sentenced.
PROVVEDIMENTI	Provisions of the Code (of the law), judicial measures generally.
PUBBLICO MINISTERO	Office of the Crown Attorney; by extension, the State Prosecutor, whoever he may be, in whatever court.
PUNTERUOLO	A pointed arm or instrument used to cause injury.
PURILLO	Ward or minor in guardianship.
QUERELA	Complaint in justice eg. querela di falso-complaint for fraud. In the case of certain offenses prosecution need be set in motion by a private person by means of "querela" proceedings.
RADUNATA	- R - Seditious meeting
RAGIONE	Rights
RAGGIO	Impostor, trickster.
RATTA	Robbery and burglary.
RAPPORTO	R. port by public officials that a criminal offence has come to their notice.
RAPPRESENTAZIONE	Order of succession to a deceased's estate.
RATTO	Abduction eg. ratto a fine di libidine= carrying off with intention of sexual intercourse.

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REATI	Crimes in general.
RECIDEVA	Repetition of an offence.
RECLUSIONE	Imprisonment with hard labor for a period.
REPERITO	Obligatory report of commission of an offence to judicial police, pretore or procuratore del Re.
REGRESSO	Rights of holder of a bill against drawer, acceptor, endorser.
REVISIONE	Review
REVOCAR	Revocation
RICHIESTA	Petition by complainant requesting that penal proceedings be started against a person.
RICUSAZIONE	Challenge (to judges, jurors)
RIDUZIONE	Reduction of amount of seized goods.
RIFUSIONE	Reimbursement eg. rifusione delle spese = Reimbursement of expenses.
RIGETTO	Rejection
RILASCIARE	Deliver eg. rilasciare un documento = deliver a document.
RILASCIO	Release, eg rilascio di beni mobili = release of seized movables (vide pignoramento)
RIMOZIONE	To remove. Removal, eg rimozione di sigilli = removal of seals.
RINUNCIA	Abandonment of proceedings by individuals.
RINVIO A GIUDIZIO	Commitment to trial before court made by any examining magistrate.
RINVIO	Also adjournment.

PREPARAZIONE PECUNIARIA Damages claimed by victim of a judicial

RITORSO

Rights of holder of a bill against drawer, procuratore del Re.

REVISIONE

Review

REVOCIA

Revocation

RICHIESTA

Petition by complainant requesting that panel proceedings be started against a person.

RICHIAZIONE

Challenge (to judges, jurors)

RIFUZIONE

Reduction of amount of seized goods.

RIFIUZIONE

Reimbursement eg. rifiusione della spesa = Reimbursement of expenses.

RIGETTO

Rejection

RILASCIARE

Deliver eg. rilasciare un documento = deliver a document.

RILASCIO

Release, eg. rilascio di beni mobili = release of seized movables (vide pignoramento)

RIMOZIONE

To remove. Removal, eg. rimozione di sigilli = removal of seals.

RINUNCIA

Abandonment of proceedings by individuals.

RINVIO A GIUDIZIO

Commitment to trial before court made by any examining magistrate.

RINVIO

Also adjournment.

RIPARAZIONE PECUNIARIA

Damages claimed by victim of a judicial error. Del danno; compensation for damages.

RIPARTO

Section, division, department.

RIPORTARE UNA CONDANNA

Receive a sentence.

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RIPROPORRE	-To recopen an action
RISARCIMENTO	Compensation
RISCATTO	Stipulation in which vendor reserves right of repurchase, eg. patto di riscatto.
RISSA	Brawl.
RUBA	Larceny, Rapine.
- S -	
SABOTAGGIO	Sabotage of public edifices (vide danneggiamento)
SACCHIEGGIO	Looting; plunder, pillage.
SAGGIO	Printer's proof.
SANATORIA	Regularisation of a finding of nullity by an expiring magistrate.
SCADENZA	Date of maturity of bill of exchange.
SCIOLLA MTO	Dissolution, annulment
SCIOPEPO	Strike.
SCRITTURA	Vide documento.
SEALC	Official cachet or stamp.
SENTENZE IN CONTUMACIA	Penal sentences given by default.
SEQUESTRO	Seizure, judicial sequestration.
SERRATA	Lock out.
SERVITU	Easement, servitude.
SPRUTTAMENTO	Living on immoral earnings of a prostitute.
SIGILLO	Seal

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RUEA

Larceny, Ragine.

- S -

SABOTAGGIO

Sabotage of public edifices (vide danneggiamento)

SACCHEREGGIO

Looting, plunder, pillage.

SAGGIO

Printer's proof.

SANATORIA

Regularisation of a finding of nullity by an examining magistrate.

SCADENZA

Date of maturity of bill of exchange.

SCIOLGITO ENTO

Dissolution, annulment

SCIOPERO

Strike.

SCRITTURA

Vide documento.

SEAL

Official cachet or stamp.

SENTENZE IN
CONTUMACIA

Penal sentences given by default.

SEQUESTRO

Seizure, judicial sequestration.

SERIATA

Look out.

SERVITU

Easement, servitude.

SPRUTTAMENIO

Living on immoral earnings of a prostitute.

SIGILLO

Seal

SIMULAZIONE

A public official using his position to further private interests (vide calunnia).

SISTE AZIONE

Organisation-eg sistematiche delle difese= organisation of the defense.

SCOCIDA

Agricultural partnership for rearing a grazing of cattle.

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SOCIETA'	Corporation eg. Società per azioni= Share corporation; Società a responsabilità limitata=private limited liability company. Società in nome collettivo=registered partnership.
SOCIO	Partner, associate.
SOPPRESSIONE	Illegal suppression of a document or human body.
SPESA PROCESSUALE	Costs in the case
SPETTARE, SPETTANTE	Concerning, belonging to, within the competence of.
SPIONNAGGIO	Espionage.
STAMPA	Press, newspaper.
STIPENDE	Salaries.
STRAGE	Massacre.
STRANIERO	Alien, foreigner.
STRAPPO POCO CON	Theft with violence.
SUCCESSIONE	DECEASED'S estate, eg. apertura della successione = probate and administration.
TERMINI	Delays, legal and judicial.
TERZO, IN	Overleaf
TERZI, DIRETTI DI	Rights of third parties.
TESTI OLANZA	Testimony eg. Testimonianza falsa=false testimony.
TESTIMONIO	Witnesses.
TITOLO ESECUTIVO	Deed containing an executory clause.
TRAFFICO	Drafter of a bill of exchange (vide Girante)
TRASCRIZIONE	Entering in public registers of

SOPPRESSIONE	Illegal suppression of a document or human body.
SPESA PROCESSUALE	Costs in the case
SPETTARE, SPETTANTE	Concerning, belonging to, within the competence of.
SPIONNAGGIO	Espionage.
STAMPA	Press, newspaper.
STIPENDE	Salaries.
STRAGE	Massacre.
STRANIERO	Alien, foreigner.
STRAPPO	Theft with violence.
SUCCESSIONE	DECEASED'S estate, eg. aperture della successione = probate and administration. - T- Delays, legal and judicial.
TER INI	Overleaf
TERGO, IN	Rights of third parties.
TERZI, DIRETTI DI	Testimony eg. Testimonianza false=false testimony.
TESTI D'IMPIANZA	Witnesses.
TESTI ONICI	Dead containing an exoneratory clause.
TITOLO ESERCIZIO	Drawer of a bill of exchange (vide Sirento)
TRAENTO	Entering in public registers of particulars of transactions in regard to property, and mortgages.
TRASCRIZIONE	White slavery.
TRATTA DELLE DONNE	Public amusements.
TRATTINELLI PUBBLICI	Embezzlement, fraud.
TRUFFA	Obscene language.
TURPILLOQUIO	

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TUTELA
Safeguarding eg. tutela dei diritti pubblici
= safeguarding of public laws. (vide tutore)

TUTORE
Guardian, curator.

- U -

UBRIACHEZZA
Drunkennes, eg. ubrisco abitualel habitual
drunkard.

UCCIDERE
Murder

UDIENZA
Audience

UFFICIALE
Court bailiff and usher

USCIERI DI
CONCILIABIONE
Usher in
conciliation court.

USUFRUTTO
Usufruct, -the enjoyment of a thing or of
the fruit or product of property whilst
the title thereto remains in another.

VENDITA AL INCANTO
Sale by public auction

VENDITA A SALTE DI
PREZZO
Sale by instalments.

VENERIO
Veneresl (vide conteggio veneresl)

VIGILANZA
Legislation

VIGENTE
In force, eg. la vigente legge=the law
in force.

VILIFENDIO
Treating with contempt the Italian Crown,
government or parliament, nation, flag,
armed forces of the state or judiciary.

VINCOLO
Bond, obligation, lien.

VILENZA CARNALE
Rape.

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UBELACHEZZA
Drunkness, eg. ubriaco abituale habitual
drunkard.

UCCIERE
Murder

UDIENZA
Audience

UFFICIALE
CANTIERO
Court bailiff and usher

USCIERI DI
CONCILIABIONE
Usher in
conciliation court.

USUFRUTTO
Usufruct, -the enjoyment of a thing or of
the fruit or product of property whilst
the title thereto remains in another.

VENDITA AI INCANTO
Sale by public auction

VENDITA A SALE DI
PREZZO
Sale by instalments.

VENERIO
Venerous (vide conteggio veneroso)

VIDIMAZIONE
Legislation
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VIGENTE
In force, eg. la vigente legge=the law
in force.

VILIPENDIO
Treating with contempt the Italian Crown,
government or parliament, nation, flag,
armed forces of the state or judiciary.

VINCOLO
Bond, obligation, lien.

VILENZA CARNALE
Rape.

VISTO CHE
In consideration that, in view of, whereas.

VITALIZIO
Assegno Vitalizio= life annuity.

ADDITIONS TO PAGE 3

- C -

CELTICO
Venereal eg. Malattia celtica-sifilide.

CETO
Class or profession eg. il ceto degli
avvocati= the bar.

