

ALLIED MILITARY GOVERNMENT

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FREE TERRITORY OF TRIESTE



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ALLIED MILITARY GOVERNMENT

British - United States Zone - Free Territory of Trieste

Order No. 40

CONTRIBUTIONS DUE TO „ASSOCIAZIONE GIULIANA PER IL CONTROLLO DELLA COMBUSTIONE“

WHEREAS it is deemed necessary to fix the rates of contributions due to „Associazione Giuliana per il Controllo della Combustione“ for the year 1950 in that part of the Free Territory of Trieste administered by the British-United States Forces (hereinafter referred to as the „Zone“),

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

ORDER:

ARTICLE I

The tariff rates for the calculation of the contributions due to „Associazione Giuliana per il Controllo della Combustione“ approved by Order No. 111 dated 23 May 1949 shall be valid within the Zone also for the year 1950.

ARTICLE II

This Order shall become effective on the day of its publication in the Official Gazette and shall be operative as from 1 January 1950.

Dated at TRIESTE, this 9th day of March 1950.

CLYDE D. EDDLEMAN

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

Ref.: LD/A/50/54

Order No. 41

AMENDMENT TO ORDER No. 380 DATED 16 NOVEMBER 1948 — FINANCING OF TRIESTE'S RECOVERY PROGRAM

WHEREAS it is deemed advisable to amend Order No. 380, dated 16 November 1948 to ensure the registration and recording of securities over movable property,

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

ORDER :

ARTICLE I

The word „Agency“ being the final word of Section 2 Article V of Order No. 380 dated 16 November 1948 is hereby deleted and substituted by the word „Commission“.

ARTICLE II

Section 2 of Article XII of Order No. 380 dated 16 November 1948 is hereby deleted and substituted by the following new Section 2 :

„Section 2. — Interest will be charged upon instalments and interest in arrears at the official rate of discount in force at the time of non-payment, plus 2%, with a minimum of 8%, as from the due date of payment.“

ARTICLE III

The following additional sentence is added to Section 1 of Article XIII of Order No. 380 dated 16 November 1948 :

„As regards movable property in general the security and prior line for the loan shall, save as hereinbefore provided, be recorded in the special register specified in Article 1524 of the Civil Code.“

ARTICLE IV

This Order shall become effective on the date of its publication in the Official Gazette save that the amendments shown in Articles I and III of this Order shall be operative as from 21st November 1948.

Dated at TRIESTE, this 14th day of March 1950.

CLYDE D. EDDLEMAN

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

Ref. : LD/A/50/51

Order No. 42

ISSUE AND POSSESSION OF DOCUMENTS OF IDENTIFICATION-AMENDMENT TO ORDER No. 228 DATED 15 DECEMBER 1949

WHEREAS it is considered advisable to amend Order No. 228 dated 15 December 1949 containing regulations for the issue and possession of documents of identification in that part of the Free Territory of Trieste administered by the British-United States Forces.

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

ORDER :

ARTICLE I

Section I of Article II of Order No. 228 dated 15 December 1949 is hereby cancelled and substituted by the following new Section :

„Section 1. — All persons over the age of 15 years who have their residence (residenza) „or their abode (dimora) in the Zone, except those persons who are permitted to enter the Zone „in terms of Section 1, Article I of Order No 181, dated 31 August 1949, as amended by „Article I of Order No. 204 dated 22 October 1949, must have in their possession an identity „card issued within the Zone. Identity Cards will be obtained from the Sindaco of the Commune „in which the person concerned has his residence (residenza) or abode (dimora).“

ARTICLE II

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

Dated at TRIESTE, this 14th day of March 1950.

CLYDE D. EDDLEMAN
Brigadier General U. S. Army
Director General, Civil Affairs

Ref. : LD/A/50/55

Order No. 43

CONTROL OF MOVEMENT OF GOODS INTO ITALY — AMENDMENT TO ORDER No. 15

WHEREAS it is deemed advisable to amend Order No. 15, dated 24 January 1950, concerning the control of movement of goods into Italy from that part of the Free Territory of Trieste administered by the British-United States Forces ;

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

ORDER :

ARTICLE I

Section 1. — The items (b) and (i) of Article III of Order No. 15, dated 24 January 1950, are cancelled and substituted by the following :

„ (b) forage and animal food“
„ (i) jam“

Section 2. — To the items of Article III of Order referred to in the preceding Section the following shall be added :

„ (l) wine“.

ARTICLE 11

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

Dated at TRIESTE, this 16th day of March 1950.

CLYDE D. EDDLEMAN

Brigadier General U.S. Army

Director General, Civil Affairs

Ref. : LD/A/50/57

Order No. 44

DECLARATION OF PUBLIC UTILITY AND OF URGENT AND UNDELAYABLE NECESSITY OF THE CONSTRUCTION OF A REFORMATORY FOR MINORS

WHEREAS the construction of a Reformatory for minors at Padriciano, Trieste is considered to be of public utility and of urgent and undelayable necessity, and

WHEREAS the project concerning such works has been controlled by „Genio Civile“ and approved by Allied Military Government, Department of Public Services on 23 November 1949,

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

ORDER :

ARTICLE I

The works for the construction of a Reformatory for minors at Padriciano, Trieste according to the project presented by „Genio Civile“ and approved by Allied Military Government, Department of Public Services, are hereby declared to be of public utility and of urgent and undelayable necessity in accordance with and for the purpose of the Law 25 June 1865, No. 2359, as amended by the Law 18 December 1879, No. 5188.

ARTICLE II

The operations for expropriation and the works must start within 60 days as from the date of publication of this Order and be completed within 31 December 1952.

ARTICLE III

The summary report and the general („di massima“) plan of the works, attached to this Order, are marked „Annex A“ and „Annex B“ respectively and are deposited at the Department of Legal Affairs where they may be freely inspected by all interested parties.

ARTICLE IV

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

Dated at TRIESTE, this 16th day of March 1950.

CLYDE D. EDDLEMAN

Brigadier General U.S. Army

Director General, Civil Affairs

Ref. : LD/A/50/48

Order No. 45

AMNESTY AND PARDON

WHEREAS in addition to the Pardon granted in Order No. 1 dated 13 January 1950 it has been decided, as a further act of clemency, to grant further Amnesty and Pardon in that part of the Free Territory of Trieste administered by the British-United States Forces (hereinafter referred to as the „Zone“),

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

ORDER:

PART I — AMNESTY

ARTICLE I

GRANTING OF AMNESTY

Section 1. — An Amnesty is granted:

- (a) for offences punishable in accordance with the law by imprisonment or imprisonment and fine, not exceeding five years as a maximum or by fine only, provided that the said offences have been committed before the 19th June 1946;
- (b) for contraventions („contravvenzioni“) committed before the 19th December 1947;
- (c) for the offences contemplated by D.L. No. 245 of 22 April 1943 and subsequent amendments thereto as well as by any other Law and Order governing consumption, collection and rationing of commodities, punishable by imprisonment, or imprisonment and fine not exceeding six years as a maximum or by fine only, provided they have been committed before the 19th May 1949; and
- (d) for offences committed before the 25th June 1947 in connection with individual or collective disputes arising from the execution of formal and/or informal metayage contracts („contratti di mezzadria propria o impropria“), of farm leasing or shares („colonia parziaria“) and lease of land („affitto di fondi rustici“) contracts, as well as from the distribution of products and from the settlement of any other similar question, provided that the Amnesty shall not be applicable to such offences in those cases where the law establishes a term of imprisonment exceeding in its minimum four years. Such Amnesty shall apply also to the offences connected with the above offences pursuant to Article 45 (2) of the Penal Code of Procedure.

Section 2. — When in those cases contemplated in Section 1 (c) of this Article a final decision („sentenza passata in cosa giudicata“) has been pronounced, the Amnesty shall not terminate the enforcement of security measures affecting property („misure di sicurezza patrimoniali“).

ARTICLE II

AMNESTY FOR POLITICAL CRIMES

An Amnesty is granted:

- (a) for political crimes punishable in accordance with the law by a sentence even greater than that specified in Article I (a) hereof, provided they have been committed within the Zone after the fall of fascism and before the 19th June 1946;

- (b) for political crimes punishable in accordance with the law by imprisonment or imprisonment and fine not exceeding three years as a maximum, or by fine only, excluding those contemplated in Chapters („capi“) I, II, IV and V of „Titolo I“, Book II, of the Penal Code provided the said crimes have been committed within the Zone before the 19th December 1947; and
- (c) for crimes under Proclamation No. 5 of 1945 and Articles I and II of General Order No. 53 dated 3 May 1946, and for the offences connected therewith pursuant to Article 45 (2) of the Penal Code of Procedure except when committed by persons vested with high civil or political authority or military command, or in cases when massacre, savage tortures, murder or pillage have been committed, or when crimes were committed for material gain.

ARTICLE III

EXCLUSION FROM AMNESTY

The following are excluded from Amnesty granted by the preceding Articles :

- (a) Crimes under Article 575 of the Penal Code, except when committed up to and including 31 July 1945 in the fight against fascism or in order to defend oneself from fascist persecution or in order to flee from fascist persecution.
- (b) The crimes contemplated in Order No. 452 of 2 September 1947 and those contemplated in Articles 531 to 537 inclusive of the Penal Code.
- (c) Crimes under Articles 318, 319, 321, 422 and 564 of the Penal Code.
- (d) Crimes under Articles 295 to 300 of the Penal Code.

ARTICLE IV

ASCERTAINMENT OF POLITICAL NATURE OF CRIME

When a sentence has been passed and it cannot be clearly ascertained from the sentence or from the records of the proceedings whether the crime is of a political nature or not the appropriate judge competent to apply the Amnesty shall order the necessary investigations to take place. Those investigations shall be ordered by the Special Section of the Court of Appeal acting as Court of Cassation if an Appeal is pending before that Section.

ARTICLE V

REQUEST FOR TRIAL BY THE ACCUSED

The Amnesty will not be applied if the accused, before the issuing of the sentence which sets out that no action is to be taken due to extinction of the offence by virtue of the Amnesty, states that he does not wish to take advantage of the Amnesty.

ARTICLE VI

RECKONING OF PENALTIES

In calculating penalties and for any other legal purpose Article 32 of the Penal Code of Procedure will be followed in applying the Amnesty.

PART II — PARDON

ARTICLE VII

GRANTING OF PARDON

Section 1. — Excluding those cases in which Amnesty is granted under Article I, Section (a) and under Article II, the following rules shall apply for political offences and for other offences connected therewith pursuant to Article 45 (2) of the Penal Code of Procedure :

- (a) the penalty of life imprisonment is commuted into one of thirty years imprisonment ;
- (b) save as provided for under para (d) of this Section, all penalties of imprisonment over five years are reduced by one third, but in any case the reduction cannot be less than five years ; all penalties of imprisonment not over five years are fully pardoned ;
- (c) for crimes connected with political crimes, committed by former members of partisans organizations or of the Italian Corps of Liberation („Corpo Italiano di Liberazione“) before the 19th June 1946 penalties of imprisonment not over ten years are fully pardoned and penalties of imprisonment over ten years are reduced by ten years ;
- (d) for the crimes specified in Article 11 (b), all penalties of imprisonment over three years are reduced by one third, but in any case the reduction cannot be less than three years ; all penalties of imprisonment not over three years are fully pardoned ;
- (e) all fines are fully pardoned.

Section 2. — Excluding those cases in which Amnesty is granted under Article I, Section 1 (c), the following rules shall apply to the offences contemplated by Article I, Section 1 (c) :

- (a) the penalty of life imprisonment is commuted into one of twenty four years imprisonment ;
- (b) all penalties of imprisonment not over five years and all fines not over three hundred thousand lire are fully pardoned ; all penalties of imprisonment over five years and fines over three hundred thousand lire are reduced by five years and by three hundred thousand lire respectively ;
- (c) accessory penalties are fully pardoned provided that the main penalties are extinguished by virtue of the Pardon granted under para (b) of this Section.

Section 3 — Excluding those cases in which Amnesty is granted under Article I, Section 1 (d), the following rules shall apply to the offences contemplated by Article I, Section 1 (d) :

- (a) the penalty of life imprisonment is commuted into one of thirty years imprisonment ;

(b) all penalties of imprisonment over five years are reduced by one third, but in any case the reduction cannot be less than five years ; all penalties of imprisonment not over five years are fully pardoned ;

(c) all fines are fully pardoned.

ARTICLE VIII

EXCLUSION FROM PARDON

The Pardon provided for in Article VII shall not be granted :

(a) to those who on the effective date of this Order are in hiding save when they spontaneously surrender themselves for imprisonment within four months from such date : this exclusion, however, shall not be applied in those cases where Pardon is granted for the entire penalty ; and

(b) for the offences set forth in Article III. This provision, however, shall not apply to those cases contemplated in Article VII, Section 1 (c), in respect of which the Pardon shall be excluded only when the crime involved is that specified in Article 575 of the Penal Code.

ARTICLE IX

REVOCATION OF PARDON

The Pardon granted under the provisions of this Order shall be revoked *ex jure* if the person pardoned is sentenced again for an intentional or preterintentional crime („delitto non colposo“) punishable by a term of imprisonment exceeding one year as a maximum committed within five years from the date of this Order.

PART III — GENERAL

ARTICLE X

CONSIDERATION OF PREVIOUS PENAL RECORDS

For the purpose of applying the benefits of this Order, the previous penal records shall be taken into consideration only in cases and within the limits fixed by following provisions :

Benefits shall not be applied to those persons who, at the date of this Order have been sentenced one or more times to a term or aggregate term of imprisonment exceeding three years for committing an intentional or preterintentional crime („delitto non colposo“).

In examining the penal records, no account shall be taken of punishments declared extinguished by reason of previous Amnesty or offences extinguished at the date of this Order because of the expiration of the time limits of the conditional suspension of the punishment pursuant to Article 167 of Penal Code, as well as of sentences for which a provision of rehabilitation has been issued.

In applying the benefits to the offences, contemplated in Article I (c) and (d) and in Article II, penal records shall not be taken into consideration. but the benefits shall not apply to habitual and professional criminals or to those criminals who are naturally inclined to commit offences („delinquenti per tendenza“).

ARTICLE XI

APPLICATION OF AMNESTY AND PARDON

For punishments inflicted or to be inflicted by the local Courts, to which the above Articles refer, Amnesty and Pardon shall be applied by the local Magistrates.

For punishments inflicted or to be inflicted by the Allied Military Courts, to which the above Articles refer, Amnesty and Pardon shall be applied by a Judge of the Allied Military Courts.

ARTICLE XII

FINANCIAL OFFENCES

This Order does not cover financial offences and it shall not effect the laws established for forfeiture of profits of the fascist regime.

ARTICLE XIII

EXCLUSION FROM JOINT APPLICATION OF BENEFITS

When more than one of the benefits provided for by this Order as well as by Order No. 1 of 13 January 1950 could be applied to the same fact, the most favorable benefit only shall be applied to the exclusion of all others.

ARTICLE XIV

EFFECTIVE DATE

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

Dated at TRIESTE, this 18th day of March 1950.

CLYDE D. EDDLEMAN

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

Ref. : LD/A/50/68

Administrative Order No. 12

AUTHORITY GRANTED TO „CHIESA PARROCCHIALE DELLA B. V. DEL SOCCORSO“ OF TRIESTE TO ACCEPT A LEGACY

WHEREAS the „Chiesa Parrocchiale della B. V. del Soccorso“ of Trieste have made an application to the Allied Military Government for authority to accept a legacy left to it by Countess Anna Segrè Sartorio in her will dated 1 April 1944, opened and published on 9 April 1946, according to Notary Dr. Silvio Quarantotto's deed, Rep. No. 5863, in Trieste.

WHEREAS the above application has been duly approved by the Zone President of Trieste and there is no objection thereto,

NOW, THEREFORE, I, VONNA F. BURGER, Colonel F. A., Executive Director to Director General, Civil Affairs,

ORDER:

1. — Authority is hereby granted to the „Chiesa Parrocchiale della B. V. del Soccorso“ of Trieste to accept, subject to the terms and conditions specified in the will hereinafter mentioned, the legacy left to it by Countess Anna Segrè Sartorio in her will dated 1 April 1944, opened and published on 9 April 1946, according to Notary Dr. Silvio Quarantotto's deed, Rep. No. 5863 in Trieste.

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

Dated at TRIESTE, this 11th day of March 1950.

VONNA F. BURGER

Colonel F. A.

Executive Director to

Director General, Civil Affairs

Ref.: LD/B/50/11

Administrative Order No. 13

AUTHORITY TO „CASA FAMIGLIA DELLA GIOVANE MATER DEI“ OF TRIESTE TO PURCHASE IMMOVABLE PROPERTY

WHEREAS the „Casa Famiglia della Giovane Mater Dei“ of Trieste has made an application to the Allied Military Government for authority to purchase immovable property from Mrs. De Bernardi Jole, Ada and Mercedes, and

WHEREAS the aforesaid application has been duly approved by the Zone President and there is no objection to the granting of said application,

NOW, THEREFORE, I, VONNA F. BURGER, Colonel F. A., Executive Director to Director General, Civil Affairs,

ORDER:

1. — The „Casa Famiglia della Giovane Mater Dei“ of Trieste is hereby authorized to purchase from Mrs. De Bernardi Jole, Ada and Mercedes the immovable property Part. tav. 1407 of Guardiaia Territorio, situated at No. 5 of Viale Raffaello Sanzio, Trieste.

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

Dated at TRIESTE, this 11th day of March 1950.

VONNA F. BURGER

Colonel, F. A.

Executive Director to
Director General, Civil Affairs

Ref.: LD/B/50/13

Administrative Order No. 14

APPOINTMENT OF THE AUDITORS OF THE „ENTE DEL PORTO INDUSTRIALE DI ZAULE“

WHEREAS Rag. Federico Sforza and Dott. Vincenzo de Francesco have been appointed as Auditors of the „Ente del Porto Industriale di Zaule“ on the 20th July 1949 and it is right that they should be officially confirmed in that office,

NOW, THEREFORE, I, VONNA F. BURGER, Colonel F. A., Executive Director to Director General, Civil Affairs,

ORDER:

1. Rag. Federico SFORZA

Dott. Vincenzo de FRANCESCO

are appointed Auditors of the „Ente del Porto Industriale di Zaule“, with effect from 20 July 1949.

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

Dated at TRIESTE, this 14th day of March 1950.

VONNA F. BURGER

Colonel F. A.

Executive Director to
Director General, Civil Affairs

Ref.: LD/B/50/12

Errata corrigenda

Order No 129 published in Gazette No. 18, page 342, Vol. II, dated 1st July 1949.

Article 1, Section 1. — third line: read „120“ instead of „210“.

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