

ALLIED MILITARY GOVERNMENT

BRITISH - UNITED STATES ZONE

FREE TERRITORY OF TRIESTE

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HEADQUARTERS ALLIED MILITARY GOVERNMENT

British - United States Zone - Free Territory of Trieste

Order No. 31

REPAIR TO WAR DAMAGED HOUSES

WHEREAS the terms and provisions of General Order No. 14, dated 11 September 1945, and General Order No. 27 dated 28 November 1945, no longer meet the present existing conditions ; and

WHEREAS it is desirable and necessary to repeal the said General Orders No. 14 and 27 and enact now legislation in their place in that Zone of the Free Territory of Trieste occupied by the British-United States Forces (hereinafter referred to as the „Zone“);

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General U. S. Army, Senior Civil Affairs Officer,

ORDER:

ARTICLE I

REPEAL OF GENERAL ORDERS No. 14 AND No. 27

General Orders No. 14, dated 11 September 1945 and No. 27, dated 28 November 1945, are hereby repealed.

ARTICLE II

APPLICABILITY

The provisions of this Order shall apply exclusively to the repair of houses in any way damaged by war events and which can be rendered habitable, both technically and hygienically, by means of an expense not higher than 300.000 lire, including the contribution set forth in Article VI of the present Order.

ARTICLE III

APPLICATION FOR ASSISTANCE

1. — Owners of damaged houses, both city and rural, who desire that their buildings be repaired under the provisions of this Order shall submit an application therefor to Genio Civile.

2. — The application will include :

a) a summary description of the actual conditions and site of house to be repaired ;
and

- b)* all data concerning the property prescribed by Article 1158 of the Civil Law. If these are lacking a sworn declaration, made in the presence of the „Pretore“ and confirmed by 4 proprietors residing in the Commune, or a declaration made by the Area President (on his own responsibility), will serve as proof of ownership.

ARTICLE IV

JOINT OWNERSHIP

When a damaged house is jointly owned by more than one person, the request for a subsidy may be made by any one of such owners on behalf of all the others. In such instance the subsidy will be fixed for each such person in proportion to the expenditures required for repairing that portion or story of the house owned by him.

ARTICLE V

AUTHORITY OF GENIO CIVILE

- (a)* Genio Civile will: *(a)* provide, by means of experts of its own choosing for the compiling of estimates solely regarding war damages in accordance with Article II of the present Order; *(b)* collect all information necessary to establish the necessity and urgency of repairs, time necessary for the work and number of apartments in order to be able to decide matters relating to the contributions; and will compile a special request form for the approval and financing (Mod. PW-1); *(c)* transmit the complete documents to Public Works Division, Allied Military Government, for its approval or disapproval of the requested repair.
- (b)* The approval by Public Works Division shall be forwarded to the owner concerned through Genio Civile.

ARTICLE VI

CONTRIBUTION

The subsidy shall be granted as follows:

- (a)* Allied Military Government will contribute 50% of repair cost for each approved project — provided said contribution does not exceed 150,000 lire for each apartment in the building.
- (b)* The subsidy herein provided shall in no instance be predicated upon any basis other than the total sum required and considered allowable for the repair work, and such work shall exclude any amplification or improvement not strictly necessary for the purpose of making the house habitable.
- (c)* Each building or apartment shall be considered as a separate unit for computation of total cost of repair and amount of contribution to be made.
- (d)* Payment of the subsidy to the property owner shall be made by the Allied Military Government on the certificate of the Genio Civile that the repairs have been completed, and shall be based upon the actual amount of money expended subject to the limitations imposed under sub-sections *(a)* and *(b)* of this Article.
- (e)* If any property owner fails to observe, in repairing his property, all terms and/or directives imposed by the Allied Military Government or by Genio Civile, the subsidies mentioned herein may be withheld and the owner deprived of any contribution to which he would otherwise be entitled.

- (f) To owners applying for the same and to the extent available, building materials may be supplied in lieu of a money contribution up to the full total of such contribution.
- (g) Where the owner furnishes his own materials on the repair of his home, the cost of such materials furnished will be included in the total cost of repair upon which the amount of the subsidy is based.

ARTICLE VII

LOANS BY CREDIT INSTITUTES

1. — Owners who propose to finance the repair to premises, approved by the Allied Military Government, by means of loans instead of or in addition to contributions, as provided in Article VI hereof, may make application therefor to any credit institution. Such credit institutions are authorized to grant such loans regardless of corporate limitations or other regulatory statutes governing them.

2. — The mortgage executed to secure such a loan shall have priority over and be superior to any other existing loan and also over privileged credits to the extent and only to the extent of the total which represent war damage repair costs, less any sum advanced as a contribution. In all other respects such loans may be made on the same terms and conditions as other commercial transactions of a similar nature and in accordance with the Laws of the Zone in effect on 8 September 1943 and the Proclamations and Orders of the Allied Military Government.

3. — An owner of even a part of a damaged building may contract for a loan in his own name, and there will remain to him recourse upon the other joint owners for the value of the repairs he is called upon to make to those parts of the structure which are shared in common with them.

4. — Where property is indivisibly owned by several persons and a loan is contracted in the interests of all these persons, the mortgage will be written to include all of them even though some of them do not participate in the making of the loan contract.

ARTICLE VIII

PENALTIES

Any person, who makes a false statement in any application for repair to war damaged houses or in connection with the granting of a subsidy therefore or who otherwise violates any provisions of this Order, shall be guilty of an offence and upon conviction by an Allied Military Court, shall be subject to fine or imprisonment or both, as the Court may determine and in lieu of, or in addition to the foregoing, any materials or money furnished or granted may be declared forfeited to the Allied Military Government.

ARTICLE IX

EFFECTIVE DATE

This Order shall become effective on the date of its publication in the Allied Military Government Gazette.

TRIESTE, 24th November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Order No. 32

REPAIR OR REBUILDING OF WAR DAMAGED HOUSES IN THE ABSENCE OF APPLICATION OF OWNER

WHEREAS critical housing conditions exist, caused by reason of war damage and destruction, necessitating immediate steps to repair and/or rebuild, and

WHEREAS, owners of such houses have failed to make arrangements for the repair or rebuilding of their houses to provide homes for the homeless and destitute, and

WHEREAS, it is deemed urgent and essential to proceed to re-habilitate those damaged and destroyed houses, in the absence of application of owners to effect such necessary repairs, in that Zone of the Free Territory of Trieste occupied by the British-United States Forces (hereinafter referred to as the „Zone“).

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General, U. S. Army, Senior Civil Affairs Officer,

ORDER :

ARTICLE I

APPLICABILITY AND GENERAL PROVISIONS

Section 1. — The Genio Civile is hereby authorized, with the approval of the Allied Military Government in each specific case and subject to the conditions hereinafter stated, with or without the application or consent of the owner, to make repairs to any war damaged house which it decides is in urgent need of repair, and the owner shall make partial reimbursement of the expense thereof as hereinafter provided. Such repairs shall include any necessary rebuilding of partially destroyed houses, when, in the opinion of the Genio Civile approved by the Public Works Division of Allied Military Government, it shall be deemed economically feasible.

Section 2. — The Genio Civile, in carrying out the above function, shall apply the general principle that the purpose of this Order is to repair houses needed as a matter of extreme urgency, and indispensable for sheltering those persons roofless, who in consequence of war action, have remained homeless or who are obliged to live precariously in damaged premises or other premises considered inadequate from a hygienic point of view.

Section 3. — The Genio Civile, when the repairs are completed, shall deliver to the Allied Military Government, for the purpose of reimbursement by the owner, a detailed statement of the total expense thereof which statement shall be in such form and contain such information as the Allied Military Government shall direct.

ARTICLE II

OBLIGATION OF OWNER TO MAKE PARTIAL REIMBURSEMENT OF COST OF REPAIR

Section 1. — When such repair is made to a war damaged house, in accordance with the preceding Article, the owner shall be chargeable with the obligation to pay to the Allied Military Government fifty (50) percent of the total expense of such repair, when such expense does not

exceed 500,000 Lire per unit. If the expense exceeds 500,000 Lire per unit, the owner shall be chargeable with the obligation to pay fifty (50) percent of the first 500,000 Lire per unit, and the entire amount in excess of 500,000 Lire per unit.

Section 2. — For the purpose of this order each apartment shall be considered as a separate unit.

Section 3. — The total expenditure for repair pursuant to the provisions of this order shall not exceed 2,000,000 Lire per unit.

Section 4. — The owner may discharge the above obligation at one time in a lump sum or, at his option, may elect to pay it in forty equal semi-annual installments. Interest shall be paid at the legal rate in accordance with the law in effect on 8 September 1943.

Section 5. — The claim for re-imbursement, as above provided, shall arise immediately upon commencement of the repairs. Such claim shall be registered against the property in the appropriate Public Register (Libro Terzo) by the Genio Civile acting for and in the name of the Allied Military Government upon the commencement of the repairs, and such registration shall be legal and valid in every respect as a claim against the property and the owner thereof, and valid and sufficient notice of such claim to all third parties.

Section 6. — The claim of the Allied Military Government for collection of the above obligation shall be assignable in whole or in part. It shall have absolute priority over all other claims against, or debts of the owner without regard to the time when they were created. As security, and for the collection of the obligation, the Allied Military Government in addition to all other remedies available to a credit under all laws existing on 8 September, 1943, shall have the same rights and remedies as to the real and personal property of the owner as are available and enforceable for the collection of the land taxes and other taxes as set forth in Article 2771 of the Civil Code, except that the limitations of time stated in such Article shall not be applicable.

ARTICLE III

ELECTION BY OWNER

Section 1. — Prior to proceeding with repair or rebuilding, in all cases where the cost will exceed 500,000 Lire per unit, the owner, after notification by Genio Civile, shall have the right to elect to have his house repaired or rebuilt at a specified cost under the terms stated in Article II of this Order, or the said owner may offer to sell his property to the Government of the Free Territory of Trieste, at a price to be determined by the Genio Civile and approved by Allied Military Government. This price shall take into consideration the value of the property in its present condition.

Section 2. — Failure to exercise the right of election granted by the preceding Section, within 30 days from the date the owner has been officially notified by the Genio Civile of its intention to proceed with repairs or rebuilding of the property, will authorize the Genio Civile to carry out immediately the repair or rebuilding under the provisions of Article II of this Order.

Section 3. — The owner selling his property to the Government of the Free Territory of Trieste in accordance with section 1 of this Article, shall not forfeit his claim for war damages compensation.

Section 4. — If the owner does not accept the price fixed by Genio Civile for the sale of the property under Section 1 of this Article, he will be entitled to submit a claim to the Ufficio Tecnico Erariale. The price fixed by the said Ufficio Tecnico Erariale shall be final.

ARTICLE IV

The provisions of this Order shall not apply to any person who has already had repairs made under the provisions of General Order No. 14 dated 11 September 1945, and in no way are the terms of this Order to be construed or considered to be retroactive.

ARTICLE V

FEES OF NOTARIES REDUCED

The fees of Notaries for preparing contracts and all other legal documents in connection with the repair of war damaged buildings under this Order and Order No. 31 dated 24 November 1947 are hereby reduced by one half.

ARTICLE VI

PENALTY FOR VIOLATION

Any person who interferes with, or in any way hinders or attempts to interfere with or hinder, the Genio Civile in the performance of the functions delegated to it by this Order, or interferes with or hinders or attempts to interfere with or hinder any person or agency acting for the Genio Civile or on its behalf or under its control, or who violates this Order in any other respect, shall be guilty of an offence and upon conviction by an Allied Military Court shall be subject to fine or imprisonment or both, as the Court may determine in addition to all other legal punishment.

ARTICLE VII

EFFECTIVE DATE

This Order shall become effective on the date that it is signed by me.

Dated at TRIESTE, this 24th day of November 1947.

RIDGELY GAITHER
Brigadier General U.S. Army
Senior Civil Affairs Officer

Order No. 40

PROVISIONS RELATING TO BENEFITS IN FAVOUR OF SHIPPING AND SHIPBUILDING INDUSTRIES

WHEREAS it is deemed necessary to make amendments to the provisions relating to benefits in favour of shipping and shipbuilding industries within the Zone of the Free Territory of Trieste occupied by the British-United States Forces (hereinafter referred to as the „Zone“);

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General U. S. Army, Senior Civil Affairs Officer,

ORDER:

ARTICLE I

Section 1. — With the exception of what has been expressly set forth hereinafter all the provisions contained in D. L. C.P.S. 29 June 1947, No. 779 under the heading:

„Amendments to R. D. L. 10th March 1938, No. 330, relating to benefits in favour of shipping and shipbuilding industries“
(hereinafter called the „Decree“), shall be made part of this Order, and shall have the same force and effect within the „Zone“ as if they had been herein set forth in full.

Section 2. — „The Decree“ shall be amended as follows:

- (a) Wherever in „the Decree“ the terms „Ministro per la Marina mercantile“, „Ufficio di vigilanza del Ministero della Marina mercantile“, „Ministro per la difesa“ occur, such terms shall be substituted by „Port Director“ and wherever the term „Ministro per il tesoro“ appears in Article 10 of „the Decree“, it shall be substituted by the words „Chief Finance Officer of the Allied Military Government“.*
- (b) The second para of Article 9 and Articles No. 13 and 14 of „the Decree“ are hereby cancelled.*

ARTICLE II

Section 1. — Copy of „the Decree“ is attached hereto, marked Exhibit „A“ and made a part hereof and has been deposited in the Offices of the Port Director and of the Harbour Master and may be freely examined by all persons interested.

Section 2. — No provision contained in „the Decree“ shall vest any authority on the Italian State, person or body operating under its authority with regard to persons, properties or matters existing in the „Zone“.

ARTICLE III

„The Decree“ shall become effective in the „Zone“ on the day this Order is signed by me.

Dated at Trieste, this 21st day of November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Order No. 52

FOREIGN EXCHANGE AND TRADE WITH FOREIGN COUNTRIES

WHEREAS it is necessary to provide for prompt publication of amendments, modifications and amplifications of the Law relating to Foreign Exchange, and Trade with Foreign Countries, within that Zone of the Free Territory of Trieste occupied by the British-United States Forces (hereinafter referred to as the „Zone“);

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General U. S. Army, Senior Civil Affairs Officer,

ORDER:

ARTICLE I

Amendments, modifications and amplifications of the Law relating to Foreign Exchange and Trade with Foreign Countries shall become effective within the Zone upon publication in poster form in the Trieste Branch of the Bank of Italy. The poster will be signed by the Manager of the Bank of Italy or his authorized Deputy and shall have the prior approval of Allied Military Government.

ARTICLE II

Posters referred to in the preceding Article will be consecutively numbered and a Notice confirming their publication will appear in the Official Allied Military Government Gazette as soon as practicable.

ARTICLE III

This Order shall take effect on the date of its publication in Allied Military Government Gazette.

Dated at Trieste, this 21st day of November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Order No. 73

INTERPRETATION OF G. O. No. 60 — REVISION OF CAREERS OF PUBLIC EMPLOYEES

WHEREAS it is considered advisable and necessary to give an interpretation to certain provisions of General Order No. 60, dated 27 May 1946, within the Zone of the Free Territory of Trieste occupied by the British-United States Forces (hereinafter referred to as „the Zone“);

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General, U. S. Army, Senior Civil Affairs Officer,

ORDER:

ARTICLE I

The expressions „political offences“ and „political reasons“ specified in General Order No. 60 dated 27 May 1947 shall be construed to mean respectively „political offences of an anti-fascist nature“ and „political reasons of an anti-fascist nature“.

ARTICLE II

The interpretations set forth in Article I of this Order shall not effect the validity of final decisions taken by the Commissions established by General Orders No. 60 and 98 prior to the effective date of this Order.

ARTICLE III

This Order shall become effective on the date of its publication in the Official Gazette

Dated at TRIESTE, 24th day of November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Order No. 74

PROVISIONS RELATING TO CAREERS OF PUBLIC EMPLOYEES

WHEREAS by Art. 21 of the Treaty of Peace between the Allied and Associated Powers and Italy which came into force on 15 Sept. 1947, the Free Territory of Trieste has been constituted as a separate entity, and

WHEREAS it is therefore necessary to restrict the jurisdiction of the Commissions appointed pursuant to G. O. 60 and 98, within that part of the Free Territory of Trieste (hereinafter referred to as the Zone);

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General, U. S. Army, Senior Civil Affairs Officer

ORDER:

ARTICLE I

- (a) The expression "Administrations where the applicants had been employed", mentioned in Article VI of said General Order No. 60 shall be construed to mean exclusively those administrations which at the time of dispensation from service or dismissal had their office in which the employee was serving, in that territory now known as the Zone, and still have an office in the said Zone.
- (b) Applications for re-admissions to service not complying with the above requirements or submitted by persons, not having, on the date of the decision, their permanent residence within the Zone, shall not be considered by the Commissions established by General Order No. 60 and 98.

ARTICLE II

The interpretations set forth in Article I of this Order shall not affect the validity of final decisions taken by the Commissions established by General Orders No. 60 and 98 prior to the effective date of this Order.

ARTICLE III

This Order shall become effective on the date of its publication in the Official Gazette.

Dated at TRIESTE, 24th day of November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Order No. 80

RESTRICTION OF LUBRICANT IMPORTS

WHEREAS, it is deemed economically advisable to control the importation of lubricants in the Zone of the Free Territory of Trieste, occupied by the British and U. S. Forces,

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General, U. S. Army, Senior Civil Affairs Officer,

ORDER:

ARTICLE I

PROHIBITION OF IMPORTATION

The importation, receiving or entering of Petroleum, Oil and Lubricants products, into the Free Territory of Trieste, from Italy or any other foreign Country, is hereby expressly prohibited, unless specifically excepted.

ARTICLE II

EXCEPTION

The only exception to the prohibition recited in Article I shall be in favour of „E.P.T.“ (Ente Petroli Triestino), which official body is specifically authorized to arrange for such Petroleum, Oil and Lubricants imports, as it may deem essential.

ARTICLE III

PENALTY

Violators of the provisions of this Order shall upon conviction thereof be subject to a fine or imprisonment or both.

ARTICLE IV

EFFECTIVE DATE

This Order shall become effective on the date it is signed by me.

Dated at TRIESTE, this 29th of November, 1947.

RIDGELY GAITHER

Brigadier General, U. S. Army
Senior Civil Affairs Officer

Administrative Order No. 23

APPOINTMENTS TO SCHOOL OF ENGINEERING

WHEREAS the School of Engineering of the University of Trieste has vacancies to be filled by an extraordinary Professor of Hidraulics and an extraordinary Professor of General Electrotechnics ; and

WHEREAS, Prof. Giovanni DE FASSO and Prof. Francesco RAMPONI have been found duly qualified, and have been recommended for the appointments by the Board of the School of Engineering of the University of Trieste ;

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General U. S. Army, Senior Civil Affairs Officer,

ORDER:

1) Prof. Giovanni DE FASSO is hereby appointed extraordinary Professor (Group A grade VII) of General Electrotechnics at the School of Engineering of the University of Trieste.

2) Prof. Francesco RAMPONI is hereby appointed extraordinary Professor (Group A, grade VII) of Hidraulics at the School of Engineering of the University of Trieste.

3) This Order shall become effective on 1st November 1947.

Dated at TRIESTE, this 24th day of November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Administrative Order No. 24

APPOINTMENT OF GENERAL MANAGER OF ENTE PETROLI TRIESTINO

WHEREAS Order No. 16 dated October 28, 1947, has provided for the appointment of a General Manager of ENTE PETROLI TRIESTINO (E. P. T.); and

WHEREAS Mr. Edward STRUDTHOFF is suitable and complete for such position ;

NOW, THEREFORE, I, RIDGELY GAITHER, Brigadier General, U. S. Army, Senior Civil Affairs Officer,

ORDER:

1. — Mr. Edward STRUDTHOFF is hereby appointed Manager of ENTE PETROLI TRIESTINO (E. P. T.) with effect from 1 November 1947.

Dated at TRIESTE, this 28th day of November 1947.

RIDGELY GAITHER

Brigadier General U. S. Army
Senior Civil Affairs Officer

Administrative Order No. 28

APPOINTMENT OF DIONISIO BASTIA AS MEMBER OF THE COMMISSION FOR THE ISSUANCE OF COMMERCIAL LICENCES OF THE COMMUNE OF MUGGIA

WHEREAS, *BENCINA Giovanni* has resigned as member of the Commission for the issue of commercial licences of the Commune of Muggia; and it is now necessary to provide for his substitution;

NOW, THEREFORE, I, *RIDGELY GAITHER*, Brigadier General U.S. Army, Senior Civil Affairs Officer,

ORDER:

1. — That *Dionisio BASTIA* be and he hereby is appointed member of the Commission for the issue of commercial licences of the Commune of Muggia, in substitution to *BENCINA Giovanni*, as representative of the traders.

2. — This Order shall take effect on the day it is signed by me.

Dated at TRIESTE, this 25th day of November 1947.

RIDGELY GAITHER
Brigadier General, U.S. Army
Senior Civil Affairs Officer

CONTENTS

Order		Page
No. 31	Repair to war damaged houses.....	101
No. 32	Repair or rebuilding of war damaged houses in the absence of application of owner	104
No. 40	Provisions relating to benefits in favour of shipping and ship-building industries	107
No. 52	Foreign exchange and trade with Foreign Countries	108
No. 73	Interpretation of G. O. 60 - Revision of careers of public employees	108
No. 74	Provisions relating to careers of public employees.....	109
No. 80	Restriction of lubricant imports	111

Administrative Order

No. 23	Appointments to School of Engineering	112
No. 24	Appointment of general manager of Ente Petroli Triestino.....	112
No. 28	Appointment of Dionisio Bastia as member of the Commission for the issuance of commercial licences of the Commune of Muggia.....	113