

ALLIED MILITARY GOVERNMENT

BRITISH - UNITED STATES ZONE
FREE TERRITORY OF TRIESTE



OFFICIAL GAZETTE

VOLUME I

No. 30 - 11 July 1948

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

THE TERRITORY OF WEST
INDIA

OFFICIAL GAZETTE

1945

Printed and Published by the Government of the Territory of West India, at the Government Printing Office, Georgetown, Guyana.

ALLIED MILITARY GOVERNMENT

British - United States Zone - Free Territory of Trieste

Order No. 279

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CONTROL OF THE PRODUCTION OF CEREALS FOR THE YEAR 1948

WHEREAS it is deemed necessary to issue provisions for the control of the production of cereals of the agricultural enterprises in relation to the rationing of food within 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

The production of winter-cereals of the 1948 crop (wheat, barley, rye) shall be subject to control for the sole purpose of determination of food self-sufficiency and of the issuance of ration-cards to producers.

ARTICLE II

For the purpose of assessments necessary to that end the Communal Offices of the Statistical Section of the Territorial Inspectorate of Agriculture shall set up, on the basis of the quantities of seed retained or distributed for the above said crop, a register of the areas sown with winter cereals in each of the enterprises existing in the Commune.

ARTICLE III

Section 1. — The register mentioned in Article II shall be deposited in all Communal Offices at a time to be published by public notice, and will be available there for the free inspection of all persons concerned for a period of 15 days.

Section 2. — The producers may file a motivated appeal against assessments mentioned in Article I of this Order to the Statistical Section of the Territorial Inspectorate of Agriculture within 15 days from the last day fixed for the public inspection of the register. After expiration of the said period the register shall in all cases where no appeals have been filed, become final and binding as to the future assessments for the production and to the food control.

ARTICLE IV

The Office of Agriculture and Fisheries, Allied Military Government and the Office of Food and Supply shall be authorized to issue such regulations as may be necessary for assessments of the production, for the calculation of the requirements of families, and for the issuance of ration-cards to producers.

ARTICLE V

The production of winter-cereals exceeding the normal food requirements of the persons appertaining to each agricultural enterprise, shall not be subject to the provisions of this Order.

ARTICLE VI

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

Dated at TRIESTE, this 2nd day of July 1948.

RIDGELY GAITHER

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

Order No. 250

EXTENSION OF PRESCRIPTION AND LIMITATION PERIODS FIXED FOR THE APPLICATION OF CERTAIN DIRECT TAXES

WHEREAS it is deemed advisable to extend the periods of prescription and limitation fixed, for the assessment of direct taxes on Bodies and Companies taxable on the basis of balance-sheets within 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 prescription and limitation („prescrizione e decadenza“) periods imposed on the State Administration, for the assessment of Direct taxes on Bodies and Companies of the Zone taxable on the basis of balance-sheets and expiring by 31 December 1948, are hereby extended up to such date.

ARTICLE II

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

Dated at Trieste, this 3rd day of July 1948.

RIDGELY GAITHER

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

Order No. 270

PROVISIONS CONCERNING PRINT AND PRINTED MATTER

WHEREAS, it is considered advisable and necessary to issue provisions concerning press and printed matter within 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

DEFINITION OF PRINTED MATTER

For the purposes of this Order all reproductions obtained by typographic process or by mechanical or physico-chemical means destined for publication shall be considered as print or printed matter.

ARTICLE II

COMPULSORY INDICATIONS ON PRINTED MATTER

Section 1. — On any printed matter produced within the Zone there shall be indicated the place and year of publication as well as the name and residence of the printer and, of the editor (editore), if any.

Section 2. — All newspapers, publications of news agencies and periodicals of whatever kind produced within the Zone shall bear the following indications:

- place and date of publication;
- name and residence of the printer;
- name of the owner and of the responsible director or vice-director.

Section 3. — All copies of printed matter produced within the Zone, bearing identical indications either compulsory in terms of Section 2 of this Article, or otherwise shall have the same or identical contents.

ARTICLE III

RESPONSIBLE DIRECTOR

Every newspaper or other periodical produced within the Zone shall have a responsible director. The responsible director shall be a resident of the Zone.

The following shall not hold the post of responsible director:

- 1) Those interdicted or declared incapacitated because of mental infirmity.
- 2) Bankrupt merchants, for the duration of the state of bankruptcy and within 5 years from the date of the declaration of bankruptcy.
- 3) Those who have been subjected to warning by the Police or to Police confinement,

within 1 year from the cessation of the effects of said measures other than for political reasons.

- 4) Those who are subject to detention for safety reasons (*misura di sicurezza detentiva*) or to vigilated liberty, within 1 year from the cessation of the effects of the measures adopted.
- 5) Those who have been condemned to punishments involving permanent interdiction from Public Offices.
- 6) Those who are subjected to temporary suspension from Public Offices, for the duration of the suspension.
- 7) Those convicted for misappropriation of public funds (*peculato*), malversation to the prejudice of private persons, extortion (*concussione*), corruption, interfering with the freedom of auctions, calumny, false testimony, perjury, false „*perizia*“ or interpretation, fraud in judicial proceedings, subornation, disloyal legal representation or advice or other disloyal acts by a defending counsel or technical adviser, vaunted credit (*millantato credito*) by defending counsel, association for delinquency, laying waste and pillage, crimes against safety except non intentional (*colposi*) ones, counterfeiting coins, public credit securities and stamps, falsification of seals of instruments or of marks of authentication, certification or recognition, falsification of deeds, crimes against sexual freedom except those considered by Articles 522 and 526 of the Penal Code, offences against chastity and sexual honour except the one considered by Article 528 of the Penal Code, homicide, grave or very grave intentional or preterintentional (*non colposo*) personal injury, theft except the cases considered by Article 626, 1st para, of the Penal Code, robbery, extortion (*estorsione*), damage or misappropriation in cases where penal action is taken „*ex officio*“, swindling, fraudulent destruction of property by owner and fraudulent self-mutilation, circumvention of incapable persons, fraud in emigration, receiving, fraudulent bankruptcy.
- 8) Those who in a sentence of conviction have been declared habitual drunkards, up to 5 years from and after the date on which the punishment was carried out or has been otherwise extinguished.

The provisions of numbers 5, 6, 7 and 8, shall not be applied if the sentence of conviction has been annulled or declared to be without juridical effect on the basis of legislative provisions of a general nature or if the offence is extinguished by effect of an amnesty, or if the people convicted have been rehabilitated (*riabilitati*).

- 9) Those operating brothels.
- 10) Those convicted by any competent Juridical Authority for political crimes involving fascist activity or collaboration with the fascist republican government or with the German invader.
- 11) Those subjected to a measure of epuration by a competent Commission, until the expiry of the effects of said measure but, in any case, not later than 2 years from the date of the imposition of the measure.

ARTICLE IV

OWNERS OF NEWSPAPERS & C.

Section 1. — Before authority can be given to publish a newspaper or other periodical, the owner must fulfil all conditions set forth in Article III as for the responsible director.

Section 2. — In the case that a minor or a juridical person is the owner the conditions mentioned in the foregoing Section must be fulfilled by the legal representative.

Section 3. — The Manager of any newspaper or periodical concern in cases where he is not the owner, shall fulfil the same conditions as required for the owner.

ARTICLE V

REGISTRATION

Section 1. — No newspaper or periodical shall be published in the Zone unless registered at the chancery of the Tribunal.

Section 2. — For the purpose of registration the following shall be deposited at the chancery :

- a)* a statement showing the title and nature of the publication and bearing the authenticated signatures of the owner, the responsible director or vice-director and the manager of the newspaper concern with their names and addresses if the latter is not the owner ;
- b)* documents proving the possession of the required qualifications mentioned in Articles III and IV ;
- c)* a document proving the inscription in the roll of journalists where such inscription is required by the professional laws.
- d)* a copy of the deed of constitution or the statute if the owner is a juridical person.

Section 3. — The President of the Tribunal or a Judge delegated by him, shall after examining the documents submitted, within 15 days, forward them with his recommendation to the Allied Military Government (Public Information Officer).

Before registration of the newspaper or periodical into a special register to be kept by the chancery of the Tribunal, the authority of Allied Military Government must be obtained. The register shall be public.

ARTICLE VI

DECLARATION OF CHANGES

All changes or modifications in the original statement as requested by Article V, Section 2 (*a*), shall be recorded in a new statement to be deposited in the same manner as the original statement within 15 days from the day when such change or changes occur together with all relative documents.

The registration of the change or changes shall be made in the manner as indicated in Section 3 of the foregoing Article.

It shall be the responsibility of the owner or of the manager of the newspaper concern, if he is not the owner, to carry out the obligations set forth in this Article.

ARTICLE VII

LAPSE OF REGISTRATION

Registration shall cease to be effective :

- a)* within six months if the newspaper or periodical is not published at all, and
- b)* within one year from the date of its last publication.

ARTICLE VIII

REPLIES AND RECTIFICATIONS

Section 1. — The responsible director or vice-director must make provision for the insertion in his newspaper or periodical of replies, rectifications or statements by persons to whom acts, thoughts or assertions have been attributed which harm their dignity or are considered by them to be contrary to the truth, provided that such replies, rectifications or assertions contain nothing that could give rise to a penal incrimination. Such replies must be published in full and free of cost.

Section 2. — The publishing of replies etc. provided for in the preceding Section shall (a) be made within 3 days in case of daily newspapers and in the next issue in case of other periodicals; (b) be made in the same edition, page or columns of the periodical and in the same type of letters as that used for the original publication.

The reply or rectification shall not be longer than the article or passage to which it refers. It may, however, extend to 20 lines, should the article or the passage to which the reply or rectification refers be shorter.

Section 3. — The refusal to comply with the aforesaid obligation shall be punishable by imprisonment up to 6 months and a fine of from thirty thousand to fifty thousand lire.

The newspaper or periodical concerned shall publish in resumé the sentence of conviction and also the omitted reply or rectification when so ordered.

ARTICLE IX

COMPULSORY PUBLICATION OF SENTENCES

In passing sentences for offences committed by means of publication in a newspaper or periodical, the Judge shall in each case order the publication of the sentence in the same periodical or in excerpt. The responsible director shall be obliged to carry out the publication free of charge and in terms of Article 615, 1st para, of the Code of Penal Procedure.

ARTICLE X

WALL-NEWSPAPERS

Section 1. — Wall-newspapers bearing a title and published regularly, even if partly hand-written, shall be governed by the provisions of this Order.

Section 2. — In case of a wall-newspaper published in one copy only it shall be sufficient for the effects of the Law dated 2 February 1939, No. 374, as amended by Order No. 133, dated 16 May 1946, to give note of its posting to the Authority in charge of Public Safety.

The non-observance of this provision shall be punishable under Article 650 of the Penal Code.

Section 3. — Wall-newspapers are exempt from any fiscal burden.

ARTICLE XI

RESPONSIBILITY

For offences committed by means of print or printed matter the owner of the publication and the editor (editore) jointly, together with the authors of the offence shall be held responsible.

ARTICLE XII

PECUNIARY REPARATION

In case of defamation (diffamazione) committed by means of print or printed matter the offended person or persons may ask, in addition to indemnification under Article 185 of the Penal Code, for a sum by way of reparation. Such sum shall be in proportion to the gravity of the offence and the circulation of the print or printed matter.

ARTICLE XIII

PENALTIES FOR DEFAMATION

In case the defamation committed by means of print or printed matter contains an allegation of a positive fact, the penalty shall be that of imprisonment from one to 6 years and of a fine not less than 100,000 lire.

ARTICLE XIV

PUBLICATIONS FOR CHILDREN AND ADOLESCENT YOUTH

Section 1. — The provisions of Article 528 of the Penal Code shall apply also to publications for children and adolescent youth whenever, by reason of the sensibility and susceptibility particular to the latter, they are apt to offend their moral sentiment or to constitute for them an incitation to depravity, crime or suicide. In such cases the penalties shall be increased in terms of Italian Law.

Section 2. — The provisions of Section 1 of this Article shall apply to those newspapers and periodicals for children in which criminal or adventurous events are systematically and repeatedly described or illustrated in such a way as to encourage unbridled instincts of violence and lack of social sense.

ARTICLE XV

PUBLICATIONS CONTAINING HORRIFYING DESCRIPTIONS

The provisions of Article 528 of the Penal Code shall apply to print or printed matter which describe or illustrate events which have actually occurred or are imaginary, with horrifying details in such a way as to be upsetting to common moral feelings or family order or causing the spread of suicides or crimes.

ARTICLE XVI

CLANDESTINE PRINTED MATTER

Section 1. — Any person who undertakes the publication of a newspaper or other periodical without previous registration provided for by Article V hereof shall be liable to punishment by imprisonment up to a maximum of two years or by a fine not exceeding 100,000 lire.

Section 2. — The same penalty as in Section 1 hereof shall be applied to anyone who publishes a non-periodical printed matter on which the names of the editor and that of the printer do not appear, or in which they are indicated in a way not conforming to the truth.

ARTICLE XVII

OMISSION OF COMPULSORY INDICATIONS IN PRINTED MATTER

In addition to the provisions of the preceding Article, any other omission of or inexactness in the indications provided for by Article II hereof or the violation of the provision of Section 3 of said Article, shall be liable to punishment by a fine (ammenda) not exceeding 20,000 lire.

ARTICLE XVIII

VIOLATIONS OF OBLIGATIONS SET FORTH IN ARTICLE VI

Any person who fails to file the statement on changes within the time-limit set forth in Article VI hereof, or who continues with the publication of a newspaper or other periodical after the annotation of the change has been refused, shall be liable to a fine (ammenda) not exceeding 50,000 lire.

ARTICLE XIX

FALSE STATEMENTS

Any person who in the statements provided for by Article VI hereof gives false data, shall be liable to punishment in terms of the first para of Article 482 of the Penal Code.

ARTICLE XX

REMOVAL, DESTRUCTION OR DETERIORATION OF PRINTED MATTER

Section 1. — Any person who removes, destroys or damages printed matter for which the provisions of the law have been observed, for the purpose, of hindering the sale, distribution or circulation thereof, shall be liable to punishment by imprisonment from 6 months to 3 years unless the fact constitutes a graver offence.

Section 2. — The same penalty shall be imposed upon anyone who hinders by violence or threatens the printing, publication or circulation of newspapers or periodicals for which the provisions of the law have been observed.

The penalty shall be increased in terms of Italian Law where the offence has been committed by more than one person gathered either in a public place or at printing-shops, kiosks, agencies or other premises for selling to the public.

Section 3. — The provisions governing summary procedure (per direttissima) shall be applied to the offences mentioned in this Article.

ARTICLE XXI

COMPETENCE AND PROCEDURE OF COURTS

Offences committed by means of print or printed matter shall be tried by the Tribunale except in case where the Court of Assize is competent. There will be no remittance for trial of any case to the „Pretore“.

The trial shall take place according to summary procedure (per direttissima). Sentence in each case must be pronounced not later than one month from the date on which the complaint (querela) or denunciation has been filed.

ARTICLE XXII

PREVIOUSLY AUTHORIZED PERIODICALS

Newspapers and other periodicals authorized pursuant to previous legal provisions, shall comply with the registration regulations provided for by Article V hereof within four months from the effective date of this Order.

ARTICLE XXIII

REPEAL OF LEGAL PROVISIONS

All provisions contrary to or inconsistent with this Order are hereby repealed.

ARTICLE XXIV

EFFECTIVE DATE

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

Dated at Trieste, this 3rd day of July, 1948.

RIDGELY GAITHER

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

Order No. 274

RESTITUTION OF TAXES ON EXPORTED COTTON

WHEREAS it is deemed necessary to retribute taxes on exported cotton in that part 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

REPEAL OF R. D. L. No. 1203

The provisions of R. D. L. 3 October 1941, No. 1203 pertaining to the suspension of repayment of duties on exported cotton products, is hereby repealed, with effect from 18 April 1948.

ARTICLE II

TURN-OVER TAX RE-ESTABLISHED

The concession provided for by Art. 21 of R. D. L. 9 January 1940, No. 2, as amended and converted into Law 19 June 1940, No. 762, relating to the repayment of the turn-over tax collected on the importation of raw cotton used for the production of exported products is hereby re-established and extended to the licence fee instituted by R. D. L. 13 May 1935, No. 894, converted into Law 17 February 1936, No. 334, as subsequently amended.

ARTICLE III

DETERMINATION OF TAX

For the purpose of the repayment of the turn-over tax and of the licence fee, the value to be attributed to the quantity of cotton contained in the exported products (the weight of which is to appear from the relative export bill) shall be established by decree of the Department of Finance on the basis of the average value of the raw cotton imported from abroad in the half-year preceding that in which the said products are exported.

ARTICLE IV

ESTABLISHMENT OF BASIC RATES

The Director, Co-ordinating Finance and Economics shall establish by an appropriate Order the basic rates to be adopted for the calculation of the sums to be repaid.

ARTICLE V

EFFECTIVE DATE

This Order shall become effective on the day following its publication in the Official Gazette.

Dated at Trieste, this 3rd day of July 1948.

RIDGELY GAITHER

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

Order No. 276

EXTENSION OF FISCAL PRIVILEGES IN FAVOUR OF DIRECT TAX COLLECTORS

WHEREAS it is deemed advisable to extend the fiscal privileges in favour of Direct Tax Collectors 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

The collectors of Direct Taxes for the decade 1933 - 1942 are hereby authorized to exercise their fiscal privileges up to and including 31 December 1949.

ARTICLE II

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

Dated at Trieste, this 3rd day of July 1948.

RIDGELY GAITHER

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