

# ALLIED MILITARY GOVERNMENT

BRITISH - UNITED STATES ZONE  
FREE TERRITORY OF TRIESTE



# OFFICIAL GAZETTE

VOLUME II

No. 34 - 11 December 1949

Published by the A. M. G. F. T. T. under the Authority of the Commander  
British - United States Forces Free Territory of Trieste.

# ALLIED MILITARY GOVERNMENT

British - United States Zone - Free Territory of Trieste

## Order No. 220

### DECLARATION OF PUBLIC UTILITY AND OF URGENT AND UNDELAYABLE NECESSITY OF THE CONSTRUCTION OF THE PERMANENT SEAT OF „ENTE FIERA CAMPIONARIA INTERNAZIONALE DI TRIESTE“

*WHEREAS the construction of a permanent seat of „Ente Fiera Campionaria Internazionale di Trieste“ is deemed to be of public utility and of urgent and undelayable necessity, and*

*WHEREAS during the preceding investigation no objections or claims have been lodged,*

*NOW, THEREFORE, I, CLYDE D. EDDLEMAN, Brigadier General U. S. Army,  
Director General, Civil Affairs,*

#### ORDER :

#### ARTICLE I

The construction of a permanent seat of „Ente Fiera Campionaria Internazionale“ of Trieste as delineated in the general plan attached to this Order is hereby declared to be of public utility and urgent and undelayable necessity in accordance with, and to the effects of the Law 25 June 1865, No. 2359, as amended by the Law dated 18 December 1879, No. 5188.

#### ARTICLE II

The expropriation where necessary and the works for the construction referred to in the preceding Article shall begin within 60 days as from the date of publication of this Order and shall be completed by 31 December 1950.

#### ARTICLE III

The report and the general plan for the construction referred to in Article I, which are attached to this Order, are marked as „Annex A“ and „Annex B“ and shall be deposited at the Department of Legal Affairs where they may be freely inspected by all persons interested.

#### ARTICLE IV

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

Dated at TRIESTE, this 30th day of November 1949.

**CLYDE D. EDDLEMAN**

Brigadier General, U. S. Army  
Director General, Civil Affairs

Ref. : LD/A/49/238

# Order No. 221

## LIQUIDATION OF FEES DUE TO CIVIL ENGINEERS AND ARCHITECTS FOR PROFESSIONAL SERVICES RELATING TO THE CONSTRUCTION OF POPULAR HOUSES BUILT WITH STATE CONTRIBUTIONS

*WHEREAS it is deemed advisable to establish rules for the liquidation of fees due to civil engineers and architects for professional services relating to the construction of popular houses built with State contributions in that part of the Free Territory of Trieste administered by the British-United States Forces,*

*NOW, THEREFORE, I, CLYDE D. EDDLEMAN, Brigadier General, U.S. Army, Director General, Civil Affairs,*

### ORDER:

#### ARTICLE I

The fees due to civil engineers and architects for professional services relating to the construction of popular houses built with State loans or contributions, shall not exceed the amount resulting from the application of the professional tariff (1st class, category b) set forth in Order No. 158, dated 26 June 1949, after deduction of 25% (twentyfive percent) and after due compliance with the provisions of the following Articles.

#### ARTICLE II

Whenever the task has been entrusted to a Body of civil engineers and architects, the State loans and contributions may be burdened with one compensation only contrary to the provisions of Article 7 of the aforesaid tariff.

#### ARTICLE III

In cases of partial services the calculation of the compensation at a percentage rate shall, for the purposes of this Order, be made on the basis of the rates specified in Table B, annexed to the tariff, excluding the increases provided for by Article 18 of the said tariff.

#### ARTICLE IV

Whenever the party concerned and the civil engineer or architect agree that accessory compensations be paid on a lump-sum basis, in accordance with Article 13 of the tariff, the amount agreed upon shall not exceed, for the purposes of this Order, 30% (thirty per cent) of the fees calculated at a percentage rate.

#### ARTICLE V

The provisions of this Order shall also be applicable to liquidations not yet completed, of fees relating to tasks entrusted prior to the effective date of this Order.

## ARTICLE VI

This Order shall come into effect on the date of its publication in the Official Gazette.

Dated at TRIESTE, this 29th day of November 1949.

**CLYDE D. EDDLEMAN**

Brigadier General, U. S. Army  
Director General, Civil Affairs

Ref. : LD/A/49/218

---

# Order No. 222

## PROVISIONS CONCERNING FURTHER CONSTRUCTION OF BUILDINGS

*WHEREAS it is considered advisable to issue provisions for the further construction of buildings in that part of the Free Territory of Trieste administered by the British-United States Forces,*

*NOW, THEREFORE, I, CLYDE D. EDDLEMAN, Brigadier General, U.S. Army, Director General, Civil Affairs,*

### ORDER :

#### PART I

### AMENDMENTS TO THE CONSOLIDATED TEXT ON POPULAR AND ECONOMIC BUILDING

#### ARTICLE I

The popular houses which have been built by the bodies specified under Nos. 2, 3 and 6 of Art. 16 of the Consolidated Text 28 April 1938, No. 1165, may be assigned for lease under the condition of future sale upon a previous authorization of the Department of Public Services and under observance of the restrictions and conditions to be prescribed by the said Department pursuant to Articles 34 and 42 of the said Consolidated Text.

For leases concluded under the condition of future sale the provisions of the Consolidated Text 28 April 1938, No. 1165, and those of Art. V of Order No. 117 dated 25 May 1949 shall be applicable.

#### ARTICLE II

Art. 31 of the Consolidated Text 28 April 1938, No. 1165, is hereby substituted by the following :

„Economic and popular houses may not be assigned in ownership to persons who, in the same Commune, own buildings entered in the town land-register and yielding a taxable income, either assessed or presumed, exceeding 18,000 Lire ,or, generally, a dwelling comprising at least three rooms and accessories.

From the assignment of the houses mentioned in the foregoing paragraph there shall likewise be excluded those persons who have already the assignement in ownership of other dwell-

lings built with State subsidies or contributions or who, being owners of other flats, have alienated them after 1 July 1947, as well as those persons inscribed in the rolls of direct taxes for a taxable income exceeding 150,000 Lire or whose property, as assessed for the purposes of the progressive tax on property, exceeds 3,000,000 Lire. In calculating the income no account shall be taken of the quota relating to the proceeds of work.

The above exclusions shall also be applicable to persons whose spouses are in the fore-said situation, provided such spouses are not legally separated."

### ARTICLE III

Art. 48 of the Consolidated Text 28 April 1938, No. 1165, as amended by the law 25 March 1943, No. 290, is hereby substituted by the following :

„There shall be considered as popular houses for the purposes of this Consolidated Text the houses built by the bodies and companies set forth in the foregoing Art. 16.

Each dwelling shall :

- (1) have not less than two and not more than five habitable rooms, besides the usual accessories consisting of the kitchen, bathroom, toilet, storeroom and the entrance ;
- (2) have direct access from the landing of the staircase ;
- (3) have its own toilet ;
- (4) be furnished with the water-pipe within the premises of the dwelling, provided there exists a drinking-water system in the town ;
- (5) correspond to all other sanitary requirements provided for by hygiene and building Regulations. The usable surface shall not exceed the following limits :

for dwelling comprising two rooms and accessories .....	65 square meters
for dwelling comprising three rooms and accessories .....	80 square meters
for dwelling comprising four rooms and accessories .....	95 square meters
for dwelling comprising five rooms and accessories .....	110 square meters

There shall not be allowed installations and equipment which, by their nature, cannot be considered useful and normally necessary. Accordingly, there may be projected heating installations proportionate to the local climatic conditions, and lifts for buildings of more than four stories. Likewise there shall be allowed supply-pipes connected with the distributing installations for gas and electric energy.

For families consisting of more than seven members, 16 square meters may be added to the above limits for each person exceeding seven. In calculating the number of the family members, there shall be considered, beside the family-head and his (her) spouse, only children who are not married or are not in possession of another flat by title of ownership or lease.

Popular houses built by industrialists, by land-owners or lessors of land for their dependents, employees, workers, agricultural labourers, may be leased to the latter or sold on a plan of simple or insurance amortization, provided each dwelling is composed as set forth in sub number (1) of this Article."

### ARTICLE IV

The first paragraph of Art. 90 of the Consolidated Text 28 April 1938, No. 1165, is hereby substituted by the following :

„Cooperative societies which are not constituted exclusively among members appertaining to the categories set forth in Art. 91 and have obtained the State contribution for the payment of interests, may build and purchase popular economic houses only on the basis of undi-

vided and inalienable ownership. In case of dissolution of such cooperative societies the buildings shall be ceded to the institute for popular houses. The said cooperative societies may, with the consent of the financing institute and upon authorization of the Department of Public Services, be transformed into „cooperative societies on the base of individual property“ after expiration of ten years from the date of assignment of each building built by them.“

#### ARTICLE V

Art. 100 of the Consolidated Text 28 April 1938, No. 1165, is hereby repealed.

#### ARTICLE VI

The provision of Art. 111 of the Consolidated Text 28 April 1938, No. 1165, shall be applicable to all dwellings built by cooperative societies benefiting from State subsidies and contributions ; in such cases the „Cassa Depositi e Prestiti“ shall be substituted by the loan giving body as regards the consent to cessions.

The dwellings referred to in the foregoing paragraph may not be ceded or anyhow alienated unless 10 years have elapsed from the date of the assignment of such dwellings.

The first paragraph of Art. 113 of the Consolidated Text 28 April 1938, No. 1165, is hereby repealed.

#### PART II

### FISCAL AND TRIBUTARY FACILITATIONS FOR THE CONSTRUCTION OF DWELLING HOUSES

#### ARTICLE VII

Dwelling houses, even if including offices and shops, not having the character of luxury dwellings, the construction of which is started within 31 December 1953 and completed within two years from the commencement thereof, shall be exempt for 25 years from the tax on buildings and relative surtaxes as from the date of declaration of habitability.

#### ARTICLE VIII

The benefit of the fixed register tax and that of the reduction to one fourth of the land register tax („imposta ipotecaria“) are hereby granted for the purchase of building grounds and for building contracts, whenever their object is the construction of houses mentioned in the preceding Article, provided the construction be commenced and completed within the time-limits set down in the said Article.

On the ground adjoining the building and exceeding the double of the built area the ordinary register tax and the land register tax shall be due upon completion of the construction.

#### ARTICLE IX

Exemption from income tax is hereby granted on the advances made to the building cooperative societies by their members for the purchase of the grounds and for the commencement of the constructions.

## ARTICLE X

Exemption from the consumer tax is hereby granted for the materials employed in the construction of the houses mentioned in this Order, provided the construction be commenced and completed within the time-limits set down in the preceding Article VII.

The same exemption is hereby granted for the materials employed as from the effective date of this Order in houses not having the character of luxury houses which are already in course of construction, provided these houses are completed within two years following such date.

Taxes already paid shall not be refunded.

This exemption shall not imply application of the sixth paragraph of Article 80 of the Consolidated Text 14 September 1931, No. 1175.

## ARTICLE XI

On transfers of ownership of houses built in accordance with Article VII, taking place within four years from the declaration of habitability or from actual habitation, reduction is granted of the register tax to one half and of the land register tax to one quarter.

The sale of shops not made with the same deed of transfer of the whole building shall be excluded from the facilities.

The same exclusion shall also apply to the sale of shops which constitute separate economic units.

## ARTICLE XII

Loan contracts stipulated for constructions indicated in Article VII or for the first sale of these constructions, provided the latter takes place within four years from the day on which they are declared habitable or are actually inhabited, shall be subject to the payment of the register tax and land register taxes reduced to one quarter.

Interests of the loans shall be exempt from income tax.

## ARTICLE XIII

The provisions of the preceding Articles shall also apply to the enlargement of houses mentioned in Article VII as well as to the reconstruction of those in any way destroyed, provided the enlargement or reconstruction are terminated within 31 December 1955.

## ARTICLE XIV

Except in cases of „force majeure“, the benefits contemplated by the preceding Articles shall be forfeited if the new constructions, the reconstructions or the enlargements are not terminated within the time-limits fixed by Article VII and Article XIII.

The same forfeiture shall take place except in cases of „force majeure“, if the loans contemplated by Article XII are not actually employed for the construction of the houses mentioned in Article VII or for the payment of the price of transfer.

In the cases foreseen by the preceding paragraphs besides the normal taxes a surtax equal to one tenth of the amount of these taxes shall be due.

## ARTICLE XV

There shall be no prejudice to the more favourable fiscal and tributary facilities permitted by existing laws.

PART III  
EXPROPRIATIONS

ARTICLE XVI

The provisions contained in Articles 46 and 47 of the Consolidated Text 28 April 1938, No. 1165, concerning expropriation and occupation of building areas and grounds for the construction of popular houses, are hereby extended to all bodies and companies contemplated by Article 16 of the above mentioned Consolidated Text and shall be applicable regardless of the Commune where the area or grounds to be expropriated and occupied are located.

The Zone President shall, if need be, declare the urgency and undelayable necessity of the works for the purposes of the temporary occupation of the area, the expropriation of which is being asked.

ARTICLE XVII

Up to 31 December 1953 it shall be permissible to proceed, in accordance with and for the purposes of the Law 25 June 1865, No. 2359, and subsequent amendments, for the expropriations needed for the construction of dwelling-houses of a popular character, on the initiative and on behalf of private persons or of bodies not contemplated by Article 16 of the Consolidated Text 28 April 1938, No. 1165, provided the construction of houses is considered useful for general interests.

The existence of general interest shall be recognized by a decree of the Zone President upon request of the party concerned, after hearing the owner and the opinion of Genio Civile, of the Inspectorate of Agriculture and of the Communal Administration.

By the same decree there shall be fixed the time-limits for the commencement and termination of the constructions which may not exceed four months and two years respectively from the date of notification of the said decree.

The decree of the Zone President shall be notified „ex officio“ both to the applicant and to the owner. An appeal may be made against such decree, within the time of thirty days from the notification to the Department of Public Services who shall make a final decision thereupon. If the decision of the Department is not made within 60 days the appeal shall be considered to have been rejected. In such cases the time-limits mentioned in the preceding paragraph shall run from the date of the communication of the decision or from the date on which the decree of the Zone President becomes executory.

The decree recognizing the general interest shall be equivalent to the declaration of public utility.

The owner may substitute the applicant in the execution of the work, in which case he must undertake to start the construction within six months from the date of notification of the decree of the Zone President and to complete it within two years from the beginning. To guarantee the undertaken engagement the owner shall give a security equal to one half of the amount of the indemnity indicated in the decree of the Zone President; the security shall be collected to the benefit of the Public Treasury, by a subsequent decree of the Zone President, if the works have not been started or completed within the aforesaid time-limits; exception shall be made in cases of „force majeure“. The security may be constituted by a „fidejussio“ given by public credit institutions („istituti di credito di diritto pubblico“), by Banks of national interest or by Saving Banks.

If the applicant does not start or terminate the construction within the time-limits, fixed by the Zone President for reasons not depending on „force majeure“, the party who had been subjected to expropriation may ask the competent Judicial Authority to declare forfeited the declaration of public utility formerly obtained and to grant restitution of the expropriated property against reimbursement of one half of the indemnity received for the expropriation.



If the owner or the expropriator fail to terminate the construction works within the time-limit fixed by the Zone President for reasons that cannot be attributed to them and have been ascertained as such, on their initiative and timely, by the Office of the Génie Civile, the Zone President may grant an extension not exceeding six months.

#### ARTICLE XVIII

This Order shall enter into force on the date of its publication in the Official Gazette.

Dated at TRIESTE, this 30th day of November 1949.

**CLYDE D. EDDLEMAN**

Brigadier General, U.S. Army  
Director General, Civil Affairs

Ref. : LD/A/49/234

---

## Order No. 223

### CREATION OF A DEGREE COURSE IN CIVIL ENGINEERING (ARCHITECTURAL SUBSECTION) AT THE UNIVERSITY OF TRIESTE

*WHEREAS it is deemed advisable to create a degree course in civil Engineering within the Faculty of Engineering at the University of Trieste,*

*NOW, THEREFORE, I, CLYDE D. EDDLEMAN, Brigadier General, U.S. Army, Director General, Civil Affairs,*

#### ORDER :

#### ARTICLE I

With effect from the academic year 1949 - 1950 a degree course in civil Engineering (architectural subsection) is hereby created within the Faculty of Engineering at the University of Trieste.

#### ARTICLE II

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

Dated at TRIESTE, this 5th day of December 1949.

**CLYDE D. EDDLEMAN**

Brigadier General, U. S. Army  
Director General, Civil Affairs

Ref. : LD/A/49/245

# Order No. 224

## ESTABLISHING OF AREAS FOR RESTOCKING OF GAME ETC.

*WHEREAS it is deemed advisable to establish areas for the restocking and confining of game within the Zone of the Free Territory of Trieste administered by the British-United States Forces,*

*NOW, THEREFORE, I, CLYDE D. EDDLEMAN, Brigadier General, U. S. Army, Director General, Civil Affairs,*

### ORDER:

#### ARTICLE I

##### ESTABLISHING OF AREAS FOR RESTOCKING OF GAME ETC.

The lands owned by the Trieste Commune and specified hereinbelow shall be established as areas for the restocking and confining of game and conceded for management to the Territorial Hunting Committee of Trieste (Comitato Territoriale della Caccia di Trieste), pursuant to Article 52 of the Consolidated Text of the provisions concerning the protection of game and hunting, as approved by R. D. 5 June 1939, No. 1016:

1. — The area of Villa Giulia and Bosco Dernaccia comprising an aggregate surface of 26 hectares delineated as follows: from the school for mentally backward pupils located in the building of Villa Giulia along the wall which follows the „Vicolo del Castagneto“ up to the tracks of the Guardiella-Opicina Railway, turning from this point towards North-West, along the valley up to State highway of Opicina, then along this highway up to the tramway-stop of Conconello, from there along the stream of Bosco Dernaccia up to the privately owned lands and then southwards up to the new church of the village Cologna, then along the railway tracks of the Opicina-Trieste tram up to the stop of Scoreola (Villa Gairinger) and from there along the circuit road up to the school for mentally backward pupils;

3. — The area of „Bosco del Cacciatore“ comprising a surface of 14 hectares delineated as follows: from „Villa Dreher“ along its enclosing walls up to the place of the former „Sagra di S. Luigi“, and hence along „Via Marchesetti“ up to Villa Rivoltella, then almost straight northwards up to the exit of the Railway-tunnel of Rozzol; then along the stream up to the „Rotonda del Boschetto“ and from there along „Via Pindemonte“ up to „Villa Dreher“;

3. — The area of „Monte Fiascone“ comprising a surface of 10 hectares delineated as follows: from the new University along the State highway towards the cross-road „Faccanoni“ up to the Communal road which leads to the entrance of the Cologna railway tunnel, hence along the stream Cologna up to the privately owned villas along via Fabio Severo, then along the northern boundary of the privately owned properties up to the new University.

#### ARTICLE II

##### EFFECTIVE DATE

This Order shall come into force on the date of its publication in the Official Gazette.

Dated at TRIESTE, this 6th day of December 1949.

**CLYDE D. EDDLEMAN**

Brigadier General, U. S. Army  
Director General, Civil Affairs

Ref.: LD/A/49/240

# Order No. 225

## REPEAL OF THE LAW CONCERNING PENAL PROVISIONS RELATING TO CURRENCY EXCHANGE AND TRADE IN GOLD

*WHEREAS it is deemed advisable to repeal the Law 28 July 1939, No. 1097, concerning penal provisions relating to currency exchange and trade in gold, in that part of the Free Territory of Trieste administered by the British-United States Forces (hereinafter referred to as the „Zone“),*

*NOW, THEREFORE, I, CLYDE D. EDDLEMAN, Brigadier General, U. S. Army, Director General, Civil Affairs,*

### ORDER:

#### ARTICLE I

The Law 28 July 1939, No. 1097, as amended by Articles 1 and 2 of D. L. L. 31 July 1945, No. 460, extended to the Zone by General Order No. 65, dated 15 July 1946, is hereby repealed.

For acts committed before the coming into force of this Order, Article 2, second para of the Penal Code shall be applicable.

Should a penal proceeding be in course, the records and documents shall be forwarded to the Department of Finance of the Allied Military Government, for the purpose of application, if any, of the sanctions set forth by the existing provisions concerning violations of currency laws.

#### ARTICLE II

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

Dated at TRIESTE, this 6th day of December 1949.

**CLYDE D. EDDLEMAN**

Brigadier General, U. S. Army  
Director General, Civil Affairs

*Ref. : LD/A/49/239*

# Notice No. 37

## PUBLICATION OF THE OFFICIAL GAZETTE

Reference Administrative Instruction dated 4 June 1947.

A special issue, of the Official Gazette, issue No. 36 will be published on 31 December 1949. There will be no issue of the Official Gazette on 1 January 1950. The first issue of the Official Gazette for the year 1950 will be made on 11 January 1950.

Dated at TRIESTE, this 1st day of December 1949.

**NICHOLAS R. VOORHIS**

Lt. Colonel, J.A.G.C.  
Director of Legal Affairs

*Ref. : LD/C/49/37*

# Notice No. 38

## MODIFICATIONS TO RESTRICTIONS ON CONSUMPTION OF ELECTRIC ENERGY

The Department of Public Services, in accordance with Order No. 176 dated 17 August 1949, hereby notifies that as from 5 December 1949, the following modifications will be made to the restrictions on consumption of electric energy published by Notice No. 36 dated 10 November 1949 (hereinafter referred to as the „Notice“):

1. — Letter *d*) of Section 1 of the „Notice“ is hereby substituted by the following:

„*d*) advertising illumination and commercial signs before 1700 hours and after 2000 hours“;

2. — The first paragraph of Section 2 of the „Notice“ is hereby substituted by the following:

„The Zone will be divided into two districts and the supply of electric energy „will be cut off from each district for two days per week during the hours 0800 to 1700 „inclusive. The northern district will be without electricity on Mondays and Wednesdays „and the southern district on Tuesdays and Thursdays.“

3. — In letter *b*) of Section 3 of the „Notice“, the percentage „50%“ is substituted by the percentage „65%“.

4. — Letters *a*), *b*), *c*), and *d*) of Section 4 of the „Notice“, are hereby substituted by the following:

„*a*) public service in general: 95%

„*b*) traction consumers (tramways and trolley-busses): 90%

„*c*) streetlighting: 80%

„*d*) all other consumers: 65%.“

5. — All other provisions contained in the „Notice“ remain unchanged.

Dated at TRIESTE, this 5th day of December 1949.

**ROBERT ALEXANDER**

Chief, Department of Public  
Services

Ref.: LD/C/49/39

---

## Errata corrigenda

ADMINISTRATIVE ORDER No. 63 — Legitimation of Vescovo Odinea — published in Gazette No. 29 dated 21 October 1949, page 510.

In the third line the words „born on 13 March 1921 at Capodistria“ are hereby cancelled and substituted by the following: „born on 4 March 1921 in Trieste“.

## CONTENTS

---

Order	Page
No. 220 Declaration of public utility and of urgent and undelayable necessity of the construction of the permanent seat of „Ente Fiera Campionaria Internazionale di Trieste“ .....	577
No. 221 Liquidation of fees due to civil engineers and architects for professional services relating to the construction of popular houses built with State contributions .....	578
No. 222 Provisions concerning further construction of buildings .....	579
No. 223 Creation of a degree course in the civil engineering (Architectural Subsection) at the University of Trieste .....	584
No. 224 Establishing of areas for restocking of game etc. ....	585
No. 225 Repeal of the law concerning penal provisions relating to currency exchange and trading in gold .....	586
 <b>Notice</b>	
No. 37 Publication of the Official Gazette .....	586
No. 38 Modifications to restrictions on consumption of electric energy .....	587
<b>Errata Corrigenda</b> .....	587