

ALLIED MILITARY GOVERNMENT

BRITISH - UNITED STATES ZONE

FREE TERRITORY OF TRIESTE



OFFICIAL GAZETTE

VOLUME II

No. 25 - 11 September 1949

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

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ALLIED MILITARY GOVERNMENT

British - United States Zone - Free Territory of Trieste

Order No. 181

REGULATIONS FOR ENTRY INTO THE FREE TERRITORY OF TRIESTE

WHEREAS it is necessary to amend the provisions controlling the movement of civilians entering 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

CONDITIONS FOR ENTRY INTO THE ZONE

Section 1 — Subject to the right of the Allied Military Government to exclude or expel from the British-United States Zone, Free Territory of Trieste, at any time, anyone who may be unacceptable, any person may enter the Zone provided that he is in possession of:

- (a) A valid Italian passport, or in the case of Italian citizens entering the Zone directly from the Republic of Italy, a valid document of identification recognized as such under the laws of the Republic of Italy; or*
- (b) A valid Allied Forces Permit issued by the appropriate Allied Authority together with a valid passport; or*
- (c) A valid Entry Permit issued by Allied Military Government (Military Permit Office) together with a valid passport, or in lieu of such passport, in the case of Yugoslav nationals, a valid Identity Card issued by the Yugoslav Government; or*
- (d) A valid Identity Card issued and overstamped by the Yugoslav Military Government for that Zone of the Free Territory of Trieste administered by the Yugoslav Government; or*
- (e) A valid passport on which has been entered by a British or United States Consulate, a visa authorizing entry into the Zone; or*
- (f) A valid Seaman's document of Identity together with documentary evidence that he is travelling in the course of his duty.*

Section 2 — Any person, other than those specified in Section 1 hereof, who desires to re-enter the Zone will be permitted to do so provided that he is in possession of a valid Identity Card issued by Allied Military Government under the laws of the Zone.

ARTICLE II

DUAL PROPERTY OWNERS' CROSSING PERMITS

Section 1 — Any owner or tenant of agricultural immovable property lying within ten kilometres from the border between the British-United States Zone and the Yugoslav Zone, who permanently lives on the other side of the border and within ten kilometres therefrom, may obtain for himself, his relatives and workmen, a dual property owners' crossing permit. The possession of the said dual property owners' crossing permit will entitle the said owner or tenant and their relatives and workmen to enter and to leave the British-United States Zone for the purpose of exercising their rights of ownership or tenancy. Movement, however, must take place between sunrise and sunset, and dual property owners and others as inscribed in said permits, who cross the border, must return the same day on which they cross the border.

Section 2 — The provision set forth in Section 1 of this Article shall not be applicable to those owners who have acquired their rights to the property after 15 September 1947, except for such owners as have acquired the ownership or property rights by way of inheritance or by legal act of transfer to an heir of the family who would have inherited such property or property rights on the owner's death.

ARTICLE III

TRANSIT

Section 1 — Any person requiring to pass through the Zone while travelling by train, sea or air from one country to another shall be permitted to do so if in possession of a valid travel document, together with a visa or other authority to enter the country of destination.

Section 2 — Should persons in transit desire to leave the transportation or the station or port they must be in possession of the necessary documents as provided for in Article I hereof.

ARTICLE IV

ISSUANCE OF PERMITS

The entry permits, Allied Forces permits, Dual Owners' Crossing Permits and visas in lieu thereof will be issued in accordance with regulations to be issued from time to time by Allied Military Government (Military Permit Office).

ARTICLE V

PENALTIES

Any person who :

- (1) makes a false statement, knowing the same to be false, in relation to an application permit to enter the Zone or who furnishes false documents or writings in relation thereto ; or
- (2) who enters or re-enters the Zone and is not in possession of the documents required under this Order,

shall be guilty of an offence and shall, on conviction by an Allied Military Court, be liable to fine or imprisonment or both as the Court shall determine.

ARTICLE VI

REPEAL OF PREVIOUS ORDERS

Order No. 202, dated 17 March 1948 and Order No. 363 dated 19 October 1948 are hereby repealed.

ARTICLE VII

EFFECTIVE DATE

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

Dated at TRIESTE, this 31st day of August 1949.

CLYDE D. EDDLEMAN

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

Ref. : LD/A/49/187

Order No. 182

BRINGING UP TO DATE OF THE LIST OF ASSESSORS OF THE COURT OF ASSIZE OF TRIESTE

WHEREAS it is necessary to bring up to date the list of the Assessors of the Court of Assize of Trieste ; and

UPON proposal of the First President of the Court of Appeal of Trieste, and

UPON recommendation of the Director of Legal Affairs,

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

ORDER :

ARTICLE I

The following persons, appointed as Assessors of the Court of Assize of Trieste by Orders No. 55 dated 7 January 1946 and No. 404 dated 19 June 1947 are hereby cancelled from the list because they have died.

1) Bertoli Ercole

4) Lupi Carlo

2) Devetag Dorino

5) Politeo Andrea

3) Fiore Domenico

6) Pesante Annibale

ARTICLE II

The following persons, appointed as Assessors of said Court by above mentioned Order No. 55 are hereby cancelled from the proper list because they have ceased to be residents of the British-United States Zone, Free Territory of Trieste.

- | | |
|-----------------------|-------------------------|
| 1) Alesani Attilio | 11) Mikluz Bruno |
| 2) Candutti Edmondo | 12) Mulli Emilio |
| 3) De Vetta Guido | 13) Reinoldo Paolo |
| 4) Pregl Ruggero | 14) Schiozzi Guido |
| 5) Fabioli Astolfo | 15) Steccherini Giorgio |
| 6) Franzot Marcellino | 16) Sturni Edoardo |
| 7) Grossi Federico | 17) Sussi Giusto |
| 8) Vanke Francesco | 18) Verbi Giovanni |
| 9) Janovitz Edoardo | 19) Zerrer Ferdinando |
| 10) Manzini Giovanni | |

ARTICLE III

The following persons, appointed as Assessors of said Court by above mentioned Orders No. 55 and No. 404, and Order No. 143 of 30 June 1949, are at their request cancelled from the list for reasons of personal impediment :

- | | |
|----------------------------|------------------------------|
| 1) Avanzini Guido | 15) De Grassi Giovanni |
| 2) Bosutti Guido | 16) De Visentini Edoardo |
| 3) Dorigo Ernesto | 17) Jurcotta Ercole |
| 4) Giorgiacopulo Demetrio | 18) Cosciani Guido |
| 5) Lonciari Aldo | 19) Capietano Mario |
| 6) Paulizza-Paulica Andrea | 20) Devescovi Guido |
| 7) Stuparich Gianni | 21) Carnana Benvenuto |
| 8) Zaccaria Francesco | 22) Furlan Egone |
| 9) Zotti Giacomo | 23) Jaschi Guido |
| 10) Grassi Carlo | 24) Manzutto Alberto |
| 11) Benni Bartolomeo | 25) Merluzzi Diego |
| 12) Brattina Michele | 26) Romano Luigi |
| 13) Cozzi Silvio | 27) Tamaro Romolo |
| 14) Lorenzetti Giuseppe | 28) Luzzato-Fegitz Pierpaolo |
| | 29) Luzzatti Giuseppe |

ARTICLE IV

The following person, appointed as Assessor of said Court by above mentioned Order No. 404 is hereby cancelled from the list for having reached the limit of age (65 years) :

ZUCCOLIN Marcello

ARTICLE V

All other Assessors appointed by above mentioned Orders No. 55 and No. 404 shall remain in office, together with the Assessors appointed by Order No. 143 of 30 June 1949.

ARTICLE VI

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

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

CLYDE D. EDDLEMAN

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

Ref. : LD/A/49/193

Order No. 183

USE OF SLOVENE LANGUAGE

WHEREAS under the basic law presently existing in the British-United States Zone of the Free Territory of Trieste the Italian language is and continues to be the official language,

WHEREAS the majority of the population of the Communes of Duino-Aurisina, San Dorligo della Valle, Sgonico and Monrupino customarily use the Slovene language,

WHEREAS it is expedient to allow the Communal Councils of the said Communes to use, should they so desire, the Slovene language in addition to the official language in transacting the official business of the said Communes,

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

ORDER:

ARTICLE I

USE OF SLOVENE LANGUAGE

In those Communes of Duino-Aurisina, San Dorligo della Valle, Sgonico and Monrupino, the transactions of the Communal Councils, may, for convenience, be conducted in the Slovene language and may be recorded in the Slovene language, in addition to the official language. Such transactions and the records thereof shall be valid for all purposes, provided that in official communications with authorities outside the Commune, such communications shall be worded either in Italian or in both Italian and Slovene.

ARTICLE II

EFFECTIVE DATE

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

Dated at TRIESTE, this 2nd day of September 1949.

CLYDE D. EDDLEMAN

Brigadier General, Civil Affairs
Director General, Civil Affairs

Ref.: LD/A/49/194

Order No. 184

INCREASE OF INDEMNITY DUE TO WITNESSES SUMMONED TO GIVE EVIDENCE IN CIVIL AND PENAL MATTERS BEFORE JUDICIAL AUTHORITIES

WHEREAS it is considered advisable and necessary to increase the indemnity due to witnesses summoned to give evidence in civil and penal matters before judicial authorities, in that part of the Free Territory of Trieste administered by the British-United States Forces,

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

ORDER:

ARTICLE I

The rate of indemnity due to witnesses indicated in Article 1 of RD 3 May 1923, No. 1043, is hereby increased to 100 Lire per day.

ARTICLE II

The rate of indemnity due to witnesses indicated in Articles 3, 4, 5, 6, 27 of the said RD 3 May 1923, No. 1043, is hereby increased respectively to 200 Lire for each day of travel and to 300 Lire for each day of sojourn.

ARTICLE III

The rate of indemnity referring to distance covered and calculated according to the number of kilometres made, provided for by Article 2 of the said RD 3 May 1923, No. 1043, is hereby increased to 4 Lire per kilometre.

ARTICLE IV

The existing provisions shall remain in force in so far as not inconsistent with this Order.

ARTICLE V

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

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

CLYDE D. EDDLEMAN

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

Ref.: LD/A/49/192

Order No. 185

SALE AND CONSUMPTION OF ALCOHOLIC DRINKS IN HEALTH HOLIDAY AND TOURIST RESORTS

WHEREAS it is deemed advisable to modify the provisions of the Consolidated Text 18 June 1931 No. 773 on the sale and consumption of alcoholic drinks in health-resorts (luoghi di cura) holiday-resorts (soggiorno) and tourist-resorts (turismo) 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

In localities recognized as health, holiday and tourist-resorts, the number of establishments for sale or for consumption of alcoholic drinks may exceed the limits established by Article 95 of the Consolidated Text 18 June 1931 No. 773 of Public Safety Laws.

Licences and special authorizations in excess of such limits may only be granted by the competent authorities in accordance with Article 86 and 89 of the above mentioned Consolidated Text, in the case of real touristic necessity, previous approval having been given by the Communal Administration and the Provincial Tourist Body.

ARTICLE II

In carrying out the functions vested in it by Article 98 of the said Consolidated Text the Provincial Commission may establish in the localities specified under Article I distances different from those normally fixed for Communes and may in addition establish that, in case of real touristic necessity, the limits of distance be fixed only with reference to hospitals, churches and other places of worship.

ARTICLE III

In the localities specified in Article I, the prohibition established by Article 97 of the above mentioned Consolidated Text is limited to the days during which electoral meetings are held.

ARTICLE IV

The temporary licences as specified in the third paragraph of Article 103 of the said Consolidated Text, may include also the dispensing of super-alcoholic drinks, and the number of these licences may exceed the limits established by Article 95, the provisions of Article I of this Order having been complied with.

ARTICLE V

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

Dated at TRIESTE, this 7th day of September 1949.

CLYDE D. EDDLEMAN

Brigadier General, U. S. Army

Director General, Civil Affairs

Ref.: LD/A/49/196

Order No. 186

DECLARATION OF PRESUMPTIVE DEATH OF PERSONS WHO DISAPPEARED IN THE PERIOD FROM 1940 TO 1945

WHEREAS it is deemed advisable to issue provisions concerning the declaration of presumptive death of persons who disappeared in consequence of events due to the political and military situation prevailing in the period from 10 June 1940 to 31 December 1945, 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

In addition to the cases set forth in Articles 58 and 60 of the Civil Code, the presumptive death of a person may be declared whenever the said person has disappeared in consequence of events due to the political and military situation prevailing in the period from 10 June 1940 to 31 December 1945 and no intelligence of him has been received.

The judgment declaring the presumptive death of a person shall specify the day and, if possible, the hour when he was last heard from.

Whenever it is not possible to determine the hour, the presumptive death shall be deemed to have occurred at 24.00 hrs. of the day specified.

ARTICLE II

If, in cases of military persons who disappeared during the war 1940-45, the submitted application is supported by a certificate issued by the competent authority and proving that the person concerned cannot be found and no objections have been raised in terms of Article 727 Code of Civil Procedure, the inquiring judge may dispense with the inquiry provided for by Article 728 of the aforesaid Code.

ARTICLE III

Deeds relating to proceedings for the declaration of presumptive death of persons who disappeared during the war 1940-45, shall be exempt from any expense and from indirect duties and taxes on business transactions.

The fees due to judicial offices and bailiffs shall be reduced by one half.

ARTICLE IV

The Official Gazette of the Allied Military Government shall publish excerpts of the insertions concerning the aforesaid costfree and without delay upon request by the respective applicant; such insertions may also be ordered by means of monthly lists set up by the judicial offices, regardless of the provisions of Article 727 of the Code of Civil Procedure concerning publications in the Press.

ARTICLE V

The fees due to attorneys-at-law shall be reduced to one half of those fixed by para IV, No. 71 of Table „B“ attached to Law 13 June 1942, No. 794, and by subsequent amendments. For the purpose of the liquidation of such fees, the proceedings contemplated in this Order shall be considered to be of undetermined value.

No lawyers' fees shall be allowed.

The notification fees due to bailiffs shall be reduced by one half.

ARTICLE VI

Whenever the required conditions exist, the applicant may be granted gratuitous defence by decree of the President of the Tribunal.

ARTICLE VII

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

Dated at TRIESTE, this 8th day of September 1949.

CLYDE D. EDDLEMAN

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

Ref. : LD/A/49/188

Administrative Order No. 51

EXAMINATIONS FOR PROCURATORE LEGALE FOR 1949

WHEREAS it is considered advisable to add another substitute member to the Commission for the examinations for Procuratore Legale for 1949, appointed by Administrative Order No. 38 dated 29 June 1949,

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

ORDER:

ARTICLE I

Prof. Agostino ORIGONE, Professor of „Istituzioni di diritto pubblico“ is appointed Substitute member to the Commission for the examinations for Procuratore Legale for 1949 in addition to the appointments made by Administrative Order No. 38 dated 29 June 1949.

ARTICLE II

This Order shall take effect on the date it is signed by me.

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

VONNA F. BURGER

Colonel F.A.

Executive Director to
Director General, Civil Affairs

Ref. : LD/B/49/51

Administrative Order No. 52

AUTHORITY TO THE PARISH CHURCH OF S. ANTONIO TAUMATURGO IN TRIESTE TO PURCHASE IMMOVABLE PROPERTY

WHEREAS the Parish Church of S. Antonio Taumaturgo in Trieste has made an application to the Allied Military Government for authority to purchase immovable property from Mrs. Clelia Duodo widow Citrani, 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 Parish Church of S. Antonio Taumaturgo in Trieste is hereby authorized to purchase from Mrs. Clelia Duodo widow Citrani one undivided half of the immovable property known as house No. 7 of Via Giorgio Vasari, forming a part of Part. tav. 2479 of Trieste as described in the plan of surveyor Giorgio Zambonelli dated 11 June 1949.

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

Dated at TRIESTE, this 2nd day of September 1949.

VONNA F. BURGER

Colonel F. A.

Executive Director to

Director General, Civil Affairs

Ref.: LD/B/49/52

Notice No. 24

RESTRICTION OF CONSUMPTION OF ELECTRIC ENERGY

Notice is hereby given that pursuant to Order No. 176 dated 17 August 1949 restrictions in the use of electric power and energy are to be brought in line with those already enforced in Northern Italy.

These restrictions are made necessary by the shortage in the Italian supply due to the very dry summer and lack of snow in the high mountains.

ARTICLE I

GENERAL RESTRICTIONS

It is forbidden to use electric energy for the following purpose:

- a) Steam production by electric boilers.
- b) Industrial heat production (if other means are available).

- c) Heating of places of entertainment, Public Houses, Coffee-houses, Restaurants, Hotels, Shops, Statal and Communal Buildings, Public and Private Offices, Work-shops and Industrial Plants.
- d) Advertising illumination and commercial signs before 1900 hrs. and after 2100 hrs.
- e) Direct and indirect illumination of shopwindows during daylight hours and when shops are closed.
- f) Illumination not really indispensable inside and outside of private apartments and all public and private premises, shopwindows, shops etc.

ARTICLE II

SUSPENSION OF ELECTRIC ENERGY

Section 1. — The F.T.T. will be divided into two districts and the supply of electric energy will be cut off from each district for two days per week during the hours 0730 to 1830 inclusive. The Northern district will be without electricity on Tuesdays and Fridays, and the Southern district on Mondays and Thursdays.

Section 2. — Consumers whose supply of electric energy is not or cannot be cut off during the specified periods are forbidden to use electricity during the periods of suspension within their district.

ARTICLE III

LIMITATIONS OF CONSUMPTION OF ELECTRIC ENERGY FOR INDUSTRIES

All industrial consumers shall limit their:

- a) Load in KW to not more than the maximum reached during the months May/June 1949;
- b) Monthly average consumption of KWH to 65% of the monthly average consumption of KWH during the months May/June 1949, excluding seasonal loads and provisional ones. Exempted from these restrictions are the Public Services, Flour Mills, Bakers and Radio Stations, who must reduce their consumption of electric energy to a minimum.

ARTICLE IV

LIMITATIONS OF CONSUMPTION OF ELECTRIC ENERGY FOR OTHER CONSUMERS

The following consumers shall limit their total monthly consumption of electric energy to percentages of the December 1948 consumption as follows:

- a) Public Services in general: 95%
- b) Traction consumers (tramways and trolleybusses): 90%
- c) Streetlighting: 80%
- d) All other consumers: 65%.

ARTICLE V

WEEKLY CONSUMPTION

The weekly consumption of electric energy is to be in proportion to the monthly consumption, except for special technical necessities.

The distribution companies are authorized to check the consumption figures weekly.

ARTICLE VI

APPLICATION FOR EXEMPTIONS

Applications for exemption or transfer of energy between consumers will be presented to the Department of Public Services, Allied Military Government.

ARTICLE VII

PENALTIES

As foreseen in Article III of the Order No. 176 dated 17 August 1949.

ARTICLE VIII

EFFECTIVE DATE

This Notice shall become effective on the 12 September 1949 by its publication through the newspaper, over the Radio, and in the Official Gazette.

Dated at TRIESTE, this 8th day of September 1949.

ROBERT ALEXANDER

Chief, Department
of Public Services

Ref. : LD/C/49/24

ALLIED MILITARY GOVERNMENT

BRITISH-UNITED STATES ZONE

FREE TERRITORY OF TRIESTE

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