

# ALLIED MILITARY GOVERNMENT

BRITISH - UNITED STATES ZONE  
FREE TERRITORY OF TRIESTE



# OFFICIAL GAZETTE

VOLUME II

No. 5 - 21 February 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. 26

### DECLARATION OF PUBLIC UTILITY ON THE PROVINCIAL ROSANDRA ROAD

*WHEREAS the elimination of the dangerous bends of the Provincial Rosandra Road for a length of about 1,300 m., is deemed and considered to be of urgent necessity for the public benefit, and*

*WHEREAS the project prepared by the Genio Civile has been approved by Allied Military Government,*

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

#### ORDER:

#### ARTICLE I

#### DECLARATION OF PUBLIC UTILITY

*Section 1.* — By the terms of this Order, the construction work for the elimination of the dangerous bends on the Provincial Rosandra Road near S. Dorligo della Valle is hereby declared to be of urgent necessity and of public utility and interest.

*Section 2.* — The construction work is more specifically described on map scale 1:500 annexed to this Order and marked Annex „A“.

*Section 3.* — The declaration shall have all effects of the laws in force on 8 September 1943.

#### ARTICLE II

#### EFFECT AND DEPOSIT OF THE ANNEXED MAP

The Map Annex „A“ mentioned in the foregoing Article shall be and is hereby made a part of this Order. It shall be deposited at the Public Works Office of Allied Military Government and in the Technical Office of Trieste Province, and may be freely examined by all persons concerned.

#### ARTICLE III

#### EFFECTIVE DATE

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

Dated at TRIESTE, this 10th day of February 1949.

**RIDGELY GAITHER**

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

Ref.: LD/A/49/35

# Order No. 27

## CONTROL OF MOVEMENT OF GOODS INTO ITALY

*WHEREAS it is considered advisable to regulate and control the movement of certain goods into Italy from that Zone of the Free Territory of Trieste administered by the British-United States Forces hereinafter referred to as the „Zone“,*

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

### ORDER :

#### ARTICLE I

The following provisions are hereby cancelled and substituted by the provisions of this Order :

- a) Order No. 395 dated 5 June 1947 ;
- b) Order No. 459 (395 B) dated 29 August 1947 ;
- c) Order No. 79 dated 29 November 1947 ;
- d) Order No. 221 dated 20 May 1948 ;
- e) Order No. 393 dated 17 December 1948 ;
- f) Article VIII of Order No. 3 dated 16 September 1947.

#### ARTICLE II

The following goods shall not be exported from the Zone into Italy without an export, permit issued by the Department of Commerce of the Allied Military Government :

- (a) Petrol ;
- (b) Coal, coke and charcoal ;
- (c)
  - i) Scrap metals, turning residues and metals to be re-utilized (ferrous and non-ferrous)
  - ii) Metallic pipes,
  - iii) All metal-sheet materials,
  - iv) Profile-iron, reinforcing bars and rails,
  - v) Factory fittings, such as machinery, their parts, regardless of condition,
  - vi) Separate wheels, shafts, propellers and chains,
  - vii) Empty metallic containers,
  - viii) All metallic ingots,
  - ix) Boilers,
  - x) Decauville tracks ;
- (d) Forage and animal food (not including oil-cake) ;
- (e) Nitrogen fertilizers ;
- (f) Live-stock ;

- (g) Cereal and potato seeds ;
- (h) Medicinals of the alealoid group ;
- (i) Monopoly goods ;
- (j) Timber and firewood ;
- (k) Cement ;
- (l) Fish, fresh, salted or tinned ;
- (m) Jam, other than in tins or glass jars ;
- (n) Dried mushrooms ;
- (c) Meat.

#### ARTICLE III

The following rationed foodstuffs shall not be exported from the Zone into Italy without an export permit issued by the „Direzione Territoriale dell'Alimentazione“ (DITERAL) :

- |            |                   |
|------------|-------------------|
| (a) Wheat. | (e) Lard and oil. |
| (b) Bread. | (f) Milk.         |
| (c) Pasta. | (g) Rice.         |
| (d) Flour. |                   |

#### ARTICLE IV

Applications for export permits mentioned in Articles II and III hereof shall be submitted to the respective bodies indicated in said Articles, in accordance with their provisions.

#### ARTICLE V

Any person having violated any of the provisions of the Orders cancelled by Article I hereof or violating any of the provisions of this Order shall be guilty of an offence and shall upon conviction by an Allied Military Court, be liable to such punishment by imprisonment or fine or both as the Court shall determine ; in addition to such punishment the Allied Military Court may order the confiscation and forfeiture of the products or materials constituting the subject matter of the offence and the transportation used in its commission.

#### ARTICLE VI

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

Dated at TRIESTE, this 15th day of February 1949.

**H. P. P. ROBERTSON**

Brigadier, O.B.E.

for **RIDGELY GAITHER**

Brigadier General, U. S. Army

Director General, Civil Affairs

Ref. : LD/A/49/23

# Order No. 28

## DETERMINATION OF THE RATE OF CONTRIBUTION DUE FOR THE YEAR 1948 IN FAVOUR OF PATRONAGE AND SOCIAL ASSISTANCE OFFICES

*WHEREAS it is deemed necessary to determine for the year 1948 the quota-share of contributions due in favour of Patronage and Social Assistance Offices in terms of Article VII, Section 2, of Order No. 77, dated 27 December 1947, in that Zone of the Free Territory of Trieste administered by the British-United States Forces,*

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

### ORDER:

#### ARTICLE I

##### RATE OF THE QUOTA-SHARE

*Section 1.* — The quota-share provided for by Article VII, Section 2, of Order No. 77 dated 27 December 1947, is fixed for the year 1948 at the rate of 0.30% of the contributions collected for the period 1 July to 31 December 1948.

*Section 2.* — The funds deriving from the allocation of the quota-share of contributions referred to in the preceding Section shall be paid by the Institutes exercising the different classes of social insurance, after the closing of the financial year 1948, in the manner provided for by Article VIII, Section 1, of Order No. 77 dated 27 December 1947.

#### ARTICLE II

##### EFFECTIVE DATE

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

Dated at TRIESTE, this 15th day of February 1949.

**H.P.P. ROBERTSON**

Brigadier, O. B. E.

for **RIDGELY GAITHER**

Brigadier General, U. S. Army

Director General, Civil Affairs

Ref.: LD/A/49/24

# Order No. 29

## PROVISIONS FOR THE APPLICATION OF ADDITIONAL FRONTIER DUTY TO IMPORTED TEXTILE FABRICS AND FOR THE REPAYMENT OF EXCISE DUTY ON EXPORTED YARNS AND FABRICS

*WHEREAS it is deemed advisable to issue certain provisions concerning the application of the additional frontier duty to imported textile fabrics and the repayment of excise duty on exported textile yarns and fabrics in that Zone of the Free Territory of Trieste administered by the British-United States Forces (hereinafter referred to as the „Zone“),*

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

### ORDER :

#### ARTICLE I

Tables „A“ and „B“ appended to D.M. 3 January 1947, implemented in this Zone by General Order No. 91 dated 24 January 1947, containing provisions for the application of the additional frontier duty to imported textile fabrics and ready-made articles and for the repayment of excise duty on exported yarns constituting textile fabrics, are hereby repealed and substituted by Tables „A“ and „B“ appended to this Order.

#### ARTICLE II

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

Dated at TRIESTE, this 15th day of February 1949.

**H. P. P. ROBERTSON**

Brigadier, O.B.E.

for **RIDGELY GAITHER**

Brigadier General, U. S. Army

Director General, Civil Affairs

*Ref. : LD/A/49/25*

TABELLA A

Denominazione delle merci	Aliquota d'imposta applicabile Lire e cent.
Filati cucirini; spaghi cordami forzina rafforzina lusino e simili.	Aliquota corrispondente ai filati di cui sono costituiti.
Tessuti e nastri:	
di filato di cotone o di fiocco di canapa o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa; di filato di lini di canapa; filato di lana; filato di fibra artificiale, di filato in mista intima di cotone e lana o di fibra artificiale rispettivamente prevalente in peso sulla lana; di filato di mista intima di lana e cotone o di cotone e fibra artificiale con 50% o più in peso di lana; di filato in mista intima di cotone, di fibra artificiale e lana con cotone e fibra artificiale complessivamente prevalenti in peso; di filato di mista intima di lana, cotone e fibra artificiale con 50% o più in peso di lana . . . . .	Aliquota corrispondente ai filati secondo il titolo.
di juta . . . . . a Kg.	25.—
di seta . . . . . a Kg.	350.—
di cascami di seta pettinata (chappe) . . . . . a Kg.	230.—
di cascami di seta cardata (burretta) . . . . . a Kg.	50.—
di filati di mista intima non nominati . . . . . a Kg.	Aliquota corrispondente a quella del filato di fibra più tassata che entra nella loro composizione tenuto conto — quando sia previsto — del rapporto fra lunghezza e peso.
Tessuti ricamati con tessuti di fondo visibile . . . . .	Aliquota corrispondente ai filati costituenti il tessuto fondo della classe immediatamente superiore a quella spettante per peso e numero di fili, con facoltà di accertamento diretto.
Ricami su tessuto di fondo invisibile . . . . .	Aliquota massima della rispettiva classe, con facoltà di accertamento diretto.
Pizzi chimici . . . . .	Idem.
Cinghie e tubi . . . . .	Aliquota minima della rispettiva classe.
Maglie:	
di lana . . . . . a Kg.	170.—
di lino . . . . . a Kg.	140.—
di cotone o di fiocco di canapa, o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . . a Kg.	260.—
di seta . . . . . a Kg.	350.—
di cascami di seta . . . . . a Kg.	230.—
di fibra artificiale a filo continuo a Kg.	252.—
di fibra artificiale in fiocco casame o rigenerato . . . . . a Kg.	165.—

Denominazione delle merci	Aliquota d'imposta applicabile Lire e cent.
Pizzi . . . . .	Aliquota massima della rispettiva classe.
Tulli . . . . .	Idem.
Passamani:	
di lino . . . . . a Kg.	70.—
di cotone o di fiocco di canapa, o di cotone in mista intima con sola fibra artificiale o con fioc- co di canapa . . . . . a Kg.	95.—
di lana . . . . . a Kg.	170.—
di seta . . . . . a Kg.	350.—
di cascami di seta pettinata (chappe) . . . . . a Kg.	230.—
di cascami di seta cardata (bu- retta) . . . . . a Kg.	50.—
di fibra artificiale a filamento con- tinuo . . . . . a Kg.	210.—
di fibra artificiale in fiocco ca- scame o rigenerato . . . . . a Kg.	50.—
Tele di lino e di canapa incatramate, oliato e simili, oppure incerate o smerigliate . . . . . a Kg.	15.— (con facoltà di accertamento diretto)
Tessuti smerigliati di cotone o fiocco di fibra artificiale o fiocco di canapa, o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . . a Kg.	25.— (con facoltà di accertamento diretto)
Tessuti incerati di cotone o di fiocco di fibra artificiale o fiocco di canapa, o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . . a Kg.	25.— (con facoltà di accertamento diretto)
Tessuti pegamoidati di cotone o fiocco di fibra artificiale o fiocco di canapa, o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . . a Kg.	35.— (con facoltà di accertamento diretto)
Velluti (esclusi i tappeti) con peluzzo:	
di lino, sul peluzzo . . . . . a Kg.	140.—
di cotone, sul peluzzo . . . . . a Kg.	95.—
di lana a ricci (tipo astrakan e simili) sul peluzzo . . . . . a Kg.	90.—
di lana altri, sul peluzzo di ca- scami di seta, sul peluzzo . . . . . a Kg.	170.—
di fiocco di fibra artificiale sul peluzzo . . . . . a Kg.	230.—
di juta sul peluzzo . . . . . a Kg.	50.—
	25.—
	} oltre alla sovrimposta relativa al tessuto di fondo.
Tappeti:	
di juta . . . . . a Kg.	25.—
altri vellutati con peluzzo di co- tone o fiocco di fibra artificiale, sul peluzzo . . . . . a Kg.	25.—
di lana sul peluzzo . . . . .	Aliquota propria risultante da accertamento diretto
	} Oltre alla sovrimposta re- lativa al tes- suto di fondo



Denominazione delle merci	Aliquota d'imposta applicabile L're e cent.
Ciniglia (1):	
di juta . . . . . a Kg.	25.—
di cascami di seta . . . . . a Kg.	230.—
di cotone . . . . . a Kg.	95.—
di lana . . . . . a Kg.	170.—
di fiocco di fibra artificiale . . . . . a Kg.	160.—
Tessuti di crine (esclusi quelli per stacci) misti con fili di materia tessile, esclusa la lana o la seta . . . . .	Si tassano solo per i filati di materia tessile di cui sono commisti.
Tessuti grossolani di pelo, esclusi quelli di pelo di cammello, pesanti più di 1600 grammi per metro quadrato . . . . .	Come tessuti di lana.
Tessuti per presse, di lana o di pelo di cammello, pesanti più di 1000 grammi per metro quadrato . . . . .	Come tessuti di lana.
Tessuti, passamani, pizzi ed altri manufatti, misti con fili metallici, in misura inferiore al 50% . . . . .	Aliquota massima della rispettiva classe del filato di materia tessile con deduzione del peso del metallo.
Tessuti, passamani, pizzi ed altri manufatti d'oro o d'argento, buono o falso o misti con fili metallici in misura superiore al 50 per cento . . . . .	Idem.
Oggetti cuciti di canapa, lino, juta e di altri vegetali filamentosi, escluso il cotone:	
Sacchi . . . . .	Al quota propria del tessuto.
Biancheria da letto e da tavola, asciugamani e altri oggetti di forma rettangolare semplicemente orlati . . . . .	Idem.
Busti per donna e per ragazzi . . . . .	Idem.
Altri:	
fatti interamente di lino o di canapa . . . . .	Idem.
fatti di lino o di canapa con parti di altre materie tessili . . . . .	Aliquota massima del prodotto predominante in superficie, con facoltà di accertamento diretto.
Oggetti cuciti di lana:	
scialli, coperte e altri oggetti di forma rettangolare semplicemente orlati o con la sola applicazione di frange . . . . .	Aliquota propria del tessuto.
Oggetti cuciti di cotone . . . . .	Come per gli oggetti cuciti di lino.
Altri:	
fatti interamente di lana . . . . .	Aliquota propria del tessuto.
fatti di lana con parti di altre materie tessili . . . . .	Aliquota massima del prodotto predominante in superficie, con facoltà di accertamento diretto.
Oggetti cuciti di seta o di fibra artificiale . . . . .	Come per gli oggetti cuciti di lana.
Linoleum con fondo di juta . . . . . a Kg.	2.—
Coperture di gomma elastica per ruote di automobili e per ruote di carrelli d'automobili . . . . . a Kg.	11.—

Denominazione delle merci	Aliquota d'imposta applicabile Lire e cent.
Copertoni di gomma elastica per ruote di biciclette . . . . . a Kg.	8.—
Coperture di gomma elastica per motociclette . . . . . a Kg.	10.—
Fili, cordoni e cordoncini elettrici	Aliquota corrispondente al filato di materia tessile di cui sono rivestiti con deduzione del peso delle materie non tessili.
Tessuti gommati: di cotone o di fiocco di fibra artificiale, con intonaco appariscente . . . . . a Kg.	30.—
fatti a più doppi riuniti da uno strato di gomma elastica . . . . . a Kg.	80.—
Altre merci, non classificabili nelle categorie dei prodotti tessili, formate principalmente di filati di tessuti o di altro prodotto di materia tessile . . . . .	Aliquota propria risultante da accertamento diretto.

### TABELLA B

Prodotti tessili ammessi, quando sono esportati al beneficio della restituzione dell'imposta di fabbricazione sui filati di fibre tessili (1)

Denominazione delle merci	Aliquota d'imposta da restituire e modalità per la restituzione Lire e cent.
Filati cucirini, spaghi, cordami; forzini, rafforzini, lusino e simili . . . . .	Aliquota corrispondente ai filati di cui sono effettivamente costituiti.
Tessuti e nastri . . . . .	Aliquota corrispondente ai filati di cui sono effettivamente costituiti.
Tessuti ricamati con tessuto di fondo visibile . . . . .	Aliquota corrispondente ai filati costituenti il tessuto di fondo.
Ricami su tessuto di fondo invisibile . . . . .	Aliquota corrispondente ai filati costituenti il ricamo.
Pizzi chimici . . . . .	Aliquota corrispondente ai filati costituenti il pizzo.
Cinghie e tubi . . . . .	Aliquota minima della rispettiva classe.
Maglie . . . . .	Aliquota corrispondente al filato costituente la maglia.
Pizzi . . . . .	Aliquota corrispondente al filato costituente il pizzo.
Tulli . . . . .	Aliquota corrispondente al filato costituente il tulle.
Passamani . . . . .	Aliquota corrispondente al filato costituente il passamano.
Tele di lino di canapa incatramate, oliate e simil., oppure incerate o smerigliate . . . . .	Aliquota corrispondente al filato di cui la tela è costituita in base al peso della sola materia tessile risultante da accertamento diretto.

Denominazione delle merci	Aliquota d'imposta da restituire e modalità per la restituzione Lire e cent.
Tessuti smerigliati di cotone o fiocco di fibra artificiale o fiocco di canapa o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . .	Aliquota corrispondente al filato di cui il tessuto è costituito in base al peso della sola materia tessile risultante da accertamento d'retto.
Tessuti lavorati di cotone o fiocco di fibra artificiale o fiocco di canapa o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . .	Aliquota corrispondente al filato di cui la tela è costituita in base al peso della sola materia tessile risultante da accertamento diretto.
Tessuti pegamoidali di cotone o fiocco di fibra artificiale o fiocco di canapa, o di cotone in mista intima con sola fibra artificiale o con fiocco di canapa . . . . .	Idem.
Velluti (esclusi i tappeti) con peluzzo:	
di lino, sul peluzzo . . . . . a Kg.	140.—
di cotone sul peluzzo . . . . . a Kg.	95.—
di lana a ricci (tipo astrakan e simili), sul riccio . . . . . a Kg.	90.—
di lana, altri sul peluzzo . . . . . a Kg.	170.—
di cascami di seta, sul peluzzo . . . . . a Kg.	230.—
di fiocco di fibra artificiale sul peluzzo . . . . . a Kg.	50.—
di juta sul peluzzo . . . . . a Kg.	25.—
Tappeti:	
di juta . . . . . a Kg.	25.—
altri vellutati con peluzzo, di cotone o fiocco di fibra artificiale sul peluzzo . . . . . a Kg.	25.—
di lana . . . . . a Kg.	Aliquota propria risultante da accertamento diretto.
Ciniglia:	
di juta . . . . . a Kg.	25.—
di seta (cascami) . . . . . a Kg.	230.—
di cotone . . . . . a Kg.	95.—
di lana . . . . . a Kg.	90.—
di fiocco di fibra artificiale . . . . . a Kg.	50.—
Tessuti di crine (esclusi quelli per stacci) misti con fili di materia tessile, esclusa la lana e la seta . . . . .	Imposta corrispondente ai filati di materia tessile di cui i tessuti sono commisti.
Tessuti grossolani di pelo, esclusi quelli di pelo di cammello, pesanti più di 100 grammi per metro quadrato . . . . .	Aliquota corrispondente ai filati di cui i filati sono costituiti.

Denominazione delle merci	Aliquota d'imposta da restituire e modalità per la restituzione Lire e cent.
Tessuti per presse, di lana o di pelo di cammello, pesanti più di 1000 grammi per metro quadrato	Aliquota corrispondente ai filati di cui i tessuti sono costituiti.
Tessuti, passamani, pizzi ed altri manufatti d'oro o d'argento, buono o falso o misti con fili metallici	Non ammessi alla restituzione.
Oggetti cuciti: fatti di una sola materia tessile	Aliquota propria del tessuto o altro manufatto di cui sono costituiti.
fatti di più materie tessili	Aliquota minima del prodotto predominante in superficie, con facoltà di accertamento diretto.
Linoleum con fondo di juta a Kg.	1,25.—
Coperture di gomma elastica per ruote di automobili e per ruote di carrelli di aeromobili a Kg.	9,50.—
Coperture di gomma elastica per ruote di motociclette a Kg.	7,80.—
Coperture di gomma elastica per ruote di biciclette a Kg.	7.—
Fili, cordoni e cordoncini elettrici a Kg.	Aliquota corrispondente al filato di materia tessile di cui sono rivestiti con deduzione del peso delle materie tessili.
Tessuti gommati: di cotone o fiocco di fibra artificiale, con intonaco apparscente	Aliquota corrispondente al filato limitatamente al peso della materia tessile.
fatti a più doppi riuniti da uno strato di gomma elastica	Aliquota corrispondente ai filati di cui sono costituiti limitatamente al peso della materia tessile.
Altre merci, non classificabili nelle categorie dei prodotti tessili formate principalmente di filati di tessuti o di altro prodotto di materia tessile	Aliquota corrispondente ai filati di cui sono costituiti limitatamente al peso della materia tessile.

TABELLA A (1) — I filati di materia tessile costituenti il sostegno del peluzzo non influiscono nella determinazione dell'Aliquota. Il peso dei fili metallici eventualmente presenti come sostegno del peluzzo si deduce per la determinazione del peso imponibile.

TABELLA B (1) — Nei casi in cui la presente tabella non fissa una determinata Aliquota da restituire, ma stabilisce la restituzione sulla base della aliquota corrispondente ai filati di cui i manufatti sono costituiti, e non si tratti di materie tessili ad aliquota unica, gli accertamenti possono dalle dogane venire effettuati su matasse di paragone che gli esportatori debbono presentare per ciascuno dei filati impiegati nella fabbricazione del manufatto. Per i manufatti di seta o di seta mista con cascami di seta, caricati, ammessi a restituzione, si prende per base della restituzione di peso il manufatto ridotto del 30%; per quelli di cascami di seta la riduzione è limitata al 20%.

# Order No. 30

## AMENDMENTS TO FISCAL TREATMENT OF CERTAIN PRODUCTS LIABLE TO EXCISE DUTY

*WHEREAS it is deemed advisable to modify the fiscal treatment of certain products liable to excise duty in that Zone of the Free Territory of Trieste administered by the British-United States Forces (hereinafter referred to as the „Zone“),*

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

### ORDER :

#### PART I — BEER

##### ARTICLE I

In accordance with administrative instructions previously issued and with effect from 21 December 1948, the excise duty on beer is hereby fixed at Lire 250 per hectolitre and per saccharimetric degree of the must, measured by the official saccharimeter at the temperature of 17.50 degrees of the centigrade thermometre.

The saccharimetric richness of the must measured as above shall be rounded off, for the purposes of taxation, to one-tenth of degree.

Fractions of degree in excess of 5 hundredths shall be considered as one-tenth of degree.

For the purpose of the assessment of the duty, the maximum saccharimetric limit is fixed at 16 degrees and the minimum limit at 11 degrees.

Beer imported from abroad shall be liable to an additional frontier duty equivalent to the excise duty and to be calculated on the basis of the volume of the beer itself and of its saccharimetric degree as resulting from the analysis made by the appropriate „Laboratorio Chimico della Dogana ed Imposte Dirette“ on samples taken on the importation of the product. For the purpose of the frontier and of the additional frontier duty on beer, the by-products of same shall be considered to be beer.

##### ARTICLE II

The duty on beer exported abroad shall be refunded on the basis of the new rate for export declarations filed on or after the 120th day from the date of publication of this Order.

Repayment of the duty on the basis of the new rate may however be made even before the above time-limit provided that the application for reimbursement shall be accompanied by a certificate of the Excise Technical Office stating that the duty on the products has been paid according to the new rate established by this Order.

#### PART II — SEED-OIL

##### ARTICLE III

In accordance with administrative instructions previously issued and with effect from 21 December 1948, the excise duty on seed-oil destined for any use, including non-combined oil contained in excess of 10% in seed-oil pastes subject to a refining process, and the corresponding additional frontier duty in respect of the same products imported from abroad, are hereby fixed at Lire 3000 per quintal of product.

The State duty referred to in Art. 1, second para, of appendix „F“ to D.L.L. 26 April 1945, No. 223, implemented in this Zone by Order No. 120 dated 26 April 1946, is hereby abolished.

#### ARTICLE IV

The additional frontier duty referred to in foregoing article shall also apply to products containing seed-oil imported from abroad and included in Table „C“ appended to D.L.C.P.S. 21 October 1946 No. 236, implemented in this Zone by Order No. 267 dated 6 November 1946.

### PART III — COMMON PROVISIONS RELATING TO THE TWO DUTIES

#### ARTICLE V

The increase in frontier and in additional frontier duties deriving from the application of the rates established by Art. I and III hereof shall also apply to products on which the former rates of duty have been paid and which on the effective date of this Order are still stored in areas or premises under Customs control, or in producing factories, or are anyhow held by manufacturers in any other place whatsoever.

For this purpose the holder of the goods shall declare in conformity with the foregoing para, the quantities held (within 15 days of the above date) to the Excise Technical Office or to the Customs, according to the respective jurisdiction.

#### ARTICLE VI

The duty difference due in terms of Art. V hereof shall be paid to the State within 15 days of the date on which the notice of assessment has been served by the appropriate offices.

For the purpose of the calculation of the difference payable on beer stored in producing factories or anyhow and anywhere held by manufacturers, the following deductions from the volume of the liquid as finally ascertained shall be allowed :

- a) 17.50% on beer-must for which assessment proceedings are under way ;
- b) 16.50% on beer-must in the first stage of fermentation ;
- c) 13% on beer-must in the second stage of fermentation ;
- d) 10% on beer-must held in containers for warehousing after the second stage of fermentation and before filtering or decanting ;
- e) 8% on beer already filtered or decanted but not yet placed in barrels or bottles for consumption ;
- f) 3% on beer held in barrels or bottles for consumption.

#### ARTICLE VII

Default or delay in presenting the declaration referred to in Art. V hereof or inaccuracy in the relative data shall be punishable by a fine from twice to ten times the duty-difference payable on the quantity not declared in proper time, in terms of Art. 2 of R.D.L. 3 January 1926, No. 42, converted into Law 24 May 1926, No. 898.

## PART IV — YARNS

## ARTICLE VIII

In accordance with administrative instructions previously issued and with effect from 4 January 1949, the rates of excise duty and of the corresponding additional frontier duty on the natural and artificial textile fibre yarns referred to in D.L.C.P.S. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947 are hereby fixed as follows for the period 4 January 1949 — 3 January 1950:

1. For each kilo of cotton yarn only (fine, waste or regenerated cotton), or of hemp flock yarn, or cotton thoroughly mixed with artificial fibre only (flock, waste or regenerated) or with hemp flock, measuring:

a)	up to	12,000 metres	.....	.....	Lire	20
b)	over	12,000 up to	20,000 metres	.....	"	36
c)	"	20,000 " "	30,000 " "	.....	"	56
d)	"	30,000 " "	44,000 " "	.....	"	80
e)	"	44,000 " "	61,000 " "	.....	"	150
f)	"	61,000 " "	78,000 " "	.....	"	220
g)	"	78,000 " "	95,000 " "	.....	"	300
h)	"	95,000 " "	112,000 " "	.....	"	380
i)	"	112,000 " "	129,000 " "	.....	"	470
l)	"	129,000 " "	145,000 " "	.....	"	570
m)	"	145,000 " "	163,000 " "	.....	"	680
n)	"	163,000 " "	180,000 " "	.....	"	820
o)	"	180,000 " "	210,000 " "	.....	"	1,110
p)	"	210,000 " "	244,000 " "	.....	"	1,400
q)	"	244,000 metres	.....	.....	"	1,700

2. For each kilo of flax or hemp yarn measuring:

a)	up to	1,000 metres	.....	.....	Lire	8
b)	over	1,000 up to	2,100 metres	.....	"	16
c)	"	2,100 " "	7,000 " "	.....	"	30
d)	"	7,000 " "	15,000 " "	.....	"	70
e)	"	15,000 " "	25,000 " "	.....	"	120
f)	"	25,000 " "	35,000 " "	.....	"	170
g)	"	35,000 " "	45,000 " "	.....	"	240
h)	"	45,000 " "	50,000 " "	.....	"	320
i)	"	50,000 metres	.....	.....	"	450

3. For each kilo of jute yarn..... Lire 25

4. For each kilo of wool yarn (virgin, waste or regenerated) measuring:

a)	up to	4,000 metres	.....	.....	Lire	24
b)	over	4,000 up to	6,000 metres	.....	"	36
c)	"	6,000 " "	10,000 " "	.....	"	60
d)	"	10,000 " "	20,000 " "	.....	"	110
e)	"	20,000 " "	30,000 " "	.....	"	200
f)	"	30,000 " "	40,000 " "	.....	"	380
g)	"	40,000 " "	50,000 " "	.....	"	620

<i>h)</i>	50,000	60,000	750
<i>i)</i>	60,000	70,000	880
<i>l)</i>	70,000	80,000	1,020
<i>m)</i>	80,000	90,000	1,150
<i>n)</i>	90,000	100,000	1,300
<i>o)</i>	100,000 metres		1,560

5. For each kilo of raw silk yarn (simple) ..... Lire 350

6. For each kilo of yarn of combed silk waste (chappe)..... „ 230

7. For each kilo of carded silk yarn (burette)..... „ 50

8. For artificial fibre yarn with continuous filament (including „lamette“ and „crini“, „Lanasel“ and „Lanalux“ yarns and the like) weighing, on a length of 4,500 metres :

<i>a)</i>	less than 60 grams for each kilo	Lire 252
<i>b)</i>	from 60 up to & exclusive of 125 Gr., each kilo	„ 210
<i>c)</i>	from 125 grams or over, for each kilo	„ 168

For each kilo of artificial fibre yarn (flock, waste or regenerated), measuring :

<i>a)</i>	up to 12,000 metres	Lire 20
<i>b)</i>	over 12,000 up to 20,000 metres	„ 36
<i>c)</i>	20,000 „ „ 30,000	„ 56
<i>d)</i>	30,000 „ „ 44,000	„ 80
<i>e)</i>	44,000 „ „ 61,000	„ 150
<i>f)</i>	61,000 metres	„ 260

10. For each kilo of textile fibre yarn not enumerated above the duty shall be paid at the rate established for the fibre yarn considered to be equivalent by the „Repertory“ for the application of the Customs tariff.

11. For each kilo of yarns constituted by different textile materials, the duty shall be paid at the following rates :

*a)* Thoroughly mixed cotton and wool yarns, thoroughly mixed artificial fibre (flock, waste or regenerated) & wool yarns where the cotton or artificial fibre component prevail in weight ; for each kilo measuring :

1)	up to 4,000 metres	Lire 21
2)	over 4,000 up to 6,000 metres	„ 24
3)	6,000 „ „ 10,000	„ 30
4)	10,000 „ „ 20,000	„ 56
5)	20,000 „ „ 30,000	„ 92

*b)* thoroughly mixed wool and cotton yarns or wool and artificial fibre (flock, waste or regenerated) yarns, with a wool component equalling or exceeding 50% in weight ; for each kilo measuring :



1) up to 4,000 metres	.....	Lire	23
2) over 4,000 up to 6,000 metres	.....	"	32
3) " 6,000 " " 10,000	" .....	"	50
4) " 10,000 " " 20,000	" .....	"	95
5) " 20,000 " " 30,000	" .....	"	163

c) thoroughly mixed cotton, artificial fibre (waste, flock or regenerated) and wool yarns ; where the cotton and artificial fibre component jointly prevail in weight ; for each kilo measuring :

1) up to 4,000 metres	.....	Lire	20
2) over 4,000 up to 6,000 metres	.....	"	23
3) " 6,000 " " 10,000	" .....	"	28
4) " 10,000 " " 20,000	" .....	"	52
5) " 20,000 " " 30,000	" .....	"	85

d) thoroughly mixed wool, cotton and artificial fibre (flock, waste or regenerated) yarns, with a wool component exceeding 50% in weight ; for each kilo measuring :

1) up to 4,000 metres	.....	Lire	22
2) over 4,000 up to 6,000 metres	.....	"	30
3) " 6,000 " " 10,000	" .....	"	44
4) " 10,000 " " 20,000	" .....	"	83
5) " 20,000 " " 30,000	" .....	"	141

e) unspecified yarns of thoroughly mixed textile materials, same rate as established for the component fibre liable to the highest duty, taking due account, where this is provided for, of the proportion between length and weight.

12. For the purpose of taxation, the length of the twisted yarns referred to under 1, 2, 4, 9 and 11 shall be multiplied by the number of component simple yarns.

13. For each kilo of yarn constituted by single yarns subject to different rates of duty : the average of duties chargeable on each component yarn, taking due account of the relative weight (unless the duty relating to each component yarn has already been paid).

On ready-made articles and on fabrics, sewing-thread, string, ropes, „forzina“, „rafforzina“, „lusino“ and the like imported from abroad and manufactured with the yarns enumerated in this article, the additional frontier duty shall be payable on the basis of the excise duty applicable to the yarns of which they are composed in accordance with such regulations as will be established by a Decree to be issued by the Chief, Department of Finance.

## ARTICLE IX

The excise duty on inland-produced yarns shall further be collected, up to and inclusive of the 3rd of January 1951, by „abbonamento annuale“ (Annual lump sum agreement) on the basis of the rates of duty in force during the year to which the agreement refers and in relation to the production capacity as resulting from the number of installed spindles or dies in operation, and from the duration and type of the manufacturing process.

## ARTICLE X

Where the duty is collected under annual agreement in terms of Art. 43 of D.L. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947 and completed by Article IX hereof, the relative annual rate shall be assessed at the request (to be filed not later than the 15 January of the year to which the agreement refers) of one or more categories of yarn-producers taking due account of the incidence of reimbursements on the products destined for exportation, and the rate itself will be reduced accordingly. If the agreement has been concluded on the basis of a rate so reduced, no refund shall be made by the Finance Administration on exportation of the yarns and of the relative fabrics and ready-made articles.

The fourth para of Art. 43 of D.L. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947 is hereby amended in accordance with the above.

Where the collection of the duty under an annual agreement is made in accordance with the provisions of Article IX hereof only, the date of commencement and termination of the exportations of yarns fabrics entitled to reimbursement of the duty as provided by Art. 18 of D.L. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947, will be established by the decree of the Chief, Department of Finance referred to in the same article, taking into account the period of time covered by the agreement.

## ARTICLE XI

Art. 10 of D.L. 3 January 1947, No. 1, as implemented in this Zone by General Order No. 91 dated 24 January 1947, is hereby amended to read as follows:

„Manufacturers whose estimated annual yarn production corresponds to an aggregate annual duty not exceeding Lire 400,000 or Lire 600,000 for the period 4 January 1949 — 3 January 1950 shall be considered to be artisans and as such shall be admitted to the payment of the duty on the basis of the quantity and description of yarns to be produced and of the rates in force.

At least 10 days before starting their manufacturing activity, the said manufacturers shall file with the appropriate Excise Technical Office a monthly „work“ declaration if their period of activity exceeds 6 months, or a single declaration covering the entire period if same is of a seasonal nature and does not exceed 6 months.

The „work“ declaration shall contain following particulars:

- a) The manufacturer's name, location of the factory, a description of the machinery installed and the number of production units which will be in operation during the period of activity.
- b) The quantity and description of the raw materials to be manufactured.
- c) The yarns to be obtained, separately according to their composition (‘‘title’’).

The manufacturer shall further pledge himself not to surpass the quantity of yarns specified in the declaration and taken as basis for the assessment of the duty unless a supplementary declaration is presented.

The quantity of yarns given in the supplementary declaration shall be kept within such limits as to correspond to a duty not exceeding 50% of the duty payable in respect of the yarns declared in the principal declaration, subject, however, to the maximum production limit established by the first para of this article.

## ARTICLE XII

In the cases referred to in foregoing article, the duty shall be paid in advance from time to time, on presentation of the work-declarations.

If a single declaration for seasonal work is filed, it may be allowed, at the request of the party concerned, that the aggregate duty be paid in advance by two-monthly instalments, provided that the period of activity shall exceed two consecutive months.

The receipt relating to the first two-monthly instalment shall be attached to the declaration.

The subsequent instalments shall be paid by the first fortnight of the month preceding each two-monthly period of activity.

The fourth para of Art. 16 of D.L. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947 is hereby repealed.

## ARTICLE XIII

Art. 3 of D.L. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947, is hereby amended by adding the following :

„Education and Charity Institutions producing also yarns liable to the duty by reason of their being manufactured on commission by third parties only, or for trading purposes generally, shall be allowed to pay the duty in respect of such yarns in accordance with the provisions of Art. XI and XII hereof.“

## ARTICLE XIV

The provisions of sections 10 and 11 of Art. 2 of D.L. 3 January 1947, No. 1, implemented in this Zone by General Order No. 91 dated 24 January 1947 are hereby repealed subject to collection of the duty on yarns employed in the manufacture of sewing-thread ropes, strings, „forzina“, „rafforzina“, „lusino“ and the like.

Hemp yarns measuring not more than 1000 metres per kilo produced by hand-spinners and destined by same for the manufacture of ropes and strings shall be exempt from duty.

## ARTICLE XV

Default or delay in presenting the declaration referred to in Art. XI hereof or the presentation of a false declaration shall be punished by a fine of twice up to ten times the duty payable on quantities not declared in proper time.

## ARTICLE XVI

The Chief, Department of Finance will provide for the Budget variations required by the enforcement of this Order.

## ARTICLE XVII

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

Dated at TRIESTE, this 15th day of February 1949.

**H. P. P. ROBERTSON**

Brigadier, O.B.E.

for **RIDGELY GAITHER**

Brigadier General, U. S. Army

Director General, Civil Affairs

Ref. : LD/A/49/26

# Order No. 31

## NEW CONCESSIONS RELATING TO TEMPORARY IMPORTS AND EXPORTS

*WHEREAS it is deemed advisable to make supplementary concessions relating to the temporary import into and export from that Zone of the Free Territory of Trieste administered by the British-United States Forces hereinafter referred to as the „Zone“,*

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

### ORDER:

#### ARTICLE I

The following additions are hereby made to the list of goods which may be temporarily imported for manufacturing purposes, as set forth in Table 1 appended to D. L. 18 December 1913, No. 1453, converted into Law 15 April 1925, No. 473:

Description of goods.	Purpose for which the temporary importation is granted.	Minimum quantity which may be imported. Kilos.	Maximum term allowed for the re-exportation.
1) ashes, slags, zinc slags lead ashes and slags	For the manufacture of zinc & lead oxide	100	1 year
2) calcified petroleum coke	For the manufacture of coal anodes for electric furnaces	100	6 months
3) genuine seed and fruit crude oil (excluding olive oil)	In order to be refined (concession valid until 30 June 1949)	100	4 months
4) coco-nut oil	For the manufacture of superior fat alcohol (concession valid until 31 December 1949)	100	6 months
5) tanned hides and parts of hides, without hair, finished and cut	For the manufacture of upper parts of shoes, technical & industrial articles & ornaments for same (concession valid until 30 June 1949)	25	6 months
6) tanned hog hides	For the manufacture of saddles	100	6 months

Description of goods.	Purpose for which the temporary importation is granted.	Minimum quantity which may be imported. Kilos.	Maximum term allowed for the re-exportation.
7) raw badger hides	For scraping and working the hair (removal of grease, washing, bleaching & sorting according to length and colour) for the re-exportation of the stripped hides and worked and selected hair.	25	6 months
8) steel and iron scrap	For the manufacture of tubes and pipes	1000	1 year
9) seeds and oil-bearing fruit (excluding olives)	For pressing (concession valid until 30 June 1949)	100	6 months
10) textiles of any description	To be converted into ready-made articles (concession valid until 31 December 1949)	100	1 year

#### ARTICLE II

The temporary importation of the following articles for reproduction in print is hereby allowed :

Photographs, negatives, films for photolithography, sketches, drawings, pictures and clichés.

The said articles will have to be re-exported by 24 December 1949 at the latest.

#### ARTICLE III

The concession of temporary importation, relating to textiles made of cotton or flax or of cotton mixed with flax imported for embroidering and bleaching or for embroidering and dyeing under D. L. 18 December 1913, No. 1453, converted into Law 17 April 1925, No. 473 is hereby extended to any description of textiles and ready-made articles imported in order to be embroidered or to be finished (hemmed, provided with button-holes, etc.) or embroidered and finished.

The minimum quantity for which the temporary importation may be allowed and the time-limit for the re-exportation are hereby fixed respectively at 20 kilos and 24 December 1949.

#### ARTICLE IV

The concessions of temporary importation relating to iron and steel bars („vergella“) destined for the manufacture of upholstery nails („sellerine“) as provided for by R. D. L. 6 November 1930 No. 1506, converted into Law 8 January 1931 No. 38, is hereby extended

to common iron or steel rolled by warm process („vergella“) destined for the manufacture of any description of nails and tips.

The minimum quantity for which the temporary importation may be allowed and the time-limit for the re-exportation are hereby fixed respectively at 100 kilos and 24 December 1949.

The repayment of duties on Paris tips („punte di Parigi) and other types of nails as provided for by R. D. 9 August 1883, No. 1599 (third series) and 29 May 1895, No. 353, is hereby abolished.

#### ARTICLE V

The following addition is hereby made to the list of goods which may be temporarily exported for manufacturing purposes as set forth in Table II appended to D. L. 18 December 1913 No. 1453, converted into Law 17 April 1925, No. 473 :

„Residue from the treatment of ore containing precious metals and from the treatment of goldsmiths' and silversmiths' ashes („metalline povere“), for the recovery of metals still contained therein.“

The time-limit for the re-importation is hereby fixed at 24 December 1949.

The concession provided for in the first para is valid until 30 June 1949.

#### ARTICLE VI

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

Dated at TRIESTE, this 15th day of February 1949.

**H. P. P. ROBERTSON**

Brigadier, O. B. E.

for **RIDGELY GAITHER**

Brigadier General, U. S. Army

Director General, Civil Affairs

Ref. : LD/A/49/3

## Order No. 32

### AMENDMENT TO ORDER No. 105

*WHEREAS it is deemed advisable and necessary to establish an amendment to Order No. 105, dated 5 April 1946, in that Zone of the Free Territory of Trieste administered by the British-United States Forces,*

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

#### ORDER :

#### ARTICLE I

All references to Labor Office in Article V, Section 2, of Order No. 105, dated 5 April 1946, shall be deleted and Allied Military Government, Department of Labor substituted therefor.

#### ARTICLE II

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

Dated at TRIESTE, this 15th day of February 1949.

**H. P. P. ROBERTSON**

Brigadier, O. B. E.

for **RIDGELY GAITHER**

Brigadier General, U. S. Army

Director General, Civil Affairs

Ref. : LD/A/49/33

# Order No. 33

## RECONSTITUTION OF COMMUNAL ADMINISTRATION BY ELECTION

WHEREAS it is considered advisable to reconstitute the Communal Administration by Election in that Zone of the Free Territory of Trieste administered by the British-United States Forces (hereinafter called the „Zone“);

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

### ORDER:

#### TITLE I

#### ORGANS OF COMMUNAL ADMINISTRATIONS

##### ARTICLE I

#### ORGANS OF THE COMMUNE

Each Commune of the Zone shall have a Council („Consiglio“), a Board („Giunta“) and a Mayor („Sindaco“).

##### ARTICLE II

#### COMMUNAL COUNCIL

The Communal Council („Consiglio Comunale“) shall be composed as follows:

- a) of 60 members for the Commune of Trieste;
- b) of 30 members for the Commune of Muggia;
- c) of 20 members for the Communes of Duino-Aurisina and S. Dorligo della Valle;
- d) of 15 members for the Communes of Sgonico and Monrupino;
- e) of all eligible persons whenever their number does not reach the one fixed.

##### ARTICLE III

#### ELECTION OF THE COMMUNAL BOARD

*Section 1.* — The Communal Board („Giunta Municipale“) shall be composed of the Mayor, as Chairman, and of:

- a) 12 assessors and 3 substitutes for the Commune of Trieste;
- b) 4 assessors and 2 substitutes for the Communes of Muggia, Duino-Aurisina and S. Dorligo della Valle;
- c) 2 assessors and 2 substitutes for the Communes of Sgonico and Monrupino.

*Section 2.* — As far as the Commune's financial conditions allow, the Mayor and the assessors may be granted an office indemnity the rate of which shall be fixed by the Communal Council. The relative resolution shall be submitted to the Zone Administrative Board for approval.

*Section 3.* — The Communal Board shall be elected by the Communal Council from among its members according to the procedure provided for by Article 134 of the Consolidated Text of the Communal and Provincial Law approved by R. D. 4 February 1915, No. 148.

*Section 4.* — The election of the Communal Board shall be made by the Communal Council at its first meeting after its constitution.

#### ARTICLE IV

##### ELECTION OF THE MAYOR

*Section 1.* — The Mayor shall be elected by the Communal Council from among its members and by secret ballot at its first sitting and, in case of a subsequent vacancy of his office, at its first sitting of the first session subsequent to the vacancy, provided, however, a special meeting has not been called.

The said election shall not be valid unless at least two thirds of the councillors assigned to the Commune are present and there is an absolute majority of votes.

*Section 2.* — If, after two votings, no candidate has obtained absolute majority, a third ballot („votazione di ballottaggio“) shall be made as to the two candidates who have reached the highest number of votes in the second voting, and the one obtaining absolute majority of votes shall be proclaimed Mayor.

*Section 3.* — If no candidate has obtained the aforementioned absolute majority, the election shall be adjourned to another meeting to be held within the time-limit of eight days, at which a new voting shall be made regardless of the number of voters. If no one obtains the absolute majority of votes another ballot („votazione di ballottaggio“) shall be made at the same sitting and the one who has obtained the highest number of votes shall be proclaimed elected.

*Section 4.* — Save as herein provided, the provisions of paras 6, 7, 8 and 9 of Article 147 of the Consolidated Text of the Communal and Provincial Law, approved by R. D. 4 February 1915, No. 148, shall be applicable.

#### ARTICLE V

##### INELIGIBILITY FOR OFFICE OF MAYOR

In addition to the cases of ineligibility provided for by Articles X and XI of this Order, the following may not be appointed Mayor :

*a)* those who have not yet given account of a preceding management or after having given the said account appear as debtors ;

*b)* ministers of religious worship ;

*c)* those holding the office of provincial deputy („deputato provinciale“);

*d)* those having ascendants or descendants, or relatives or relatives in law within the second degree, holding, in the Commune's administration, the post of Communal Secretary, of Communal tax collector („esattore o collettore“) or Treasurer, of communal works or services contractor, or in any way of a „fideiussore“ ;

*e)* those condemned for whatsoever offence committed as public officials or by abuse of office to detention exceeding six months, and those condemned for other crimes to punishment by imprisonment („reclusione“) for a period of not less than one year, save in those cases of rehabilitation as provided for by law.



## ARTICLE VI

### TENURE OF OFFICE OF THE COUNCIL

The Communal Council shall hold office for a period of two years.

The Mayor and the Communal Board shall however continue in office until their successors are elected.

## ARTICLE VII

### LOSS OF COUNCILLORSHIP AND ASSESSORSHIP

Councillors and assessors shall lose their councillorships or assessorships if any of the impediments, incompatibilities or incapacities provided for by the law occurs.

## ARTICLE VIII

### POWERS, DUTIES, FUNCTIONS AND OPERATION OF THE COMMUNAL ORGANS

The powers, duties and functions as well as the operation of the organs contemplated by this Title, and the procedure for partial renewal of Communal Councils, shall be governed by the provisions of the Consolidated Text of the Communal and Provincial Law approved by R. D. 4 February 1915, No. 148, in so far as they are applicable.

## TITLE II

### COMMUNAL ELECTIONS

## ARTICLE IX

### ELECTORATE

All persons inscribed in the Electoral Rolls compiled in terms of Order No. 345, dated 24 September 1948, shall be electors.

## ARTICLE X

### ELIGIBILITY

*Section 1.* — Those inscribed in the Electoral Rolls of any Commune of the Zone may be elected Communal Councillors provided they are able to read and write and are not in the condition contemplated by Sections 1 and 2 of Article XI hereof.

*Section 2.* — Failing a regular school certificate, the above capacity may be evidenced by a statement written and signed by the persons concerned, bearing indications as to paternity, age, domicile and condition, to be made in the presence of the Mayor and of the Communal Secretary, or of a Notary, or of the Pretore or of the Justice of Peace („giudice conciliatore“), with the assistance of two witnesses not belonging to the Commune's personnel. Such proof must be released within ten days from the notification of the election.

## ARTICLE XI

### EXCEPTIONS TO ELIGIBILITY

*Section 1.* — The following may not be elected Communal Councillors :

- a) Ministers and under-secretaries of State of the Fascist Government who held office or were appointed on or after 6 January 1925 ;
- b) Senators declared barred from their office ;
- c) Deputies who, after 3 January 1925, have voted fundamental laws intended to keep in force the Fascist Regime ;
- d) National Councillors ;
- e) „Prefetti“ and „Questori“ appointed by virtue of fascist qualifications ; Heads of Provinces and „Questori“ appointed by the Government of the Italian Social Republic or by the German occupation Authorities ;
- f) „Presidi“ of Provinces and those who were „Podestà“ during the last five-years period of the Fascist Regime (1938-1943) or were appointed to such office by the Government of the Italian Social Republic or by the German occupation Authorities ;
- g) members of the Special Tribunal for the Defence of the State and members of the special tribunals of the Italian Social Republic ;
- h) Superior Officers and Generals of the State's Armed Forces who, pursuant to epuration proceedings, have been dispensed from service with or without loss of their right to pension, as well as Officers of any rank who, having co-operated after 13 October 1943, with the Armed Forces fighting against Italy, have been cancelled from their Rolls and have lost their rank ;
- i) „Moschettieri del Duce“, Officers of the Fascist Militia (M.V.S.N.) in permanent compensated service, except those belonging to religious, medical or welfare services and those belonging to Lybia Legions, to the Railways Militia, to the Post and Telegraph Militia, to the Universities Militia, to the Forestry Militia, to the Roads Militia or to Ports Militia, to the Italian Littorio Youth (G.I.L.), to the DICAT or DACOS ;
- j) Officers who have been in actual service with the Armed Forces of the Italian Social Republic ; Officers of the National Republican Guard and members of the Black Brigades, of the autonomous legions and of the Political Police Special Units of the Italian Social Republic ;
- k) employees of public administrations of a grade higher than the 9th of the State's classification or of a corresponding grade who, pursuant to epuration proceedings, have been dispensed from service with or without loss of their right to pension ;
- l) those who have held any of the following offices or any of the equivalent feminine offices : secretary or under-secretary of the Fascist Party, member of the High Council of Fascism, member of the National Directorate of the Fascist Party, member of the National Council of the Fascist Party, inspector of the Fascist Party, federal secretary and under-secretary, federal inspector, political secretary of Communes having not less than 20,000 inhabitants ;
- m) those definitely cancelled from professional Rolls pursuant to epuration proceedings ;
- n) those who inscribed themselves in the Republican Fascist Party.

However, those who, though having belonged to one of the foregoing categories have been declared non-punishable by the competent Authorities and those in whose regard the Epuration Commissions have passed a decision of acquittal shall be eligible.

*Section 2.* — The following may not be elected Communal Couacillors :

- a) clergymen and ministers of religious worship vested with jurisdiction and spiritual care, their ordinary substitutes and the members of Chapters and of Collegiate Churches ;
- b) governmental officials charged with the supervision over the Commune and employees of their offices ;
- c) those receiving salaries or wages from the Commune or from Bodies, Institutions or Concerns depending on, subsidized by or subjected to the supervision of the Commune itself, and the administrators of such Bodies, Institutions and Concerns ;
- d) employees of public Welfare and Charity Institutions existing within the Communal territorial jurisdiction ;
- e) those who are charged with handling the Commune's money or have not yet given account thereof ;
- f) those having a law-suit pending with the Commune ;
- g) those having, either directly or indirectly, a part in services, collecting of fees, supplies or contracts in the interest of the Commune, or in companies or enterprises having a profit-making purpose and however subsidized by the said Commune ;
- h) the administrators of the Commune or of public Welfare and Charity Institutions subject to its supervision, who are declared responsible in administrative or judicial matters ;
- i) those who, having a liquid and payable liability due to the Commune, have been legally declared to be in arrears („in mora“) ;
- j) the Magistrates of the Court of Appeal, of the Tribunal and of the P<sup>r</sup>etura ;
- k) members of the Zone Administrative Board.

*Section 3.* — The following may not be members of the same Communal Council at the same time : ascendants and descendants, first grade relatives in law, adoptive parents and adopted children, affiliators and their affiliated, husband and wife.

## ARTICLE XII

### ELECTION OF COMMUNAL COUNCILS

*Section 1.* — The election of Communal Councillors shall be made in all Communes of the Zone by universal, direct, free and secret vote, given to lists of candidates, and by proportional representation.

*Section 2.* — All electors of the same Commune shall participate on equal terms in the election of each Councillor.

## ARTICLE XIII

### DATE OF ELECTIONS

The Allied Military Government shall fix the date of elections for each Commune by an Order. Such date shall be on a Sunday.

The Mayor of each Commune shall make it known to the electors by means of posters to be published 45 days prior to such date and indicate the polling places thereon.

The Electoral Commission shall, not later than the eighth day prior to the date of the elections, forward to the Mayor one of the two copies of the Section Rolls deposited with it in accordance with Article XX, Section 2 of Order No. 345 of 24 September 1948.

## ARTICLE XIV

### CANDIDATES

*Section 1.* — The candidates, grouped in lists including a number of candidates not less than one fifth of and not greater than the number of Councillors to be elected, shall be presented by at least :

- 300 electors in the Commune of Trieste ;
- 100 electors in the Commune of Muggia ;
- 30 electors in the Communes of Duino-Aurisina and S. Doriligo della Valle ;
- 10 electors in the Communes of Monrupino and Sgonico.

The number of electors presenting the above candidates may not exceed the said figures by more than one third.

The above persons presenting the lists shall be electors inscribed in the Commune's Rolls ; their signatures shall be authenticated either by a Notary, by the Communal Secretary, by the „Pretore“, or by the Justice of the Peace. As to the electors who are not able to write, the provision of Article VII, Section 3, Order No. 345, dated 24 September 1948, shall be applicable.

Each elector may not sign more than one statement for the presentation of a list.

*Section 2.* — For each candidate there shall be indicated : surname, name, paternity and place of birth ; the respective listing shall be made by progressive numbers according to order of presentation.

No one may be a candidate on more than one list of the same Commune, or present himself as candidate in more than one Commune.

*Section 3.* — Together with the list of candidates there shall also be presented :

- a) a distinctive mark though figurative but not a coloured one, in three copies ;
- b) the authentic statement of acceptance by each candidate, expressly stating that no reason exists for ineligibility under the terms of Article XI, Section 1 ;
- c) the birth certificate or equivalent document of each candidate ;
- d) the statement containing the supporting signatures of the prescribed number of electors in accordance with Section 1, either separately or collectively ;
- e) certificates, either separate or collective, stating that the signatories and the candidates are electors. Such certificates must be issued by the Mayor within the time-limit of 24 hours from the request ;
- f) the names of two delegates having the authority to designate in writing and by authenticated signature, the representatives of the list for each polling place and the Central Office provided for in Article XXXIV hereof.

*Section 4.* — The list and the enclosures shall be presented to the Communal Secretariate not later than 12.00 hours of the thirtieth day preceding the election.

The Communal Secretary, or his legal substitute, shall release a detailed receipt for the presented documents indicating the day and the hour of presentation, and shall, within the same day, forward the said documents to the Electoral Commission.

## ARTICLE XV

### VERIFICATION OF CANDIDATES

*Section 1.* — Within the day following that fixed for the presentation of the lists of candidates, the Commission shall :

- a) verify whether the lists have been signed by the prescribed number of electors and eliminate those which do not comply therewith ;
- b) eliminate from the lists the names of those candidates who have failed to comply with the provisions of paras (b), (c) and (e) of Section 3, Article XIV ;
- c) refuse distinctive marks which are identical to, or which can be easily confused with those of other lists previously submitted, and assign a time-limit of 48 hours for the presentation of new distinctive marks ;
- d) cancel the names of candidates included on other lists previously presented ;
- e) refuse the lists containing a number of candidates lower than the minimum prescribed, reduce those containing a number of candidates higher than the maximum allowed by cancelling the last names, and refuse lists having no distinctive mark.

*Section 2.* — The delegate of each list, may within the same evening, take note of the objections raised by the Commission and of its amendments made to the list.

The Commission shall meet again on the following morning at 9 a. m. for the purpose of :

- a) hearing the delegates of the lists objected to or amended, if necessary ;
- b) admitting new documents ;
- c) deciding at the same meeting on the amendments made.

*Section 3.* — There shall be no appeal against the decisions of the Commission ; such decisions must be immediately communicated to the Mayor for the preparation of the list of candidates mentioned in Article XIX (c), and for posting on the Communal notice-board („albo pretorio“) and in other public places to be made within the fifteenth day prior to the election.

A similar immediate communication shall be made to the Zone President for the purpose of printing the ballot-papers in which the distinctive marks of the lists shall be given according to the order of their presentation.

## ARTICLE XVI

### DELEGATES OF LISTS

Not later than on the Thursday preceding the election the Electoral Commission shall forward to the Mayor the list of the delegates authorized to designate the two representatives of the list at each polling place and at the Central Office together with the items and documents specified in Article XIX for delivery to the President of each Electoral Section.

Such designation shall be communicated not later than at 1600 hours on the Saturday preceding the election to the Secretary of the Commune who shall provide for its transmission to the Presidents of the Electoral Sections, or directly to each President on the morning of the election, but before the beginning of the voting.

## ARTICLE XVII

### ELECTORAL CERTIFICATE

*Section 1.* — The Mayor shall provide for delivery of the inscription certificates at each electors's domicile within the fifth day prior to that fixed for the elections.

The certificate shall indicate the Section to which the elector belongs, the place of meeting, the day and hour of voting and shall bear a coupon to be detached by the President of the Electoral Office of the Section at the moment when the elector votes.

*Section 2.* — As to electors living within the Commune, the delivery of the certificate shall be proved by a receipt to be given by the elector or by a person of his (her) family.

Whenever the person to whom delivery was made cannot, or will not, give a receipt, such receipt shall be substituted by the messenger's statement.

*Section 3.* — As to electors living outside the Commune, the certificates shall be forwarded by the Communal Office through the Mayor of the Commune where they live, if same is known.

Within the period of three days preceding the election the electors may personally and by an entry in an appropriate register, withdraw the certificates of inscription in the Roll, in case they have not received them.

*Section 4.* — Whenever a certificate is lost or has become unserviceable, the elector shall be entitled, by appearing personally on the preceding day or on the day of election and by an entry in another appropriate register, to obtain from the Mayor another form printed in a different colour, on which it must be stated that it is a duplicate.

*Section 5.* — For the purpose of this Article, the Communal Office shall remain open daily during the five days preceding the election and on the day of the election, at least from 09.00 to 17.00 hours.

## ARTICLE XVIII

### SECTION ELECTORAL OFFICE

*Section 1.* — In each Section an Electoral Office shall be constituted and composed of a president, a secretary and five scrutineers, from among whom the president shall choose the one who will take over the office of vice-president.

*Section 2.* — The President of the Electoral Office shall be appointed by the First President of the Court of Appeal from among the Magistrates, the Lawyers and Attorneys of the „Avvocatura dello Stato“ and, if necessary, from among the retired civilian employees of public bodies, the officials belonging to the personnel of Judicial Offices („cancellerie e segreterie giudiziarie“), the Notaries, the Justices and Vice-Justices of the Peace („giudici conciliatori e vice-conciliatori“), „vicepretori“, Lawyers, Attorneys, Engineers, Surveyors, „dottori commercialisti“, „ragionieri“ (accountants), „sanitari“ (medical personnel) and pharmaceutical chemists, legally inscribed in their respective professional Rolls, civilian State employees, excluding those depending on the Administration of the Interior, of Post and Tele-Communications and of Transportation, provided all of them have their residence within the Zone.

The enumeration of these categories, except that of the Magistrates, does not imply any priority as regards designation.

At the Office („cancelleria“) of the Court of Appeal a list of persons eligible for the office of President of electoral Offices shall be kept up to date.

In case of impediment of the President occurring in such a way as not to allow a regular substitution, the Mayor or a delegate of his shall take over the presidency.

The Commune in which the Electoral Office has its seat shall pay the President of the said Office, besides the reimbursement of travelling expenses actually expended, a sojourn indemnity at rate to be fixed by the First President of the Court of Appeal at the time of the designation of the President of the Electoral Office.

*Section 3.* — During the period between the 15th and 8th day prior to the election, the Communal Board shall proceed to the appointment of the scrutineers from among the electors of both sexes of the Commune, who are eligible for Communal Councillors, and shall exclude the candidates therefrom.

Whenever the Commune is governed by a Commissioner, he shall appoint the scrutineers with the assistance of the Communal Secretary, after hearing the first signatory of each statement of candidature.

The Mayor shall, within the shortest possible time, and not later than the second day prior to the election, notify each person appointed through a bailiff („ufficiale giudiziario“) or a Communal messenger.

The office of scrutineers shall be gratuitous.

*Section 4.* — The Secretary of the electoral Office shall be chosen by the President from among the electors residing in the Commune, who are able to read and write, before the setting up of the said Electoral Office, and shall preferably be chosen from the following categories :

- a) officials belonging to the personnel of Judicial Offices („cancellerie ed uffici giudiziari“);
- b) notaries ;
- c) employees of the State or of local bodies ;
- d) bailiffs („ufficiali giudiziari“).

The Secretary shall be compensated by the Commune, in which the Electoral Office has its seat, with a daily fee of 1.000 Lire.\*

*Section 5.* — The office of President, of scrutineers and of Secretary shall be compulsory for the designated persons.

The scrutineer, who takes over the vice-presidency of the Office, shall assist the President in the exercise of his functions and substitute him in case of temporary absence or impediment.

All members of the Office shall be considered public officials to all effects of Law during the exercise of their functions.

Offences committed to the prejudice of members of the Office shall be dealt with by immediate trial („giudizio direttissimo“).

*Section 6.* — Without any prejudice to the heavier penalties provided for by Article LII for such cases as are contemplated herei, those persons, who having been designated to the office of President, of scrutineer or of Secretary, refuse to take it over or are not present at the installation of the office without any justified reason, shall be liable to a fine („multa“) from 2.000 to 5.000 Lire. Those members of the Office who without justified reason go away before the electoral operations are completed, shall be liable to the same penalty.

Offences provided for by this Section shall be dealt with by immediate trial.

*Section 7.* — At least three members of the Office among whom the President or the Vice-President, shall always be present at all electoral operations.

## ARTICLE XIX

### DELIVERY OF DOCUMENTS AND ITEMS TO THE SECTION OFFICES

The Mayor shall ensure that on the afternoon of the day preceding the elections or on the same day on which the elections take place, before 07.00 hours the following are handed over to the President of the Electoral Office :

- a) the sealed envelope containing the stamp of the Section ;
- b) the Roll of the electors of the Section, authenticated by the Electoral Commission, and a copy of said Roll authenticated on each sheet by the Mayor and by the Communal Secretary to be posted in accordance with Article XXI, Section 2 ;
- c) five copies of the list of candidates, one copy of which shall remain at the disposal of the Electoral Office and the remaining four copies of which shall be posted in the polling-hall in accordance with the following Article ;
- d) the records of appointment of the scrutineers mentioned in Section 3 of Article XVIII ;
- e) the sealed parcel containing the ballot-papers which shall have been forwarded by the Zone President to the Mayor, showing on the external cover the number of the ballot-papers contained therein ;
- f) the ballot-boxes necessary for the voting ;
- g) an adequate number of indelible pencils for the voting.

The stamps of the Sections, all of same type, with single progressive numeration, shall be supplied by the Zone President.

The ballot-boxes shall be supplied by the Zone President.

The ballot-papers shall be of thick paper, of one type and of the same colour, and shall bear in fac-simile the distinctive marks of all lists regularly presented to the Commune, according to their progressive number, as provided for in Art. XV, Section 3, last para ; they shall be supplied by the Zone President.

The ballot-papers shall be delivered to the Electoral Offices duly folded.

The stamps of sections, ballot-boxes and ballot-papers shall conform to specifications to be fixed by Allied Military Government.

## ARTICLE XX

### POLLING PREMISES

The polling-hall, in which one door only may be opened, shall be divided into two compartments by a solid partition with an opening in the middle for passage.

In the compartment reserved for the Electoral Office the electors shall enter only for the purpose of voting and remain there only for the time strictly necessary therefor.

The table of the Office shall be placed in such manner as to allow electors to move freely around it after the closing of the voting, and the ballot-boxes shall always be visible to everybody.

Every hall shall have from two to four tables for the casting of votes (polling-booths), placed in such manner as to remain isolated and at a convenient distance from the table of the Office and from the partition, and provided with a shelter to ensure secrecy of voting.



The doors and the windows of the wall adjacent to the polling-booth shall be closed in such a manner as to prevent the view and any communication from the outside.

In the polling-hall there shall be posted the lists of the candidates and a poster carrying in large letters the principal penal sanctions provided for by this Order.

## ARTICLE XXI

### ADMISSION TO POLLING HALL AND VOTING

*Section 1.* — Except for electors producing the certificate of inscription in the respective Section considered by Article XVII, no person shall be admitted to the polling-hall.

No one may enter armed or with a stick.

*Section 2.* — Persons who are not inscribed in the Electoral Roll of the Section shall not have the right to vote.

A copy of said Roll shall be posted in the polling-hall during the electoral operations and may be consulted by the electors.

Persons appearing and producing a sentence of the Court of Appeal by which they are declared to be electors of the Commune, shall also have the right to vote.

## ARTICLE XXII

### VOTING OF MEMBERS OF THE ELECTORAL OFFICE

All Electoral Officials and other Governmental employees who, on election day, are assigned to duties pertaining to the Election shall be allowed to vote in the Section where they perform such duties provided that they are electors of the Commune.

## ARTICLE XXIII

### VOTING

*Section 1.* — The vote shall be cast by the elector personally in the Electoral Office.

*Section 2.* — Electors who in consequence of physical impediment, evident or recognized by the Office, are unable to cast their vote, shall be allowed by the President to do so through an elector of their trust and in their presence. The Secretary shall indicate in the record the specific reason why such an elector has been authorized to be assisted at the casting of his vote as well as the name of the elector who is assisting him.

The medical certificate eventually produced shall be attached to the record. Said certificate must be issued by the provincial doctor („medico provinciale“) or by the Medical Official of the Commune („Ufficiale Sanitario del Comune“) free of any charge whatsoever to the elector.

## ARTICLE XXIV

### POLICE SERVICE DURING VOTING

*Section 1.* — The President of the Section shall be responsible for keeping order and for that purpose he may call upon members of the Police in order to expel or arrest any person who disturbs the regular proceeding of electoral operations or commits an offence.

*Section 2.* — Members of the Police Force will not be on duty within the polling-hall except at the President's request.

However, in the ordinary course of law or in case of tumults or disorder in the premises where the votes are being cast or in the immediate neighbourhood, members of the Police Force may, even without the President's request, enter the polling-hall.

*Section 3.* — Bailiffs („ufficiali giudiziari“) shall also be allowed to enter the hall for the purpose of notifying to the President protests or claims concerning the operations of the Section.

*Section 4.* — The President may on his own initiative and shall, whenever three scrutineers request him to do so, request that members of the Police Force enter and remain in the polling-hall, even before the beginning of the electoral operations.

*Section 5.* — The civil Authorities and the Police shall comply with the President's requests in order to ensure the free access of the electors to the premises in which the Section is located and to prevent crowding also in the adjacent streets.

*Section 6.* — Whenever the President has a justified reason to fear that the regular proceeding of the electoral operations may be disturbed in any way, he may, after hearing the scrutineers, by a motivated decision („ordinanza“), order the electors who have cast their vote to leave the hall and not to re-enter it until after the closing of the voting. He may also order that those electors who artfully delay their casting of vote and do not comply with the request to return the ballot-papers, be removed from the polling-booths after they have given back their ballot-papers, and be re-admitted to vote only after the other electors present have cast their vote ; the provisions of Article XXVIII concerning the time-limit of the voting shall remain in force.

This shall be attested in the record.

## ARTICLE XXV

### ELECTORAL PROPAGANDA

Electoral propaganda of any kind direct or indirect including meetings and gatherings in public places or those open to the public, shall be prohibited on election day.

Infractions shall be punishable by imprisonment („reclusione“) up to six months and by a fine („multa“) from 2.000 to 10.000 Lire.

## ARTICLE XXVI

### PRELIMINARY OPERATIONS OF VOTING

*Section 1.* — At six 06.00 hours of the day fixed for the elections, the President shall constitute the Office appointing as its members the scrutineers and the Secretary.

Whenever all or some of the scrutineers are not present or have not been designated, the President shall substitute them by appointing in their place alternately the oldest and the youngest of the literate electors present.

*Section 2.* — After constituting the Office, the President shall draw by lots the progressive number for each group of 100 ballot-papers, which shall be authenticated by the scrutineers designated by the President.

The President opens the parcel of the ballot-papers and distributes to the scrutineers a number of ballot-papers corresponding to the number of the electors inscribed in the section.

The scrutineer shall write the progressive number on the coupon of each ballot-paper and shall put his signature on the back of same ballot-paper.

During all these operations no one may leave the hall.

The serial number of the ballot-papers signed by each scrutineer shall be mentioned in the record.

*Section 3* — The President shall then verify that the seal closing the envelope containing the Section stamp is intact, open the envelope and attest in the record the number indicated on the stamp.

The President shall then stamp the ballot-papers which shall have been numbered and signed, and, after checking their number deposit them in the first ballot-box or in an appropriate box, in case both ballot-boxes are intended to receive the ballot-papers after the casting of the vote.

*Section 4.* — Subsequently the President of the Office shall declare the voting open; the electors shall be admitted to the voting according to the sequence of their presentation, regardless of the sequence of their inscription in the rolls. The President may, however, proceed to a roll-call through a scrutineer, whenever the hall would be overcrowded.

*Section 5.* — There shall be admitted to voting those electors who produce their identity card or other document of identification issued by the public Administration, provided it bears the holder's photograph.

In such case the data of the document shall be recorded in the appropriate column of identification in the Roll authenticated by the Electoral Commission.

If the elector is not provided with a document suitable for identification, one of the members of the Office who knows him personally, shall attest his identity by signing the aforesaid column for identification.

In case of dissent as to the ascertainment of an elector's identity, the President shall decide in accordance with Article XXII.

## ARTICLE XXVII

### VOTING OPERATIONS

*Section 1.* — After ascertaining the personal identity of the elector, the President shall detach the coupon from the electoral certificate, and shall deposit it in a special envelope; he shall then draw from the first ballot-box or from the box mentioned in Article XXVI, Section 3, a ballot-paper and hand it over, duly folded, to the elector together with an indelible pencil, at the same time loudly reading the number written on the coupon; same number shall be registered by one of the scrutineers or by the secretary on the Electoral Roll authenticated by the Electoral Commission, in the appropriate column, next to the name of the elector. The latter may ascertain whether the registered number is the same as the one written on the coupon of the ballot-paper.

*Section 2.* — The elector shall then go to one of the appropriate tables (Polling-booth) and, without being approached by anybody, shall vote by marking, with the pencil, on the ballot-paper a cross-mark on the distinctive mark corresponding to the list chosen by him or, anyhow, in the space which contains it.

*Section 3.* — The elector may also manifest his preference for the candidates of the list he has voted for, by writing with the indelible pencil, the surname and the Christian name, or only the surname, of the chosen candidates in the central part of the ballot-paper.

The number of the preferences that the elector may manifest shall be 4 in the Commune of Trieste and 2 in the other Communes of the Zone.

In case there is identity of surname of candidates on the same list, the Christian name and surname and, if necessary, the paternity shall be always written.

Whenever the candidate has two surnames, the elector, in expressing his preference, shall write either one or the other of them. The indication must contain, for all purposes, both surnames whenever there is a possibility of confusing more candidates.

The indication of the preferences may also be made by writing the numbers by which the chosen candidates are numbered on the list instead of writing the surnames.

The preferences expressed by using numbers on the same line shall not be valid whenever this causes doubt.

The expressed preferences exceeding the number established for the Commune shall be void and null; the first ones shall be valid.

The preferences where the candidate has not been designated with the necessary clearness so as to distinguish him from all other candidates of the same list shall not be valid.

The preferences expressed for candidates included in a list different from the one voted for, shall not be valid.

Whenever the elector does not indicate any distinctive mark for any list, but writes one or more preferences for candidates of the same list, it shall be understood that he voted for the list to which the chosen candidates belong.

Other marks and indications are prohibited.

*Section 4.* — After performing the operations indicated in the foregoing sections, the elector shall fold the ballot-paper by following the lines marked on it and close it by moistening the glued part. The President shall give him previous instructions on these operations abstaining from every exemplification and, in any case, indicating the procedure and the number of the votes of preference which the elector has the right to cast.

*Section 5.* — The operation of voting being ended, the elector shall hand over to the President the pencil and the closed ballot-paper. The President shall ascertain the closing of the ballot-paper and, should same not be closed, he shall invite the elector to re-enter the polling-booth and to close the ballot-paper; then the President shall verify the identity by examining the signature and the stamp and checking the number written on the coupon with the one written on the section Electoral Roll, then he shall detach the coupon by following the hatched line and deposit same ballot-paper into the ballot-box.

One of the members of the Office shall attest that the elector has voted, by signing his name in the appropriate column of the Section Roll, opposite the name of the voter.

*Section 6.* — The ballot-papers, from which the coupon, the number, the stamp or the signature of the scrutineer are missing, shall not be put into the ballot-box, and the electors who presented them may not vote again. Same ballot-papers shall be immediately indorsed by the President and by at least two scrutineers and shall be attached to the record, in which a special mention shall be made reference those electors who, after having received the ballot-paper, did not return it.

*Section 7.* — The elector shall return the pencil together with the ballot-paper. The failure to return the ballot-paper or the pencil shall be liable to a fine („ammenda“) from 1.000 to 3.000 Lire.

The President who fails to detach the coupon from the ballot-paper shall be liable to a similar fine.

*Section 8.* — The President of the Office who fails to detach the appropriate coupon from the electoral certificate shall be liable to punishment by imprisonment („reclusione“) from three months up to one year.

*Section 9.* — A valid ballot-paper represents a vote of list.

## ARTICLE XXVIII

### CLOSING OF VOTING

The voting shall be open up to 2100 hours. If, however, at the said time there are still electors present in the hall who have not voted yet, the voting shall be continued until all of them have voted, but not beyond 2200 hours. After this hour no elector shall be allowed to vote.

## ARTICLE XXIX

### OPERATIONS AFTER THE CLOSING OF THE VOTING

*Section 1.* — After the hour set forth in Article XXVIII as the time-limit of voting has elapsed, the papers and the items not necessary for the scrutiny shall be removed from the table, and the President shall:

a) declare the voting closed;

b) ascertain the number of the voters as resulting from the Roll certified by the Electoral Commission and from the coupons of the electoral certificates. Before the examination of the votes begins, the said Roll must be endorsed by the President and by two scrutineers and put into a sealed envelope together with the envelope containing the coupons mentioned in Art. XVII, Section 1, else the voting will be null and void; any elector present may sign his name on the envelope. The said envelope shall immediately be forwarded to the „Pretore“ who shall give a receipt therefor;

c) draw and count the ballot-papers which remained in the first ballot-box and check their number against that of those inscribed electors who did not vote; (for this purpose, also those electors shall be considered as having voted who, after having received the ballot-paper did not return it, or returned ballot-papers without the coupon or the number, or the stamp or the signatures of the scrutineers).

The said ballot-papers as well as those remaining in the parcel delivered to the President by the Mayor, shall be forwarded to the „Pretore“ in accordance with the procedure set forth in para b);

d) close and seal the ballot-boxes, and make up a package of the records relating to the operations already performed and those to be performed on the following day;

e) order that on the said package be put the indications of the Section, the seal with the stamp of the Electoral Office as well as the signatures of the President and of at least two scrutineers and of any other elector who may want to sign it;

f) Adjourn the scrutiny to the following morning at 08.00 hours and provide for the custody of the hall in a way that nobody can enter it.

All these operations shall be made in the above determined sequence ; each operation and its result shall be attested in the record where also all reclamations submitted, protests made, and decisions taken, shall be recorded.

*Section 2.* — The omission of sealing the ballot-box shall invalidate the electoral operations.

*Section 3.* — After the record has been signed the meeting shall immediately be dissolved.

## ARTICLE XXX

### EXAMINATION OF VOTES

At 08.00 hours on Monday the President shall open the ballot-box or the ballot-boxes and begin with the examination of the votes, after the Electoral Office has been reconstituted and after it has been found that the signatures and the seals made on the previous evening have remained intact.

One of the scrutineers, determined by lot, shall draw the ballot-papers, one after the other, unfold them and hand them over to the President who shall announce aloud the mark of the list and each given preference, and then pass them on to another scrutineer who shall put them together with those already examined and having the same distinctive mark.

The other scrutineers and the secretary shall separately put down and announce the number of votes which each list and each candidate are scoring during the examination, according to the assigned preferences.

The total number of the ballot-papers must correspond to the number of voters.

Whenever any objection has been raised in regard to a ballot-paper, such ballot-paper shall immediately be endorsed in accordance with the provisions of Art. XXXII.

## ARTICLE XXXI

### NULLITY OF BALLOT-PAPERS

The following ballot-papers shall be null and void :

(a) those differing from those prescribed in Art. XXVII and/or those lacking the stamp or the signatures required by Art. XXVI, Section 3 ;

(b) those bearing names, marks or other indications different from what is printed therein. Only the marks regarding the vote of the list and the indications of preference shall make an exception.

## ARTICLE XXXII

### PRESIDENT'S DECISIONS AND RECORDS

*Section 1.* — The President shall provisionally decide on any difficulties and incidents relating to the Section's operations and on the nullity of votes, after hearing the scrutineer's opinion.

All objections raised, even verbally, as to the contested votes whether such votes had been considered or not, as well as all decisions taken by the President, shall be mentioned in the record.

*Section 2.* — The ballot-papers considered null and void, those from which no expression of a vote results, the ballot-papers contested for any reason whatever and the objections in writing shall be endorsed by at least two members of the Office and attached to the record.

*Section 3.* — All other ballot-papers shall be numbered and put in a sealed envelope signed by the President and the Secretary which shall be attached to the record.

### ARTICLE XXXIII

#### RECORD OF SCRUTINY

*Section 1.* — After the termination of the scrutiny the President shall state the result of the scrutiny and certify it in the record.

The record shall be compiled in two copies, signed on every sheet at the same sitting by all members of the Office.

After the record has been signed, the meeting shall immediately be dissolved.

*Section 2.* — A copy of the record shall be deposited at the Communal Secretariate where it may be inspected by every elector.

*Section 3.* — The other copy together with all enclosures, shall immediately be put in an envelope to be sealed with the stamp of the Office and signed by the President and by at least two scrutineers, and at once forwarded to the President of the Central Office together with the envelope containing the ballot-papers mentioned in Art. XXXII, Section 3. If the Commune has only one electoral section, said copy shall be kept at the Section which, in the capacity of Central Office, shall perform all operations provided for by Articles from XXXIV to XXXVIII.

### ARTICLE XXXIV

#### CENTRAL OFFICE

*Section 1.* — For Communes having more than one Section, the Central Office shall consist of the President of the Tribunal or of a judge („giudice“) designated by him, who shall act as a President, and of the secretary and the members of the Electoral Office of the First Section where it shall have its seat.

*Section 2.* — In Communes having one Section only the office of such Section shall perform the operations pertaining to the Central Office.

### ARTICLE XXXV

#### ASSIGNMENT OF SEATS

*Section 1.* — On the same Monday at 16.00 hours if possible, or at latest in the morning of Tuesday, the President shall convene the Central Office and recapitulate the votes of each Section without being authorized to change their results. Then he shall determine the electoral figure of each list and the individual figure of each candidate.

*Section 2.* — The electoral figure of a list shall consist of the total of the valid votes scored by same list in all Sections of the Commune. The individual figure of each candidate shall consist of the figure of the list plus the votes of preference.

*Section 3.* — The electoral figure shall be used as a base for the assignment of the number of councillors that each list is entitled to have. Such assignment, for the Commune of Trieste, shall be made in the following manner :

Each electoral figure shall successively be divided by 1, 2, 3, 4... etc., until the number of the Councillors to be elected is reached ; from among the quotients thus obtained, select the number of the highest quotients equal to that of the Councillors to be elected and arrange then in a decreasing scale. In carrying out said divisions, the fractional parts shall not be taken into account. Each list shall be given as many representatives as there are quotients appertaining to the list and comprised in the scale. In case of equality of quotients the post shall be given to the list that has scored the higher electoral figure and, if the figures are equal, determined by lots. If more posts have been given to a list than there are candidates present in it, the post in excess shall be divided among the other lists according to the sequence of quotients.

*Section 4.* — In the other Communes of the Zone, the allotment shall be made by dividing the total of the valid votes scored by all the lists by the number of the Councillors to be elected, thus obtaining the electoral quotient ; in carrying out the divisions the eventual fractional parts shall not be taken into account. Each list shall then be given as many seats as there are electoral quotients included in the electoral figure of each list. The seats which are not allotted owing to the fact that the quotient has not been reached, shall be allotted as follows :  
(a) if one seat is not allotted that seat shall be allotted to the list having the highest remainder ;  
(b) if more than one seat is not allotted the second seat shall be allotted to the list having the second highest remainder and so on.

In case of equality of remainders, the seat or seats shall be allotted to the list or lists that have scored the lowest electoral figure. In case of equality also in the electoral figure, the allotment shall be made by lots.

*Section 5.* — After the number of the Councillors to be allotted to each list has been established, according to the foregoing Sections 3 or 4, the Central Office shall determine the rank list of the candidates of each list according to the individual figure scored by them.

## ARTICLE XXXVI

### PROCLAMATIONS OF ELECTED CANDIDATES

In conformity with the results ascertained by the Central Office the President shall proclaim elected, until the number of seats due to each list has been reached, those candidates who, according to the sequence of the rank list mentioned in Section 5 of the preceding Article have scored the highest individual figures and, if the said figures are equal, those preceding in the sequence of the list, after having invited the electors present to denounce the existence of eventual reasons of ineligibility on the part of the persons elected, without prejudice to the decisions of the Communal Council pursuant to Article XLIII.

## ARTICLE XXXVII

### RECORD ON OPERATIONS OF THE CENTRAL OFFICE

*Section 1.* — The representatives of the lists shall have the right to assist at the operations of the Central Office, occupying that part of the hall reserved for the Office.



*Section 2.* — The Central Office shall decide on all incidents relating to the operations entrusted to it.

*Section 3.* — All operations made, the incidents occurred, the decisions taken, the statements of reasons of ineligibility in regard to the elected candidates shall be mentioned in the record ; the record shall be compiled in two copies and signed on each sheet by the President and by all members of the Office.

A copy of the record shall be deposited in the Communal Secretariate where it may be inspected by every elector. The other copy together with all enclosures shall immediately be put in an envelope to be sealed with the stamp of the Office and signed by the President and by at least two members of the Office, and at once forwarded to the Zone President together with the records of all Sections and with the envelopes containing the ballot-papers mentioned in Article XXXII, Section 3,

The latter envelopes may not be opened by the Central Office for any reason whatsoever.

## ARTICLE XXXVIII

### SUBSTITUTION OF ELECTED CANDIDATES

In case a Councillor is ineligible or has died before the proclamation of the result of the election, he shall be substituted by the next candidate, who on the list of that Councillor, has scored the highest individual figure.

Such substitution shall take place also in the case where one of the elected Councillors has died during the first year of office.

## ARTICLE XXXIX

### INCOMPATIBILITIES AS REGARDS PERSONS ELECTED

Whenever consequent to the election, relatives as specified in Article XI, Section 3, have become members of the Council, the one shall remain elected who appertains to the list which scored the highest electoral figure or, if candidates of one and the same list are involved, that candidate who has scored the highest individual figure.

In such cases the excluded members of the Council shall immediately be substituted in accordance with the provisions of Article XXXVIII.

## ARTICLE XL

### PUBLICATION AND NOTIFICATION OF RESULTS

Within three days from the termination of the scrutiny operations the Mayor shall publish the results of the elections and notify thereof the persons elected.

## ARTICLE XLI

### ANNULMENT OF VOTING

Whenever the election in some Sections has not taken place or has been annulled, the voting or its repetition in such Sections may be omitted provided the vote of the electors inscribed in the Sections does not affect the total results of the elections.

If the vote of the electors inscribed in the said Sections may affect the total results of the election, the election shall take place within two months on a date to be fixed by the Allied Military Government.

## ARTICLE XLII

### DEPOSITING OF LIST OF VOTING

The „Pretore“ shall invite the scrutineers to assist, if they want to do so, within three days, at the opening of the envelope containing the list of voting. The said list shall be deposited for a period of 15 days at the chancery of the „Pretura“ where it may be inspected by every elector.

## ARTICLE XLIII

### EXAMINATION BY THE COMMUNAL COUNCIL

At its first sitting immediately after the elections the Communal Council shall, before deciding any other matter, examine the position of the elected members in accordance with Articles X, Section 1, and XI, Sections 1, 2, and 3, even if no objection has been raised, and declare their ineligibility whenever any of the reasons set forth therein exists, and provide for their substitution in accordance with the provisions of Article XXXVIII.

If the Councils have failed to make the declaration at the first sitting, the Zone Administrative Board shall provide accordingly.

Against the decisions of the Councils the objections provided for by the following Article shall be admitted, the relative time-limits shall run from the publication of the decision or from the notification where such notification is necessary.

## ARTICLE XLIV

### OBJECTIONS

*Section 1.* — Objections shall be admitted against the electoral operations of the elections of the Communal Councillors within one month from the proclamation of the elected Councillors.

Objections shall be decided upon in the first instance by the Communal Council both as regards questions of eligibility as well as electoral operations.

Objection shall be notified within three days by the objector through Judicial channels to the party concerned, so that a reply may be filed within ten days by the said party.

If the Communal Council has taken no action on the objection within two months from its notification, the case shall, upon request of the parties concerned, be passed to the Zone Administrative Board which shall then provide for judgement within one month from the day it has taken over the case.

The Mayor shall notify the decision taken by the Council to the party concerned within five days.

*Section 2* — Objections against the decision of the Council shall be admitted to the Zone Administrative Board within one month from the notification of the decision.

Such objections shall be notified within five days by the objector through Judicial channels to the party concerned who may file a reply within ten days.

*Section 3.* — Appeals against the decision of the Zone Administrative Board shall be admitted to the Court of Appeal, in accordance with Article 32, 33, and 34 of the Consolidated Text of the law on political elections approved by R.D. 2 September 1919, No. 1495. The decision of the Court of Appeal shall be final.

*Section 4.* — Whenever the Communal Council, the Zone Administrative Board, and the Court of Appeal have granted the submissions made to them, they shall, where necessary, correct the result of the elections accordingly, and shall substitute the candidates not legally proclaimed elected, with those entitled thereto.

### TITLE III

#### PENAL PROVISIONS

##### ARTICLE XLV

*Section 1.* — Any person who, in order to obtain for his own or a third person's benefit a signature for a statement of the presentation of candidates, an electoral vote or abstention, gives, offers or promises any advantage whatever to one or more electors or, in agreement with electors, to third persons, shall be liable to punishment by imprisonment („reclusione“) from 6 months to 3 years and by a fine („multa“) from 3.000 up to 20.000 Lire, even if the advantage promised has been disguised in the form of an indemnity to be paid to the electors for travelling expenses or expenses of sojourn or payment for food or beverages, or of compensation under the pretext of electoral expenses or services.

*Section 2.* — The same penalty shall be applicable to the elector who, in order to give or deny his signature or vote, has accepted offers or promises or received money or other advantages.

##### ARTICLE XLVI

*Section 1.* — Any person who makes use of violence or threats against an elector or his family, in order to coerce him to sign a statement of presentation of candidates or to vote in favour of determined candidates or to abstain from signing or voting, or by news known to him to be false, or by tricks or deceit or by any illegal means sufficient to restrict the freedom of the electors, exercises pressure, in order to coerce them to sign a statement of presentation of candidates or to vote for a determined candidate or to abstain from signing or from voting, shall be liable to punishment by imprisonment („reclusione“) from 6 months to 5 years and by a fine („multa“) from 3.000 up to 20.000 Lire.

*Section 2.* — The penalty shall be increased and may in no case be less than 3 years, if the violence, the threat or the pressure has been made by weapon or by a disguised person, or by more persons together, or by an anonymous writ, or in a symbolical way, or in the name of groups of persons, associations or committees whether existing or fictitious.

*Section 3.* — Whenever the violence or the threat has been made by more than five persons together, even if only one of them has made use of weapons, or by more than ten persons thought without the use of weapons, the penalty shall be that of imprisonment („reclusione“) from 3 to 15 years and of a fine („multa“) up to 50.000 Lire.

##### ARTICLE XLVII

Any public official, any person charged with a public service, any person exercising a service of public utility, ministers of any religious worship and any person vested with public authority or civil or military functions, who abusing his powers, duties and functions or during their performance, tries to coerce the electors to sign a statement of presentation of candidates, or to induce them to abstention, shall be liable to punishment by imprisonment („reclusione“) from 6 months to 3 years and by a fine („multa“) from 3000 to 20.000 Lire.

## ARTICLE XLVIII

*Section 1.* — Any person who by threats or by acts of violence disturbs the regular course of electoral meeting, hinders the free exercise of the right of voting or in any way whatever alters the results of voting, shall be liable to punishment by imprisonment („reclusione“) from 2 to 5 years and by a fine („multa“) from 3000 to 20.000 Lire.

*Section 2.* — The penalty provided for in the preceding Section shall be applicable to any person who forges, wholly or partly, Rolls of electors or lists of candidates or other documents contemplated by this Order and destined for electoral operations, or alters any such genuine documents, or substitutes, suppresses or destroys any of the said documents wholly or partly. Any person who makes use of any of the said documents which has been forged, altered or substituted, shall be liable to the same penalty, even if he has not taken part in committing such action.

*Section 3.* — Whenever the punishable action has been committed by any person belonging to the Electoral Office, the penalty of imprisonment shall be from 2 to 8 years and the fine shall not be less than 10.000 Lire.

*Section 4.* — Persons accused of crimes contemplated by this Article, who have been arrested in the very act, shall be tried by immediate trial („giudizio direttissimo“).

## ARTICLE XLIX

Any person who enters the polling-hall or that of the Central Office bearing arms, even if he be an elector or member of the Office, shall immediately be arrested and shall be liable to punishment by imprisonment from 1 month to 1 year. The weapon shall be confiscated.

The Court shall proceed by immediate trial.

## ARTICLE L

*Section 1.* — Any person who without being entitled thereto, enters the polling-hall or that of the Central Office during the electoral operations, shall be liable to punishment by detention („arresto“) up to 3 months and by a fine for contravention („ammenda“) up to 2.000 Lire.

*Section 2.* — The penalty set forth in the preceding Section shall be applicable to any person who in the aforesaid halls causes disorder by visible signs of approval or disapproval or otherwise and does not comply with the President's warning.

*Section 3.* — Any person who hinders the posting of posters of public Authority relating to electoral operations or hinders the spreading or the posting of printed matter for electoral propaganda, or steals or destroys posters or printed matter destined to be posted or distributed, shall be liable to punishment by imprisonment („reclusione“) from one to three years and by a fine („multa“) of not less than 10.000 Lire.

Whenever the offence is committed by a public official, the punishment shall be by imprisonment („reclusione“) from two to five years.

## ARTICLE LI

*Section 1.* — Any person who being deprived or suspended from the exercise of the right of voting, or assuming the name of another person, signs a statement of presentation of candidates or presents himself for voting in an electoral section, or who signs more than one statement

of presentation of candidates or votes in more than one electoral Section, shall be liable to punishment by imprisonment („reclusione“) up to 2 years and by a fine („multa“) up to 20.000 Lire.

*Section 2.* — Any person who during the electoral operations and prior to the final closing of the record fraudulently announces as designated distinctive marks of lists or names other than those indicated in the ballot-paper, or who being charged to cast the vote instead of an elector who cannot do it, does so voting for a list or candidates other than those that had been indicated to him, shall be liable to punishment by imprisonment („reclusione“) from one to six years and by a fine („multa“) from 5.000 to 20.000 Lire.

## ARTICLE LII

*Section 1.* — Any person who cooperates in admitting a voter to voting who is not entitled to vote or in excluding a voter who is entitled to vote, or cooperates in permitting an elector not physically disabled to have himself assisted in votin by third persons as well as the physician who for such purpose has issued a certificate not conforming to the truth, shall be liable to punishment by imprisonment („reclusione“) from 6 months to 2 years and by a fine („multa“) up to 10.000 Lire.

*Section 2.* — Whenever such offences have been committed by persons belonging to the Electoral Office, they shall be liable to punishment by imprisonment („reclusione“) up to 3 years and by a fine („multa“) up to 20.000 Lire.

*Section 3.* — Any person belonging to the Electoral Office who, by actions or omissions contrary to the Law renders impossible the electoral operations or causes the nullity of the election, or alters its result, or abstains from proclaiming the result of the voting, shall be liable to punishment by imprisonment („reclusione“) from 3 to 7 years and by a fine („multa“) from 10.000 to 20.000 Lire.

*Section 4.* — Any person who, belonging to the Electoral Office, hinders the legally prescribed transmittance of Rolls and lists, papers envelopes and ballot-boxes, by refusing their delivery or misappropriating them, shall be liable to punishment by imprisonment („reclusione“) from 3 to 7 years and by a fine („multa“) from 10.000 to 20.000 Lire. In such cases the culprit shall immediately be arrested and tried by the Tribunal by immediate trial.

*Section 5.* — The Secretary of the Electoral Office refusing to inscribe into or to enclose with the record protests or objections of electors, shall be liable to punishment by imprisonment („reclusione“) from 6 months to 3 years and by a fine („multa“) up to 20.000 Lire.

*Section 6.* — Any representative of lists of candidates who hinders the regular course of the electoral operations, shall be liable to punishment by imprisonment („reclusione“) from 2 to 5 years and by a fine („multa“) up to 20.000 Lire.

*Section 7.* — The President of the office who fails to admit, or anybody else who prevents an elector from entering the polling-booth, shall be liable to punishment by imprisonment („reclusione“) from three months to one year.

## ARTICLE LIII

*Section 1.* — Any person who, in order to vote without having the right thereto or to vote more than once, makes improper use of the electoral certificate, shall be liable to punishment by imprisonment („reclusione“) from 6 months to 2 years and by a fine („multa“) up to 20.000 Lire.

*Section 2.* — Any person who, in order to hinder the free exercise of the electoral right, secures electoral certificates, shall be liable to punishment from 1 to 3 years imprisonment („reclusione“) and by a fine („multa“) up to 20.000 Lire.

#### ARTICLE LIV

The Mayor who fails to comply with the duty provided for by Section 3 (c), Article XIV, shall be liable to punishment by imprisonment („reclusione“) from 6 months up to 1 year. Whenever the non-compliance is not malicious, the punishment shall be reduced to a half.

#### ARTICLE LV

Any electoral may initiate penal action for the offences contemplated by the preceding Articles by declaring his intervention as interested party („parte civile“).

The penal action for any offence contemplated by the present Order, shall prescribe after two years from the date of the last record of the elections. Such period of limitation may be interrupted by any act of proceeding, but said interruption may not extend the duration of the penal action for a period exceeding in total the half of the period of limitation.

#### ARTICLE LVI

Whenever an investigation has been ordered by the Communal Council or by the Zone Administrative Board, the person charged therewith shall have the right to summon witnesses.

The provisions of the Penal Code concerning false testimony, concealment of truth, and refusal to witness in civil matters, shall be applicable to the witnesses summoned in the above mentioned investigations; the said provisions shall apply without prejudice to graver penalties provided by the Penal Code, for false testimony or concealment of truth or refusal relating to punishable facts.

#### ARTICLE LVII

*Section 1.* — Whenever the penalty of imprisonment („reclusione“) has been applied by the Court, the condemnation for electoral offences shall always imply the suspension from the electoral right („diritto elettorale“) and from any public office.

*Section 2.* — If the condemnation has been inflicted on a candidate, the deprivation of the electoral right and of eligibility shall be pronounced for a period not less than 5 and not exceeding 10 years.

In any case the publication of the sentence of condemnation may be ordered by the Court.

In all cases there shall be no prejudice to the application of higher penalties provided for by the Penal Code or by other laws for graver offences not provided for by this Order.

*Section 3.* — The provisions of Articles 163 to 167 and of Article 175 of the Penal Code and of Article 487 of the Code of Penal Procedure relating to the conditional suspension of the penalty and to non-mentioning of the condemnation in the certificate of penal records, shall not be applicable to electoral offences.

#### ARTICLE LVIII

The provisions of this Title shall be valid also for the election of the Mayor in so far as applicable.

## ARTICLE LIX

The judging of the offences provided for by this Title, with the exception of those provided for by Art. XLVIII, shall be within the competence of the Civil Courts. Offences specified in Art. XLVIII shall be within the competence of Allied Military Courts and may be remitted by them to the jurisdiction of the Civil Courts.

## TITLE IV

### FINAL PROVISIONS

## ARTICLE LX

### EXPENSES

All expenses for the first election of the Councils in the Communes of the Zone shall be borne by Allied Military Government.

## ARTICLE LXI

### EFFECTIVE DATE

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

Dated at TRIESTE, this 21st day of February, 1949.

**RIDGELY GAITHER**

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

Ref.: LD/A/49/22

## CONTENTS

Order		page
No. 26	Declaration of public utility on the Provincial Rosandra Road.....	51
No. 27	Control of movements of goods into Italy .....	52
No. 28	Determination of the rate of contribution due for the year 1948 in favour of Patronage and Social Assistance Offices .....	54
No. 29	Provisions for the application of the additional frontier duty to imported textile fabrics and for the repayment of excise duty on exported yarns and fabrics .....	55
No. 30	Amendment to fiscal treatment of certain products liable to excise duty..	62
No. 31	New concessions relating to temporary imports and exports.....	69
No. 32	Amendment to Order No. 105 .....	71
No. 33	Reconstitution of Communal Administration by Election.....	72