

ALLIED MILITARY GOVERNMENT

VENEZIA GIULIA



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VENEZIA GIULIA

General Order No. 88 (70 revised)

CONFISCATION OF PROPERTY AND EXPROPRIATION OF PROFITS ACCRUED FROM FASCIST REGIME

(Cancelling G. O. 70, 23 Sept. 1946)

WHEREAS it is the Policy of the Allied Military Government to suppress fascism in all its forms and,

WHEREAS it is necessary to provide for the confiscation of property of persons convicted of fascist offences and/or collaboration with the German Invader and to provide for the expropriation of profits unlawfully gained by certain persons by reason of their having held political offices or otherwise during the fascist regime — in that part of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the „Territory“)

NOW THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer, hereby

ORDER:

PART I

CONFISCATION OF PROPERTY OF PERSONS CONVICTED FOR CRIMES CONSIDERED IN PROCLAMATION No. 5 AND IN GENERAL ORDER No. 53

ARTICLE I

Section 1. — The following property shall be confiscated in favour of the Public Treasury.

- a) The property of persons convicted of any of the crimes under Article I of General Order No. 53 (further sanctions against crimes of a fascist nature).
- b) The property in whole or in part of any person convicted of any offence under Articles I or II of Proclamation No. 5 in proportion to the gravity of the offence and after taking into account the provisions of Article IV of General Order No. 53.

Section 2. — In the case of penal action the confiscation shall be ordered by the judicial Authority who pronounces the sentence of conviction. In other cases it shall be ordered by the competent judicial Authority on the request of the „Intendente di Finanza“.

In case of partial confiscation the Judicial Authority shall determine the particular property to be confiscated.

If it has not been provided for in the sentence, the Judge who pronounced sentence shall make provision in accordance with the regulations laid down in the Penal Procedure Code for „incidenti di esecuzione“. If the sentence of conviction has been passed before the effective date of this Order, the confiscation shall be ordered by the Judge who pronounced the sentence on request made by the „Intendente di Finanza“.

If for any reason whatever the crime becomes extinguished, the effects of the confiscation already ordered shall remain in force; and if confiscation has not yet been ordered, the Penal Court in whose jurisdictional territory the property lies, may order confiscation.

The Court shall make such provisions, on the request of the „Intendente di Finanza“ by order „in Chambers“ (Ordinanza in Camera di Consiglio), after summoning the parties concerned, or, in case of death of the person against whom the confiscation is ordered, after summoning the heirs of such person. The parties may be assisted by Counsel in their defence. Appeal against the Order may be taken to the Court of Appeal acting as Court of Cassation.

Section 3. — Within fifteen days from the date on which the confiscation sentence or order has become effective, the „cancelliere“ (Tribunal official) shall give notice thereof to the „Intendenza di Finanza“.

Section 4. — Additional copies of the confiscation sentence or order shall be issued at the request of the „Intendente di Finanza“ for other „Intendente di Finanza“ concerned.

As an exception to the provisions of art. 476 of the Code of civil procedure, each of the said copies shall be executive in terms of art. 475 of such Code.

Section 5. — The „Intendente di Finanza“ of the locality where real property liable to confiscation is located shall provide for the registration of the confiscation sentence or order with the „Conservatoria dei registri immobiliari“ (Office keeping real property registers).

The „Intendente di Finanza“ shall also issue an Order specifying the personal and real property liable to confiscation.

Such order shall be notified to the party against whom the confiscation sentence has been pronounced or to his or her successors in title, as well as to third parties (if any) possessing or holding the property, with intimation to hand over such property within 10 days.

After expiry of such time-limit, the „Intendenza di Finanza“ shall proceed to the administrative execution and transfer of ownership with the assistance, if necessary, of the police.

Section 6. — Any person who has an interest in opposing the execution of the confiscation may bring an action before the competent judicial Authority.

Such opposition shall not suspend the execution which may only be suspended by the „Intendente di Finanza“ by an order issued after consultation with „Avvocatura dello Stato“ (State Legal Office) in which the reasons for such suspension are to be given.

ARTICLE 2

Section 1. — Except as provided for by Section I of Article 43 of this Order the following transactions shall be null and void so far as the Public Treasury is concerned.

a) deeds of gratuitous transfer („atti a titolo gratuito“) effected during the five years preceding 25 July 1943 by persons convicted of any of the crimes considered by Article I of General Order No. 53 or by Articles I or II of Proclamation No. 5;

b) any deeds disposing of rights in property („atti di disposizione“) effected after such date by persons whose property is subject to confiscation.

Section 2. — Property purchased during the five years preceding 25 July 1943 by the spouses of persons convicted for any of the crimes mentioned in the foregoing Article shall so far as claims by the Public Treasury is concerned, be considered as the property of the convicted person.

Section 3. — The provisions set forth in Sections 1 and 2 of this Article shall be applicable also in cases where the crime is estinguished. (Il reato sia estinto).

ARTICLE 3

Section 1. — The Finance Administration or the Public Prosecutor may request security sequestration of the movable property of persons against whom penal action has been commenced for any of the crimes considered by Arts. I and II of General Order No. 53 and by Articles I and II of Proclamation No. 5.

Such sequestration may also be requested in the cases set forth in Article 9 and in the fourth para of Section 2 Art. 1 hereof. In such cases, the sequestration shall be requested from the judicial Authority in whose jurisdictional territory the property or most of the property liable to confiscation is located.

The sequestration, shall be carried out under the rules of procedure provided by the Penal Procedure Code.

Section 2. — Within 60 days from the publication of this Order, any person who, in terms of art. 5 hereof, is liable to expropriation proceedings, shall declare to the competent District direct tax office any transactions made directly or through middlemen with the German invader as well as any requisitions suffered and services rendered, giving the amount involved in the transactions, requisitions or services as well as the amount of the relative expenses and losses and of the net profit earned.

In the case of companies which have ceased activity the declaration shall be filed by the persons who were in charge of their management at the time of such transactions, requisitions and services.

Any person who fails to submit the declaration shall be punishable with a fine up to 100.000 Lire plus an amount equal to the profit assessed. Any person who makes a false declaration shall be punished with a fine amounting to the difference between the net profit declared and the profit finally assessed.

Directors of joint-stock companies, of limited partnerships in office on the effective date of this decree, those who will be in office until all obligations arising from the expropriation of regime profits are fulfilled, as well as liquidators shall be jointly and severally liable for the debt derived from such expropriation, regardless of the time of the assessment or collection.

Directors in office on 14 July 1945 and those who have been in office until the effective date of this Order, together with the liquidators, shall be jointly and severally liable for the debt referred to in the foregoing para, whenever one or more of the following conditions occur :

- a) if the company or partnership has been created after 14 July 1945 from an individual firm, an unregistered firm, a limited or unlimited partnership ;
- b) if the company or partnership has been dissolved prior to the assessment of regime profits ;
- c) if it may be presumed that the constitution or management of the company or partnership was pre-arranged in order to create a total or partial insolvency with respect to the debt arising from the expropriation of regime profits.

ARTICLE 4

In ordering the confiscation of property the appropriate Judicial Authority may allocate definite assets or an income as subsistence to the persons concerned or to dependents entitled to receive maintenance under Article 433 and subsequent Articles of the Civil Code.

PART II

EXPROPRIATION OF PROFITS ACCRUED FROM FASCIST REGIME

ARTICLE 5

Section 1. — All profits derived after 8 September 1943, from contracts for work or for supplies or any other transactions concluded, either directly or through middlemen, with the German invader, are hereby expropriated to the Public Treasury.

Section 2. — Any transaction carried out shall, where the party was aware or could not possibly ignore as being in the interest of the German invader, be deemed to be a transaction within the meaning of Section 1 above.

Section 3. — The profits referred to in Section 1 of this Article shall include those profits derived from requisitions or any other compulsory service.

ARTICLE 6

Section 1. — Any increase of property after 3 January 1925, to persons who, after such date, have held any of the positions hereinafter specified, shall be expropriated as fascist regime profits, to the Public Treasury :

- a) member of the Fascist Grand Council ;
- b) member of the Fascist Government (Minister, Under - Secretary of State, High Commissioner) ;
- c) secretary, vice-secretary or member of the National Directorate of the Fascist Party ;
- d) President, Public Prosecutor or member of the Special Tribunal for the Defence of the State ;
- e) General or Consul of the voluntary fascist militia (M.V.S.N.) on active permanent service, except welfare officers or officers belonging to one of the special militia branches.
- f) official or informer of the O.V.R.A. ;
- g) „Prefetto“ or „Questore“ appointed by reason of fascist qualifications ;
- h) Chief of a diplomatic mission or Governor of a Colony if the appointment was made by reason of fascist qualifications ;
- i) Federal secretary ;

- l) Fascist member of Parliament (Camera dei Deputati) who after 3 January 1925, remained or became a member of the party during his term office or voted any fascist bills.
- m) „Consigliere nazionale“.
- n) Senator appointed after 3 January 1925 and subsequently removed from office under D.L. Nc. 159, of 27 July 1944.
- o) President of a fascist Confederation ; (Confederazione fascista).

Section 2. — If any of the persons specified in Section 1 hereof, or any of the heirs of such person,

- a) opposed fascism before the beginning of the 1940-1945 war, or
- b) took an active part or particularly distinguished himself or herself by acts of gallantry in the struggle against the Germans ;

such person, or within the limits of their respective rights, their heirs, shall be permitted to produce the evidence specified in Article 10 of this Order.

The persons specified in this Section or their heirs shall be entitled to prove that the patrimonial increases after 3 January 1925, or if after that date on the date on which they assumed office, arise from increases as specified in Section 2 Art. 17 hereof.

Section 3. — The provisions set forth in Article 10 of this Order may also be applied in favour of persons mentioned in category (g) to (o) of Section 1 of this Article where owing to the minor importance of their political action or because of their having been acquitted by an Epuration Commission or other bodies dealing with sanctions against fascism, they are deemed to be worthy of such consideration.

ARTICLE 7

Any increase of property acquired after 3 January 1925 by the persons hereinafter specified shall subject to the provisions of Art. 10 be presumed to be profit accrued from fascist regime.

- a) Members of the Academy of Italy ;
- b) Persons who have hold any of the following positions :
 - i) member of the National Council of the fascist party ;
 - ii) inspector of the fascist party ;
 - iii) federal vice-secretary ;
 - iv) federal inspector ;
 - v) political secretary of a Commune having a population of not less than 20,000.
 - vi) officer of the fascist voluntary militia (M.V.S.N.) on permanent active service having a grade higher than of „centurione“ (Captain) ;
- c) persons, who have administered secret funds of the State without being under any obligation to account for them ;
- d) persons, who, after 3 January 1925, have directed or supported by substantial financial means of their own or of other persons, the propaganda and political action of the fascist regime ;
- e) „podestà“ of chief towns of provinces or „presidi“ of provinces.

ARTICLE 8

Except where the evidence mentioned in Art. 10 of this Order is applicable, the increases of property accrued after 3 January 1925 shall be presumed as Fascist regime profits in the case of persons who, holding political offices or through the activity of professional men, advisers or middlemen is influential political positions or taking advantage of their connections and influence with prominent fascist personalities, have obtained at conditions of particular favour to themselves, their relatives or firms represented or controlled by them, contracts for works or supplies and concessions from the State, Provinces, Communes, or bodies supervised or controlled by the State. Increases in the property of promoters (preccacciatori di affari) or agents who acted in the above mentioned transactions, and compensations received therefor shall also be considered as regime profits.

ARTICLE 9

Any increase accrued after 3 January 1925 in the property of the persons or bodies hereinafter specified shall be subject to the provisions of art. 10 and be considered as fascist regime profits:

- a) Ascendants, descendants, the spouse of any of the persons mentioned in the foregoing Articles, or persons who have been living with them in concubinage;
- b) individuals or private corporate bodies or non corporate bodies (persone fisiche e giuridiche private ed enti non riconosciuti) who have been associated or participated with any of the persons mentioned under letter (a) of this Article and in the foregoing Articles, only increases in property derived from such association or participation shall be deemed to be Fascist Regime Profits.
- c) Private corporate and non corporate bodies, nine tenths of whose shares or stock were at 31 Dec. 1942 held by any of the persons specified under (a) and (b) of this Article and foregoing Articles.

ARTICLE 10

Section 1. — The expropriation of the increases of property as provided for in Articles 7, 8 and 9 shall not be or shall only partially be affected, if evidence can be produced that such increase was not, or was only partially due to (a) the position or office held or to the activity of the persons concerned, in the cases referred to in Art. 7 (b) to the conditions of particular favour obtained in the cases referred to in Art. 8 or (c) to the existence of relationships or interests in the cases referred to in Art. 9.

Section 2. — If persons not included in Articles 6, 7, 8 and 9 have increased their properties after 3 January 1925 so considerably above the ordinary measure as to cause the presumption that fascist corruption has been instrumental therein, the profit exceeding the normal increase shall be subject to expropriation as fascist regime profits, except where contrary evidence can be produced.

In determining the normality of increases of property, the importance of the activity displayed, the nature and size of the enterprise, the work and the capital invested shall be taken into account.

ARTICLE 11

All profits from fascist political activity, from any activity in support of fascism or of the German invader, from any position held under the fascist regime, from any favour shown by the fascist party, or by fascist office holders of high rank (dei gerarchi fascisti) or by the German invaders, acquired by persons other than those included in the categories specified in the foregoing articles, shall be expropriated to the Public Treasury.

ARTICLE 12

In case of death of the persons subject to expropriation proceedings, such proceedings shall be initiated or continued against the heir in the same way and with the same rights and obligations as if such proceedings had been carried out against the predecessor in title. The heir shall be liable for the expropriated profits of his predecessor in title within the limits of the property inherited.

ARTICLE 13

In ordering the total confiscation or the sequestration the competent judicial authority may, on request of the interested party and after hearing the „Intendenza di Finanza“, allocate a monthly sum as subsistence to the person concerned or to dependents entitled to be maintained under art. 433 and subsequent articles of the Civil Code, taking into account the particular family conditions and the income on the confiscated or sequestered property.

PART III

DECLARATION OF ASSETS FOR THE PURPOSE OF ASSESSMENT OF FASCIST REGIME PROFITS

ARTICLE 14

Section 1. — For the purpose of assessment of fascist regime profits, all persons included in any of the categories specified in Articles 6 and 7 shall, within thirty days from the effective date of this Order, file a declaration with the competent District Direct Tax Office specifying the following:

- a) The assets owned by them on 3 January 1925 or on the day they assumed their offices, or on the day on which they became involved in the circumstances bringing them within the scope of this Order.
- b) The assets, including assets held by nominees, possessed by the said persons, as at 31 December 1942, and as at the effective date of this Order.
- c) The assets which during the period from the date specified under Section 1 (a) of this Article to the effective date of this Order have been acquired or have ceased to be part of the property of the said persons or of their nominees, with the specification in each case of the origin or destination of such assets and of the value thereof, the value being that as at the date when they became part of the property of the person concerned and that at the date when they ceased to be part thereof.

Section 2. — On request of the District Direct Tax Office, the „Intendente di Finanza“ may order any person suspected of being within the scope of Articles 5, 8, 9 and 11 or his heirs, to file with the said office, within thirty days from the date of receipt of such Order, the declaration referred to in Section 1 of this Article.

ARTICLE 15

Section 1. — Any person who, for the purpose of avoiding actions by the Public Treasury with regard to property belonging to persons held to be fascist regime profiteers, alienates or in any way transfers such property to third persons or conceals the same and any person who purchases, receives, conceals such property or takes part in such purchasing, receiving or concealing, shall be punished by imprisonment (reclusione) up to ten years and/or with a fine (multa) up to 100,000 Lire.

Section 2. — Without prejudice to the penal action considered in Section 1 of this Article any person who fails to submit the declaration referred to in the foregoing Article, or delays its submission or omits to declare one or more of the assets possessed, or gives false information as to the origin or destination shall be punished by a penalty equal to one tenth of the value as finally assessed for the purpose of this Order.

Such penalty shall be remitted if no opposition is made to the assessment as proposed by the District Direct Tax Office.

Apart from the provisions of the foregoing paragraphs the failure to declare single assets possessed during the five years preceding 25 July 1943 shall be punishable by a penalty equal to their value.

ARTICLE 16

Section 1. — Any person holding assets belonging to the persons specified in Articles 6 and 7 shall declare such assets within thirty days from the effective date of this Order.

Section 2. — Without prejudice to the penal action considered in Section 1 of Article 15 hereof, any person failing to submit the declaration described in the foregoing paragraph, shall be punishable by a penalty equal to the value of the non-declared assets, unless such person is in a position to prove that through no fault of his own he was unaware of the actual position of the owner or through circumstances beyond his control he was unable to file the declaration.

Section 3. — The provisions of Section 1 of this Article shall apply to banks and credit institutions for persons whose names have been reported to them by the „Intendenza di Finanza“.

PART IV

ASSESSMENT OF INCREASE OF PROPERTY

ARTICLE 17

Section 1. — Increase of property will be arrived at by taking into account all assets which have been added, even through nominees, to the property of the person involved, after 3 January 1925 or later when the person assumed the offices, or when the circumstances set out in Articles 5,6,7,8,9, and 11 materialized.

Section 2. — The undernoted property shall not be considered as part of the increase:

- a) Assets held originally.
- b) The yield from such original assets.
- c) Reinvestment derived from conversion or sale of such original assets.

The following shall also not be considered as part of the increase. Assets received by inheritance or donation from members of the same family and the yield therefrom, as well as the assets derived from the conversion or sale of such assets, provided that they have not been derived from profits liable to expropriation from the predecessors in title. For the purpose of this paragraph, the family shall be considered as formed by those persons who, under the Civil Code are entitled to maintenance.

Section 3. — A further 15% shall be added to the increase as assessed in accordance with the provisions of this Article for the presumed possession of jewels, money and valuable furniture.

ARTICLE 18

Upon request of the „Intendente di Finanza“ the Special Section of the Area Tax Commission may order that certain assets acquired from particular fascist Regime profits, be expropriated to the Public Treasury in lieu or on account of the ultimate assessment. The value of such assets, as assessed by the said Commission shall be deducted from the whole profit liable to expropriation.

ARTICLE 19

Section 1. — The assessment of profits accrued from fascist regime shall be made by the District Direct Tax Office in whose District the person concerned has his residence under the same rules as apply for the assessment of War Profits Tax in so far as not inconsistent with this Order.

Section 2. — In case of unknown residence or death of the person concerned, the assessment shall be made by the District Direct Tax Office of the District in which the person involved had his last residence.

The same provision shall be also applicable as regards the submitting or filing of declarations by persons who are bound to do so by virtue of this Order.

ARTICLE 20

The power of the Area Tax Commission to increase the assessment made by the Direct Tax Office and to assess omitted profits in the cases referred to in Article 43 of the Consolidated Text (Testo Unico) approved by R.D. 24 August 1877 No. 4021 and in Article 98 of the Regulations approved by R.D. 11th July 1907 No. 560, shall cease on the 31 December of the third year following the year of the final assessment.

PART V

DISPUTES AND APPEALS CONCERNING ASSESSMENT OF REGIME PROFITS

ARTICLE 21

Section 1. — The provisions in force for the Special War Profits Tax, excluding those concerning the appeal to judicial authorities, shall also apply to the settlement of disputes concerning the assessment of fascist regime profits.

Section 2. — The settlement of such disputes shall lie, in first instance, within the competence of a Special Section of the Area Tax Commission, consisting of a President (appointed by the Allied Military Government on the nomination of the President of the Tribunal of the Chief Town of the Area, and after consulting the „Intendente di Finanza“) and of four regular and four deputy members selected from among the members of the Area Tax Commission, who shall be appointed by the Allied Military Government. Such nominations are not binding. Appeal may be made to the Territorial Commission against the decision of the Special Section of the Area Tax Commission; the Territorial Commission shall have its seat in Trieste and shall consist of a President, a magistrate of the Court of Appeal of Trieste and of four members, who shall all be appointed and removable by the Allied Military Government.

ARTICLE 22

Section 1. — The Special Section of the Area Tax Commission shall decide all questions relating to the assessment and to the liquidation of regime profits, save as aftermentioned.

The decisions on such questions shall have no effect as to third parties.

Section 2. — All questions relating to forgery (falso), status and capacity of persons, except the right or capacity to be brought before the Commissions (capacità di stare in giudizio) shall be in any case excluded from the competence of the Special Section.

Should any of the above questions arise, the Special Section, if it considers such questions important to the decisions of the dispute, may suspend the proceedings until the Competent Court makes known its decision. The „Intendente di Finanza“, may, however, institute or continue with the relative proceedings.

ARTICLE 23

Section 1. — The Special Section of the Area Tax Commission shall have powers of making investigations, visits, inspections, controls and request for information, as are conferred upon Direct Tax Officials, and on the Commissions for the Assessment of the Special War Profits Tax.

Section 2. — The Special Section of the Area Tax Commission shall also have the power to search, directly or through the Judicial Police, the dwelling of the persons involved and of third parties in accordance with the provisions of the Code of Penal Procedure.

The right of abstaining from testimony in the cases provided for by Article 252 of the Penal Code shall not be admitted in proceedings carried on by the Special Section of the Area Tax Commission.

Section 3. — Any person who, being summoned as a witness or an expert, does not comply therewith or makes false declarations, shall be punishable in accordance with Articles 366, 372 and 373 of the Penal Code.

Any person who does not obey the orders of the Special Section of the Area Tax Commission shall be punishable by imprisonment (reclusione) not exceeding 6 months and/or to a fine (multa) of from 1000 Lire to 10,000 Lire.

Section 4. — Public Administrations and Public Bodies, if aware that fascist regime profits had been made, shall immediately advise the Direct Tax Office thereof. Individuals of such Public Administrations and Public Bodies who are responsible for making such declaration shall, in case of non compliance, be punished in accordance with the preceding Section.

Section 5. — The powers referred to in Section 1 of this Article for the purpose of assessment of fascist regime profits, investigations of property and of sequestration, are conferred also on the „Intendenza di Finanza“ with effect also against third parties.

The „Ispettore Compartimentale delle Imposte Dirette“ is hereby entrusted with the supervision and control of all services and operations connected with the expropriation of fascist regime profits. He will in conjunction with the „Intendenza di Finanza“ order Direct Tax Officials and Special Sections of Area Tax Commissions to exercise the powers contained in this Order and report to him when requested to do so the result of such investigations, visits, inspections and controls.

ARTICLE 24

The hearings of the Special Section of the Area Tax Commission for the expropriation of fascist regime profits shall be public, and in the discussion between the District Direct Tax Office and the taxpayer, the latter may be assisted by one of the persons authorized in accordance with Articles 33 and 34 of R.D.L. 7 August 1936, No. 1639.

The District Direct Tax Office may be assisted by the „Avvocatura dello Stato“. The „Ispettore Compartimentale delle Imposte Dirette“ may attend the hearings in order to support the District Direct Tax Office in the discussion with the taxpayer, without, however, taking part in the decision; the decision shall be made secretly by a majority of votes immediately after the discussion and after the interested party and the „Ispettore Compartimentale delle Imposte Dirette“ have retired.

ARTICLE 25

Section 1. — Appeal may be lodged against the decision of the Territorial Commission only on question of jurisdiction (assoluto difetto di giurisdizione) and will be made before the Court of Appeal functioning as Court of Cassation. The appeal must be made by the debtor or by the Finance Administration within forty-five days from the pronouncement of the Decision.

Section 2. — The „Ispettore Compartimentale delle Imposte Dirette“ may, however, after the term fixed in the preceding Section but within two years, order the Territorial Commission to proceed with the rectification of any assessment, even after the latter has become final, on the ground that facts of great importance have not been taken into account in the former proceeding.

ARTICLE 26

The provisions set forth in Article 22, in Sections 1, 2, 3 and 4 of Article 23, and in Article 24 of this Order shall apply to the Territorial Commission.

PART VI

SETTLEMENTS BY AGREEMENT

ARTICLE 27

Section 1. — Any agreement entered into between the District Direct Tax Office and the person concerned is subject to the prior approval of the „Ispettore Compartimentale delle Imposte Dirette“. Negotiations for the conclusion of the agreement are subject to prior notification of the assessment.

Section 2. — The agreement shall be recorded in a document signed by the representative of the District Direct Tax Office and by the person concerned.

PART VII

PRIVILEGES AND OTHER PROVISIONS IN FAVOUR OF THE PUBLIC TREASURY

ARTICLE 28

Section 1. — The right of the Public Treasury to payment of fascist regime profits shall be a general lien (privilegio generale) on all movable and immovable property of the debtor, and so far as the movable property is concerned shall have priority over the other rights to payment specified in number 15 of Article 2778 of the Civil Code and so far as immovable property is concerned shall have priority over the rights to payment specified in number 5 of Art. 2780 of the said Code.

The Finance Administration may waive, as to certain assets, the privilege (privilegio) referred to in the foregoing paragraph, if the remaining property is deemed to be a sufficient guarantee for the liability.

Section 2. — The Public Treasury shall not have priority to any mortgage registered before 25 July 1943, if such mortgage is not to be considered null and void in accordance with the provisions of Article 43 of this Order, nor to written obligations to pay (*crediti chirografari*) contracted prior to 25 July 1943.

Section 3. — Credits granted to sequestrators of concerns subject to sequestration in terms of this Order including credits for financing provided for in Section 2 (b) of Article 31 of this Order, shall have priority before the right to payment of the Public Treasury for fascist regime profits.

ARTICLE 29

Section 1. — The District Direct Tax Office, in accordance with Article 109 of the Regulations approved by R.D.L. 11 July 1907, No. 560, may make a provisional entry in the tax rolls the whole amount of the profits not yet finally assessed: such provisional entry, however, shall be limited to a maximum of 25% of the said amount in cases where the person concerned has requested a settlement by agreement; this limitation shall cease if the settlement by agreement is not reached within 60 days from the day on which, in accordance with the provisions of the aforesaid Article 109, the whole amount became registrable.

Section 2. — If agreement is reached before decision by the Area Tax Commission, the person concerned shall be entitled to have the payment of the amount agreed upon spread over two years, with the option of earlier payment, upon which discount at rate of 6% per annum will be granted.

In accordance with the foregoing paragraph any person concerned whose property consists of immovable property for at least of three fifths of its net amount and with whom an agreement has been reached, may at any time obtain from the Finance Administration permission that the payment by instalments of this remaining debt for fascist regime profits be delayed for two further years, provided he agrees to pay to the Public Treasury interest of 6% per annum on the balance still due.

Section 3. — Subject to the provisions of Articles 41 and 42, the collection of assessed fascist regime profits shall be governed by the same rules as govern the collections of war profits, with the exception that the collector shall not be liable for the non-collected amounts.

ARTICLE 30

When the assessment of the debt for expropriation has become final, if the person concerned fails to pay two successive instalments then he shall be declared bankrupt at the request of the „Intendente di Finanza“, irrespective of whether he is a trader or not.

ARTICLE 31

Section 1. — The „Intendente di Finanza“, if he suspects that the person concerned might evade the payment of fascist regime profits, may request, even before the notification of the assessment, that sufficient surety be given.

If the surety is constituted by a mortgage, the registration relating thereto shall be made for the total value of the asset, and shall be effective up to the amount of the liability to the Public Treasury, subject to the provision of Article 28 hereof.

Section 2

- a) If the surety considered in Section 1 of this Article is not given, the „Intendente di Finanza“ may request sequestration for the purpose of preservation (*sequestro conservativo*) of all money, immovable and movable property pertaining to the person concerned.

Sequestration may also be requested for surety granted by third parties, but in this case only in order to guarantee the collection of fascist regime profits (with relative penalties provided for in this Order), derived from contracts for works (*appalti*) supplies (*fornitura*) and other transactions with the German invader, for the conclusion of which such surety was granted.

- b) If the sequestration is made on concerns, the sequesterator, besides making an inventory, shall have all the powers necessary for the management of the concern within the limits of ordinary administration and may, following an authorization by the Finance Administration make such financial arrangements as is necessary for the resumption and continuation of the concern's activity.
- c) The sequestration shall be requested by the „Intendente di Finanza“ of the Area where the District Direct Tax Offices competent for the assessment of the fascist regime profits is situated, regardless of the location of the property, and shall be ordered by the President of the Tribunal of the Chief Town of the Area. In particularly urgent cases, the sequestration may be ordered by the President of the Tribunal in whose Area the sequestration is to be carried out. The sequestration shall not be subject to any further confirmation and shall remain in force until the formalities for execution on the debtor's property have been completed, or until the assessment has been declared null and void.

Section 3. — Deeds relating to the mortgage security, bank guarantee or surety, as well as deeds relating to the security sequestration shall be exempt from stamp taxes and registration and mortgage duties as well as from emoluments and fees due to the keeper (conservatore) of real property registers and to the Registry Office.

ARTICLE 32

Section 1. — The sequestration shall be made in accordance with Articles 678 and 679 of the Code of Civil Procedure, excluding, in any case, the application of Articles 674, 675 and 680 of the said Code.

The assets specified under Article 529 of the same Code shall be held in such custody as may be arranged by the „Intendente di Finanza“.

Sequestration may also be applied to books, registers, documents, models, samples and any other thing which may be used to ascertain the origin of the profits.

Section 2. — In ordering the sequestration, the Judicial Authorities shall remove from office the „commissari“ who had been previously entrusted with the management of certain assets or groups of assets.

ARTICLE 33

Section 1. — The sequestration of shares shall be made against the share and shall be notified to the issuing Company for annotation on the shareholders' register.

In the case where sequestration of shares is made by notification to the issuing Company, the latter, if it does not hold the share certificates, shall take note of the distraint, which shall have effect on all shares registered under the name of the person against whom the sequestration has been obtained, and on the share certificates when they subsequently come into possession of the issuing Company.

Section 2. — The „Intendente di Finanza“ who has requested the sequestration may ask the issuing Company to enter on the share certificates and in the shareholders' register the particulars of the sequesterator, who shall thus be put in a position legally enabling him to exercise the rights referred to in Article 35 of this Order.

ARTICLE 34

The precautionary measures provided for in Article 31 may also be required from the persons specified under Articles 5, 6, 7, 8, 9 and 11 or their heirs, as well as from the following:

- a) persons who acted as nominees;
- b) legatees, donees and other persons in favour of whom the person concerned has effected deeds disposing of rights (atti di disposizione) after 25 July 1943, or deeds of gratuitous transfer (atti a titolo gratuito) during the five years preceeding 25 July 1943. Such provision shall have effect only, if the guaranties taken with respect to the person concerned and his heirs appear insufficient.

ARTICLE 35

The shareholder whose shares have been sequestrated shall retain the right to vote carried by these shares. If his vote, is a deciding vote the sequestrator may, in accordance with Article 2377 of the Civil Code, exercise the right to vote himself. Any dispute shall be settled as provided for in Article 38.

The sequestrator shall substitute the shareholder in any action which he is entitled to take as a shareholder. The sequestrator may attend all the meetings of the issuing Company.

ARTICLE 36

On request of the party sequestrated the Finance Administration may authorize the sequestrator to exercise the rights of recession (recesso) and option and to effect payments required on shares, using for such purpose the available funds derived from the management of the sequestrated assets.

ARTICLE 37

The sequestration of property in the hands of third parties shall be carried out in the same way as provided for in the direct sequestration of a debtor's property, subject to prior notification of distraint (precetto di rilascio) to the third party and without complying with the other provisions of Article 543 and subsequent Articles of the Code of Civil procedure.

ARTICLE 38

The settlement of disputes (incidenti) arising during the sequestration proceedings shall be within the competence of the Judicial Authority who ordered the sequestration.

The filing of any dispute shall not interrupt the sequestration proceedings.

ARTICLE 39

Section 1. — Expenses, duties and indemnities relating to deeds required for the sequestration shall be advanced by the Finance Administration and recovery will be made from the debtor. All administration expenses shall be met from the debtor's assets.

Section 2. — For investigations, surveys and other measures for the obtaining of evidence to be carried out at the request of individuals who have an interest *per se* in such investigations carried out at their expense, a deposit in advance may be required if the Special Section of the Area Tax Commission so desires. Such expenses shall be estimated and shall be subject to adjustment.

Section 3. — If the non-existence of regime profits has been finally recognized, or if the taxpayer has fully settled his debt for the amount of regime profits assessed, the „Intendente di Finanza“, by regular decree and on request of the party concerned, shall consent to the cancellation of the mortgage, against payment of the tax specified in art. 14 of tariff A appended to the law 25 June 1943, No. 540, to be only levied on the amount of regime profits as finally assessed and paid.

ARTICLE 40

At the request of the person concerned, and after hearing the „Intendente di Finanza“ and the Ispettorato Compartimentale delle Imposte Dirette, the President of the Tribunal may order, on the ground of new facts, the lifting, the reduction or conversion of the sequestration into a legal mortgage, a bank guarantee (fideiussione bancaria) or surety, specifying the property to be mortgaged, the amount of the guarantee, the amount and nature of the surety and the time limit for the registration of the mortgage or for the granting of the guarantee or surety.

The registration of the legal mortgage referred to in the foregoing para shall be made in accordance with the provisions of art. 31.

Should the „Intendente di Finanza“ require any other real or personal guarantee, the lifting of the sequestration shall be subject to the giving of such guarantee.

The decree lifting the sequestration will fix a time-limit for the release of the property, at which an official of the Finance Administration may be present.

The former sequestrator shall file with the „Intendenza di Finanza“, within one month from the date on which the property was re-delivered, the final accounts relating to his period of management. Such accounts shall be submitted by the „Intendente di Finanza“ to the owner of the property for approval.

If either the owner or the „Intendente di Finanza“ fail to approve, the accounts shall be transmitted by „Intendente di Finanza“ to the President of the Tribunal who, after hearing the owner, the sequestrator and the „Intendente di Finanza“ shall decide the dispute by Order (Ordinanza) against which there will be no appeal.

The President of the Tribunal will assess, after discussion with the above parties, the fee payable to the sequestrator.

If the sequestrator fails to submit the accounts within the said time-limit, he will forfeit such fee without prejudice to other penalties provided by the law.

ARTICLE 41

The „Intendente di Finanza“, either ex officio or at the request of the interested party, may order that fascist regime profits be directly paid to the Public Treasury (Tesoreria provinciale).

If the person concerned fails to pay the amount due within the time-limit fixed, the „Intendente di Finanza“ shall entrust the competent Tax Collector with the collection of the above amount plus any amounts due for delay in payment and the Collector's commission (aggio). The amount due for delay in paying (indennità di mora) shall be paid to the Public Treasury.

The Collector's Commission (aggio) will be fixed by Ispettore Compartimentale delle Imposte Dirette.

ARTICLE 42

Section 1. — For the execution (esecuzione) on the debtor's immovable property one auction only shall be held. The minimum price shall be the value of each asset as finally valued by the Commission. If the Commission has not determined the value then the value of the asset shall be determined by the Ufficio Tecnico Erariale.

If the auction is unsuccessful, the asset shall be transferred by right to the Public Treasury.

Section 2. — For the execution (esecuzione) on movable property, subject to the provision of Section 1 concerning the minimum price, in the event of the first auction being unsuccessful another auction shall be authorized by the „Intendente di Finanza“, in accordance with Article 39 of the Consolidated Text (Testo Unico) of the Law regarding the collection of direct taxes and amendments thereto, who may then order the transfer of the unsold property to the Public Treasury.

Section 3. — In any case the Public Treasury shall have the right of pre-emption on the property subjected to auction sale at the price reached in the final auction.

Such pre-emption must be exercised within and not later than 20 days from the adjudication, by means of a declaration to be deposited by „Intendenza di Finanza“ with the competent judicial office (cancelleria giudiziaria) and to be registered, by order of the said „Intendente“, in the real-property registers.

For shares, securities and partnerships, the right of pre-emption may be exercised even before the beginning of the execution proceedings (procedura esecutiva). In the case of securities the value will be on the basis of the Stock-Exchange quotations, or failing such quotations, on the values determined by the Stock-Brokers' Committee. In the case of partnership the value will be determined by the Chamber of Commerce.

Section 4. — For the exercise of the right of pre-emption, the „Intendente di Finanza“ shall notify the interested party the injunction to hand over the shares, which by order of the same „Intendente“ shall be endorsed in the name of „Direzione Generale del Demanio“ with the words: for pre-emption in accordance with Art. 42 of this Order.

For shares in limited partnerships the right of pre-emption shall be exercised under a decree of the President of the Tribunal (to be issued on request of the „Intendente di Finanza“), ordering the transfer of the shares to the Public Treasury.

ARTICLE 43

If the debtor's property is insufficient to cover his debt to the Public Treasury the following transactions will be null and void so far as the Public Treasury is concerned.

- a) Deeds of gratuitous transfer (atti a titolo gratuito) made by the debtor during the five years preceding 25 July 1943 except those made on moral ground or for the public interest.

- b) All deeds disposing of rights (atti di disposizione) made after 25 July 1943, except those made in payment of a certain and fixed debt, from which it appears that it was not created for the purpose of artificially burdening the debtor's property with liabilities.
- c) Other non gratuitous deeds disposing of rights (atti di disposizione non a titolo gratuito) if evidence exists that the actual owner or possessor of property formerly possessed by the debtor knew or could have known, at the time he acquired the ownership or the possession that such person existed amongst his predecessors in title and that he made fascist regime profits.

Nullity of such deeds will be sought by the „Intendente di Finanza“ against the debtor and the person in whose favour the deed was granted.

The judicial request for nullity shall be registrable.

The right to take action for nullity shall expire within two years from the day in which the decision of expropriation has become irrevocable.

ARTICLE 44

Before the Public Treasury and for the purposes of the realization of its credit for fascist regime profits, property acquired within the five years prior to 25 July 1943 by the spouse of the debtor shall be considered as owned by the latter.

PART VIII

PROCEDURE

ARTICLE 45

Section 1. — Within one month from the date of publication of this Order, the „Intendente di Finanza“ shall prepare and send to the Allied Military Government, lists containing the names of the persons subject or to be subjected to expropriation proceedings in accordance with the provisions of Article 5, 6, 7, 8, 9, 11 and 12.

Within one month from the receipt of the lists publication will be made thereof in the Allied Military Government's Gazette and copies of the same shall be deposited, at the Uffici Tavolari, at the Offices of the Pubblico Registro Automobilistico, of the Pubblico Registro Navale, of the Pubblico Registro Aeronautico, as well as the Stock-Exchanges. After the publication and the deposit of the said list, no action for the declaration of nullity, as provided for in Article 43, may be asked for, for deeds disposing of rights subsequently effected, or if the persons who effected the same or their predecessors in title are not included in the said lists.

Section 2. — After expiration of the term of prescription established in Article 48 and after the expropriation proceedings have been completed or the debt towards the Public Treasury has been settled, the Finance Administration shall declare, by an Order to be published and deposited as provided for in Section 1 of this Article that the reasons for the inclusion of certain persons in the said lists no longer exist.

Section 3. The Finance Administration may at any time authorize the alienation of certain assets by persons included in the lists, under such particular conditions as it may deem proper for the best guarantee of the Public Treasury's credit.

ARTICLE 46

Upon request of the „Intendente di Finanza“, the competent judge may order suspension, until completion of the judgement of assessment, of any proceedings in course or instituted for distraint or bankruptcy against persons subject to the assessment or against persons against whom measures of guarantee have been or are taken.

ARTICLE 47

At the request of the sequestrator or of any person concerned payment of credits having priority over the credits of the Public Treasury in accordance with Sections 2 and 3 of Article 28, and of other credits the payment of which appears to be an evident advantage for the administration and for the preservation of the sequestered property, may be made, subject to prior approval of the Allied Military Government.

PART IX

EXPIRATION

ARTICLE 48

No action by the Finance Administration for the assessment of fascist regime profits shall be commenced after 30 June 1948 but notification of the proposed assessment shall extend such time limit for the duration of the proceedings before the Special Section of the Area Tax Commission and of the Territorial Commission. The right to payment of the Public Treasury for fascist regime profits shall cease within five years from the date on which the assessment has become final. The above mentioned period shall be extended by demand for payment to the Treasury (Tesoreria) or by presentation of the „Cartella Esattoriale di pagamento“.

PART X

CANCELLATION OF GENERAL ORDER 70

ARTICLE 49

With effect from the date of publication of this Order, General Order No. 70 is hereby cancelled.

PART XI

EFFECTIVE DATE

ARTICLE 50

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

Trieste, 31st January 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.

Senior Civil Affairs Officer

General Order No. 93 (54 D)

AMENDMENTS TO PROVISIONS CONCERNING THE INCREASE AND CONTROL OF RENTS

WHEREAS it is deemed necessary to provide for certain amendments for the purpose of clarification of General Order No. 64 (54 C) dated 7 January 1947, for that part of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the „Territory“)

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer,

ORDER :

ARTICLE I

AMENDMENT TO ARTICLE III OF GENERAL ORDER N. 64 (54 C)

Article III General Order No. 64 dated January 7, 1947 is hereby revoked and in lieu thereof shall be substituted :

„Section 1. — The rent limits set forth in Article I, Section 2 letters „a“ and „b“ and Section 3 of General Order No. 54, as amended by Section 1, 2 and 3 of Article I of this Order may not be applied, at the discretion of the owner, whenever subsequent to May 7, 1946, important and undelayable repairs and refittings, necessary for the preservation of the property have been made on the building and also in cases of properties damaged by events of war, rebuilt, in accordance with and pursuant to General Orders, Nos. 14 and 27 of the Allied Military Government.

Section 2. — The increase for such property may be determined at the discretion of the owner, irrespective of the provisions of Article I in such manner as to guarantee, in addition to expenses, an interest as shall be determined by the Rents' Claims Office, which interest shall be not less than 3 nor greater than 5 percent of the capital invested in such repairs and works effected after deducting the indemnity for war damages and whatever contributions the lesser may have received or necessarily shall receive for the repairs of the building."

ARTICLE II

EFFECTIVE DATE

This General Order shall become effective in the Territory the 1st day of February 1947.

Dated at Trieste, this 4th February 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.

Senior Civil Affairs Officer

General Order No. 94 (41 E)

SPECIAL COURT OF ASSIZE

WHEREAS, by proclamation No. 5 the Special Court of Assize was constituted for the purpose therein proclaimed, for a period of six months expiring on the 8th day of February 1946, and

WHEREAS, by General Order No. 41, dated the 25th day of January 1946, General Order No. 41 B, dated the 2nd day of August 1946 and General Order No. 77 (41 D) dated the 17th day of October 1946, the Special Court of Assize as constituted by Proclamation No. 5 was continued for further periods expiring on 8 February 1947, and

WHEREAS, it is deemed necessary to prolong the jurisdiction of the said Special Court of Assize for a further period,

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer, hereby

C O R D E R :

ARTICLE I

The Special Court of Assize as constituted by Proclamation No. 5 shall continue its functions for a further period of 51 days, expiring on the 31st day of March 1947.

ARTICLE II

The jurisdiction of the Court and all its powers and duties specified in Proclamation No. 5 shall continue in full force and effect as if the Proclamation had constituted the said Court for the said further period of 51 days expiring on the 31st day of March 1947.

ARTICLE III

This Order shall become effective in the Territory on the 8th day of February 1947.

Dated at TRIESTE this 8th day of February 1947.

H.P.P. ROBERTSON col.

for **ALFRED C. BOWMAN**

Colonel, J.A.G.D.

Senior Civil Affairs Officer

Order No. 284 (217 B)

OVERTIME AND ATTENDANCE BONUS FOR CLERKS IN STATE OFFICES

WHEREAS, it is considered advisable and necessary to extend within certain limits some provisions of Order No. 217 governing in that part of Venezia Giulia administered by Allied Forces (hereinafter referred to as the „Territory“) the payment of overtime and attendance bonuses to clerks in State offices:

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer,

ORDER:

ARTICLE I

AMENDMENTS TO ARTICLES II AND III OF ORDER No. 217

Section 1. — Section 6 of Article II of Order No. 217 is hereby amended to read and provide as follows:

„The total amount payable in a month for overtime shall not exceed, for each employee, the amount corresponding to 60 hours.

As to subordinate (subalterno) personnel such amount shall not exceed the amount corresponding to 75 hours. These maxima shall also be applicable to all payments for overtime piecework.

In case of exceptional service requirements and for short periods, the Allied Military Government may, upon recommendation of the Intendente di Finanza, authorize overtime work beyond such limits.“

Section 2. — Section 7 of Article II of Order No. 217 shall become Section 8 and be substituted by the following Section 7:

„In exceptional cases, upon recommendation of the Intendente di Finanza, the Allied Military Government may authorize, for personnel of a grade higher than the 7th performing their service under the conditions described in Section 1 of Article I, the payment of an extraordinary allowance in a monthly lump sum not exceeding the amount due for 60 hours, as calculated in accordance with the foregoing Sections of this Article“.

Section 3. — Sections 8 and 9 of Article II of Order No. 217 shall become respectively Section 9 and 10.

Section 4. — Section 2 of Article III of the said Order is hereby amended to read and provide as follows:

„In any service of the Government Administrations, the number of the hours of payable overtime, which may be performed by clerks of a grade lower than the 6th or by subordinate (subalterno) personnel, may not exceed, with regard to clerks or subordinate (subalterno) personnel, for each month or longer period, one half of the total number of hours which would have been reached by the clerks if they had worked 60 overtime hours monthly, and by the subordinate (subalterno) personnel if they had worked 75 overtime hours monthly.

The Allied Military Government may, however in exceptional cases of ascertained service requirements and upon recommendation of the Intendente di Finanza, authorize the increase of such rate beyond the limit set forth by the preceding para.“

ARTICLE II

EFFECTIVE DATE

This Order shall come into force within the Territory on the date it is signed by me and the provisions herein contained shall be applicable with effect as from 1st June 1946.

Trieste, 25th January 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.
Senior Civil Affairs Officer

Order No. 285 (199 B)

GRANT OF MOVING-IN ALLOWANCE, AND OF A DAILY ALLOWANCE, TO STATE EMPLOYEES SERVING IN DESTROYED, SEMI-DESTROYED OR DAMAGED CENTRES AND REPAYMENT OF CERTAIN TRAVELLING EXPENSES

WHEREAS, it is considered advisable and necessary to amend Order No. 199 in order to better qualify the categories of persons entitled to the benefits thereby granted and to extend the duration of some of such benefits, in that part of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the „Territory“),

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer,

ORDER:

ARTICLE I

GRANT OF MOVING-IN ALLOWANCE

Article II, Section I of Order No. 199, dated September 10, 1946, is hereby revoked and in lieu thereof shall be substituted:

„A moving-in allowance („indennità di prima sistemazione“) shall be payable to permanent („di ruolo“) and temporary („non di ruolo“) employees of State Administrations, including those administered independently („con ordinamento autonomo“), who have resumed service or have been posted to take up service, for the first time in centres which have been destroyed, semi-destroyed or badly damaged as a result of warlike operations, after the date of such operations“.

ARTICLE II

EXTENSION OF THE GRANT OF THE DAILY ALLOWANCE TO ALL PERSONNEL SERVING IN DESTROYED, SEMI-DESTROYED OR DAMAGED CENTRES

The first part of Section I of Article III of Order No. 199, dated 1st September 1946, reading as follows:

„A daily allowance in the following amounts shall be payable to the employees specified in Article II who are serving in such war-damaged centres“

is hereby revoked and in lieu thereof shall be substituted:

„A daily allowance in the following amounts shall be payable to temporary and permanent personnel of the State Administrations, including those administered independently („con ordinamento autonomo“), who are serving in the centres referred to in Article I.“

ARTICLE III

EXTENSION OF THE DURATION OF THE PAYMENT OF THE DAILY ALLOWANCE AND OF THE REPAYMENT OF TRAVELLING EXPENSES

1. — Section 4 of Article III of Order No. 199 is hereby revoked and in lieu thereof shall be substituted:

„A daily allowance shall cease to be payable after 31 July 1947“.

2. — Article VII of Order No. 199 is hereby revoked and in lieu thereof shall be substituted:

„CESSATION OF REPAYMENT OF TRAVELLING EXPENSES AFTER 31 JULY 1947

The repayment provided for in Part B of this Order shall cease to be made after 31 July 1947“.

ARTICLE IV

EFFECTIVE DATE

This Order shall come operative in the Territory on the date that it is signed by me, and all its provisions shall be effective and shall be applied as from 16 October 1945.

Dated at Trieste, this 31st day of January 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.

Senior Civil Affairs Officer

Order No. 307

ROTATION OF EMPLOYMENT OF MERCHANT MARINE PERSONNEL

WHEREAS it is deemed urgent and necessary to provide for a system of rotation of employment among mercantile mariners in those parts of Venezia Giulia administered by the Allied Forces (hereinafter called the "Territory")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer, hereby

ORDER :

ARTICLE I

ROTATION OF MERCANTILE MARINERS

The employment of mercantile mariners shall be regulated so as to provide a system of rotation of personnel.

ARTICLE II

METHOD OF ROTATION

Whenever individual mercantile mariners have completed the number of months of employment as specified for their respective categories in the following articles, they shall be suspended from employment until reached again on a priority list. The Harbor Master shall be responsible for the keeping of the priority lists, subject to such provisions as are enumerated in the following articles. He shall cause to be issued to each individual so suspended a priority number. Individuals employed to replace those suspended shall be selected, under the supervision of the Harbor Master, according to their position on the respective priority lists, subject to such exceptions as are enumerated in the following articles.

ARTICLE III

ROTATION OF SUBALTERN MARINERS

Subaltern mariners, who have completed nine months employment, either while continuously embarked or while employed on vessels lying to, shall be rotated.

ARTICLE IV

ROTATION OF NON-COMMISSIONED OFFICERS AND OF PERSONNEL IN TRUSTFUL POSITIONS

Non-commissioned Marine officers and marine personnel in positions of trust who have completed ten months employment; whether at sea or on vessels lying to, shall be rotated.

ARTICLE V

ROTATION OF THE OFFICERS STAFF OF THE FREE MARINE

The officers and officer-cadets of the free marine who have completed ten months employment whether at sea or on vessels lying to shall be rotated, subject, however, to the provisions of Article XI.

ARTICLE VI

ROTATION OF THE OFFICERS STAFF OF SOCIETIES OF SPECIAL NATIONAL INTEREST

Officers and officer-cadets of societies of special national interest who have completed employment, whether at sea or on vessels lying to, shall be rotated as follows:

- a) Permanent (di ruolo) officers and officer-cadets upon completion of six months employment
- b) Non-permanent (non di ruolo) officers and officer cadets upon completion of twelve months.

ARTICLE VII

MARINERS NOT SUBJECT TO ROTATION

Rotation shall not be applied to mariners embarked on the base enlistment in profit-sharing ventures of shipping establishments specializing in the salvage of ships, oceanic fishing or other similar enterprises.

ARTICLE VIII

RATE OF ROTATION

The rate of rotation as to any one vessel shall not exceed one third of the total number of personnel subject to rotation, computed separately for each category. Personnel with the greatest length of service shall be first rotated in the order of their length of service.

ARTICLE IX

EFFECT OF DISEASE, ACCIDENT OR LAYING UP OF VESSEL

Section 1. — Any mercantile mariner whose employment is terminated within two months of the date it commenced, due to accident or disease, shall be entitled to resume his employment for the balance of the rotation period, but the provisions of this section may be resorted to at one time only.

Section 2. — Any mercantile mariner whose employment is terminated within four months of the date it commenced, due to the laying up of the ship, shall be entitled to resume his employment for the balance of the rotation period, but the provisions of this section may be resorted to at one time only.

ARTICLE X

REPLACEMENT OF PERSONNEL OF THE OFFICER STAFF

When an individual of the officer staff has been rotated, selection of his successor shall be at the discretion of the ship's owner.

ARTICLE XI

VESSELS SUBJECT TO THE PROVISIONS OF ROTATION

Section 1. — The provisions of rotation shall apply to all vessels of a gross tonnage exceeding fifty tons, except that small steamers engaged in local commerce within the Territory and sailing vessels with a gross tonnage of less than one hundred fifty tons shall not be subject to rotation and provided further that in the case of vessels of a gross tonnage of from one hundred fifty to three hundred tons the captain and the Chief Engineer shall be rotated only after the organization concerned shall have been given a hearing by Harbor Master.

ARTICLE XII

EFFECTIVE DATE

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

Dated at TRIESTE, this 4th day of February 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.

Senior Civil Affairs Officer

Order No. 309

NEW SCHEDULES FOR THE PURPOSE OF OCCUPATIONAL ACCIDENT INSURANCE OF CONVENTIONAL WAGES FOR CREWS ENGAGED ON PROFIT SHARING BASIS

WHEREAS it is deemed advisable and necessary to establish new schedules for the purpose of Occupational Accident insurance of Conventional wages for crews engaged on profit sharing basis in that part of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the "Territory")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs officer

O R D E R :

ARTICLE I

NEW SCHEDULE OF MONTHLY CONVENTIONAL WAGES

For the purpose of Occupational Accident Insurance, the rates contained in the schedules of monthly conventional wages for crews engaged on profit sharing basis, embarked on sailing vessels on sailing vessels with auxiliary motor, on motor-sailing vessels and on fishing vessels, as referred to in the Ministerial Decrees of 27 May 1940, shall be multiplied by five.

ARTICLE II

DAILY AVERAGE WAGES

The daily average wages shall be equal to one thirtieth (1/30) of the monthly conventional wages referred to in Article I hereof.

ARTICLE III

VALUE OF FOOD ALLOWANCE (PANATICA)

For the purposes of the mentioned Ministerial Decrees of 27 May 1940, the value of the food allowance (panatica) shall be equal to five times the amounts established for each "Compartimento Marittimo" by the respective Headquarters.

ARTICLE IV

EFFECTIVE DATE

This Order shall be effective as and from 1 January 1947.

Trieste, 4th February 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.

Senior Civil Affairs Officer

Order No. 312

INCREASE IN THE FINE ESTABLISHED FOR OFFENCES AGAINST REGULATIONS CONCERNING THE POPULATION-ROLLS

WHEREAS, it is deemed necessary to make some alternation to the Law relating the fine established for offences against the regulations concerning the formation and upkeep of the population-rolls in that part of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the „Territory“);

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer,

ORDER:

ARTICLE I

PARTIAL REPEAL OF SECTION 3, ARTICLE I OF GENERAL ORDER No. 30 B AND INCREASE OF FINE

Section 1. — Section 3, Article I of General Order No. 30 B, is hereby repealed in so far as it applies to the fine established by Article 45 of the rules concerning the formation and maintenance of the population-rolls published by R. D. 2 December 1929, No. 2132.

Section 2. — The fine for the violations of the rules concerning the formation and maintenance of the population-rolls published by R. D. 2 December 1929, No. 2132, as established by Article 45 of the said rules shall be increased for all Communes within the Territory, to provide for a minimum fine of 150 Lire and a maximum fine of 1500 Lire.

ARTICLE II

EFFECTIVE DATE

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

TRIESTE, 31st January 1947

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

Order No. 313

DECLARATION OF URGENT PUBLIC BENEFIT AND UTILITY CONSTRUCTION OF PUBLIC CONNECTION ROAD BETWEEN STATE HIGHWAY No. 14 AND STATE HIGHWAY No. 55 - COMMUNE OF DUINO-AURISINA

WHEREAS, the construction of the road connection between State Highway No. 14 and State Highway No. 55 near the junction of S. Giovanni di Duino is deemed to be an urgent need for the public benefit and utility, and

WHEREAS a proposal for the construction of said road by State Highway Division has been approved by the Allied Military Government.

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer,

ORDER:

ARTICLE I

DECLARATION OF PUBLIC UTILITY

1) There is hereby declared to be an urgent need for the public benefit and utility to construct a public road as described by map Annex A, between State Highway No. 14 and State Highway No. 55 in accordance with the proposal submitted by the Allied Military Government.

B) The above declaration shall be given and have all the effect of laws in force on 8 September 1943.

ARTICLE II

EFFECT AND DEPOSIT OF THE ANNEXED MAP

Map annex A, mentioned in the foregoing Article, shall be and is hereby made a part of this Order. It has been deposited in the Public Work Office of Allied Military Government at Trieste and in the office of State Highway Engineer of Venezia Giulia at Trieste and may be freely examined by all persons concerned.

ARTICLE III

EFFECTIVE DATE

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

Dated at Trieste, this 31st January 1947.

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

Order No. 314

REGULATION OF COMPANIES THAT CONTINUED DOING BUSINESS SUBSEQUENT TO THEIR EXPIRATION DATE

WHEREAS it is deemed desirable and necessary to provide for provisions regulating companies that continued doing business subsequent to the date of their expiration („tacitamente prorogate“) in that part of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the „Territory“);

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer

ORDER:

ARTICLE I

REGULATION OF COMPANIES THAT CONTINUED DOING BUSINESS SUBSEQUENT TO THEIR EXPIRATION DATE

Section 1. — Whenever legally organized commercial companies in the Territory for which the term fixed by their charter (atto costitutivo) or by their by-laws (Statuto) has elapsed, decide on or before 31 March 1947, to extend their existence, a proportional registry-tax shall be imposed at the rate of one lira per one hundred lire on the paid or subscribed capital of the company.

Section 2. — The said rate shall be reduced to 0.50 lire for those companies which, on the effective date of this Order, continue to exist pursuant to an implied prolongation provided for in their by-laws (Statuti) or original charter (atti costitutivi) or subsequent amended charter (modificativi).

ARTICLE II

EFFECTIVE DATE

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

Dated at Trieste, this 6th day of February 1947.

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

Order No. 315

TARIFFS OF STATE ARCHIVES

WHEREAS it is deemed opportune to amend the tariffs on State Archives in those parts of Venezia Giulia administered by the Allied Forces (hereinafter referred to as the „Territory“)

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer

ORDER:

ARTICLE I

Schedule D of Archives fees appended to Law 22 December 1939, No. 2006, is hereby repealed and in lieu thereof shall be substituted schedule appended to and hereby made a part of this Order, with effect as from 1 February 1947.

ARTICLE II

This Order shall become effective the day of its publication in the Allied Military Government Gazette.

Dated at Trieste, this 4th day of February 1947.

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

Order No. 317

AUTHENTICATION OF SIGNATURES ON PRIVATE DOCUMENTS

WHEREAS United States and British Citizens desiring to execute private instruments have applied to Allied Military Government for authentication or acknowledgment of their signatures on documents to be sent to United States and Great Britain and their possessions, and

WHEREAS there is neither United States or British Consul in Venezia Giulia, and

WHEREAS, for the accomodation of said persons, it is necessary to designate an officer to so act, and to vest him with appropriate powers and authority,

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer, hereby

ORDER:

ARTICLE I

AUTHORITY TO AUTHENTICATE SIGNATURES

Authority is hereby delegated to and vested in the Chief Legal Officer, as designated by me, to authenticate the signatures or to take notarial acknowledgements of citizens of United States and Great Britain and their possessions for legal instruments or documents. Such acts shall have the same force and effect as if performed by a foreign Consul.

ARTICLE II

LIMITATIONS

The acts performed in accordance with Article I hereby shall be limited to applications by citizens of United States and Great Britain and to legal instruments involving property, real or personal, located outside the territorial limits of Venezia Giulia.

ARTICLE III

FORM OF CERTIFICATE

The Officer so designated in Article I shall perform such act as Chief Legal Officer of Allied Military Government Venezia Giulia, and shall add to the instrument a certificate substantially as follows:

"I certify that there is no consul in Venezia Giulia and that as Chief Legal Officer of Allied Military Government Venezia Giulia, I have authenticated or acknowledged the signature of the above named as one of my official duties. I further certify that there is no official seal for Allied Military Government Venezia Giulia."

ARTICLE IV

DESIGNATION OF OFFICER

The Officer so designated shall be named by Administrative Order issued by me.

ARTICLE V

EFFECTIVE DATE

The provisions of this Order shall become effective as of July 1, 1946, and this Order shall come into force on the date it is signed by me.

Dated at Trieste, this 6th February 1947.

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

Order No. 323 (72 B)

REPAYMENT OF COSTS FOR THERMO-ELECTRIC POWER — AMENDMENTS TO ORDER No. 72

WHEREAS it is considered necessary to make certain additions and amendments to Order No. 72, entitled "Repayment of Costs for Thermo-Electric Power", dated 20 February 1946,

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer,

ORDER:

ARTICLE I

ASSESSMENT OF OVERCHARGE

Article III, Section 2 of Order No. 72, dated 20 February 1946, is hereby revoked and in lieu thereof shall be substituted:

"The overcharge will be assessed as follows:

- a) 65 centesimi per each K. W. H. of actual consumption not exceeding 15,000 K.W.H. per month:
- b) 20 centesimi per each K. W. H. actually consumed over 15,000 K. W. H. per month."

ARTICLE II

EFFECTIVE DATE

This Order shall come into force on the date of publication in Allied Military Government Gazette and shall be effective on electrical service statements rendered after the date of signing.

Dated at Trieste, this 15 day of February 1947.

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

Administrative Order No. 97

AUTHORITY OF CHARLES M. MUNNECKE TO AUTHENTICATE SIGNATURES ON PRIVATE DOCUMENTS

WHEREAS Order N. 317 dated February 6, 1947 provided for an appointment of an officer of Allied Military Government to authenticate signatures,

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel, J.A.G.D., Senior Civil Affairs Officer

O R D E R :

1.—Pursuant to the provision of Art. IV Order N. 317 dated February 6, 1947, CHARLES M. MUNNECKE 0-238096 Lt. Col. Inf., Chief Legal Officer Allied Military Government, Venezia Giulia is hereby designated and authorized to authenticate signatures and to take notarial acknowledgements pursuant to the provision of said Order.

2. — This designation shall become effective as of July 1, 1946.

Trieste, 6th February 1947.

ALFRED C. BOWMAN

Colonel, J.A.G.D.

Senior Civil Affairs Officer

PART II

TRIESTE AREA

Area Order No. 50 E

RESTRICTIONS OF THE USE OF ELECTRICAL CURRENT

WHEREAS Area Order N. 50 dated November 5, 1946 amended by Area Order N. 50 B, Area Order 50 C, and 50 D, dated respectively November 16, 1946, November 27, 1946 and December 19, 1946 imposed certain restrictions on the use of electricity and

WHEREAS the electricity supply situation has seriously deteriorated and revision of the restrictions of electricity is necessary,

NOW, THEREFORE, I, A. H. GARDNER, LT. COL. R. A. Area Commissioner Trieste

ORDER:

ARTICLE I

CANCELLATION OF PREVIOUS ORDERS

Area Order N. 50, dated November 5, 1946, Area Order N. 50 B, dated November 16, 1946, Area Order N. 50 C, dated November 27, 1946 and Area Order 50 D dated December 19, 1946 are hereby superseded by the present Order.

ARTICLE II

RESTRICTIONS OF THE USE OF ELECTRICAL CURRENT

Section 1.

- a) The consumption of electricity by domestic users for lighting and domestic appliances shall be limited to 180 K. W. per month for a family of four persons or less. For each person in excess of four the allowance shall be increased by 30 K. W. per month, the maximum total being 300 K. W. per month.
- b) In cases where houses, apartments or other living accommodations provided with only one electrical meter, have been structurally adapted for habitation by more than one family and the only common use is in respect of entrance, hall or stairway then the allowance for each such family shall be as provided for in para a).
- c) In cases where two or more families live in the same house, apartment or other premises, which have not been adapted for separate habitation, and the occupants share in common the kitchen, bathroom, lavatory or living rooms and the electricity is supplied through one meter the allowance of electricity shall be 75% of the allowance set out in para a) for each additional family living therein, namely 135 K. W. per month for each additional family of four persons or less plus 25.5 K. W. per month for each person in excess of four up to a maximum of 225 K. W. per month.

Section 2.

- a) Current shall be switched off throughout the Area, except as provided in Section 3, on three non-consecutive work-days each week from 0730 to 1130 hours and from 1130 to 1800 hours. For the purpose of these cuts the Commune of Trieste will be divided into two zones. In one zone the cuts will be on Mondays, Wednesdays and Fridays and in the other zone on Tuesdays, Thursdays and Saturdays. The limits of these zones will be announced in the press.
- b) Every Sunday current shall be switched off throughout the Area, including the whole of the Commune of Trieste, from 0730 to 1100 hours and from 1300 to 1600 hours.

- c) Current shall be switched off throughout the Area each night from 0100 to 0130, from 0300 to 0330 and from 0500 to 0530 hours.
- d) The Commune of Trieste shall be divided into five districts and in each district the electricity supply will be cut off on one night each week between 1800 and 2100 hours. These cuts will be arranged so that in no districts will they occur on the same day as the morning and afternoon cuts. The limits of these districts and the day on which they will be cut off from 1800 to 2100 hours will be announced in the press. Every other Commune in the Area of Trieste will cut off the supply one night each week between the same hours on days to be decided by the Power Supply Company. Such days will be published in the press.

Section 3. — To minimize the effect of restriction on hospital the cuts specified in Section 2 a) will, in certain small districts of Trieste Commune, be limited to between 1300 and 1800 hours. Consumers other than hospitals on these preferential circuits will in addition observe the cut from 0730 to 1130 hours.

Section 4. — No shops, offices or commercial, industrial or "artigiani" enterprises, including barbers, and hairdressers shall use electricity for lighting or power purposes between 1830 and 0700 hours on any day in the week.

Section 5. — Electrical illumination of public rooms in hotels shall be switched off at 2230 hours daily, and in addition hotels shall reduce their weekly consumption to not more than 66 2/3 % of the average weekly consumption during the fifth bi-monthly meter reading period in 1946.

Section 6. — Bars, wine-shops, cafes, restaurants, dance halls and places of amusements (except theatres and cinemas) shall not use electrical current for any purpose between 2230 and 0730 hours daily and in addition shall reduce their weekly consumption to not more than 50% of the average weekly consumption during the fifth bi-monthly reading period of 1946.

Section 7. — Cinemas shall open only between the following hours:

- a) on alternate weekdays from 1400 to 2300 hours or from 1800 to 23 hours.
b) on Sundays from 1600 to 2400 hours.

Section 8. — The average intensity of street lighting shall be reduced by 50%.

Section 9. — A reduction of 45% on the November 1946 consumption of electricity or all purposes by industrial and "artigiani" enterprises shall be effected by restricted hours of working in accordance with agreement entered into between the Association of Industrialists, Association of Artigiani, Sindacati Unici and the Camera del Lavoro with the approval of Allied Military Government.

ARTICLE III

PROHIBITED USES OF ELECTRICAL CURRENT —

Section 1. — The use of electricity for space heating, except as provided for in Article IV, is prohibited in all premises whatsoever.

Section 2. — The use of electricity for the illumination of shop windows and external signs and advertisements is prohibited.

Section 3. — The electrical illumination of entrance, halls and stairways between sunrise and sunset is prohibited.

Section 4. — Except as provided for in Article IV the use of electricity for water heating, steam raising or distillation is prohibited.

Section 5. — The use of accumulators for lighting purposes is prohibited.

Section 6. — New connections for industrial, commercial or domestic purposes are prohibited.

ARTICLE IV

EXEMPTIONS AND MODIFICATIONS

Section 1. — Hospital and doctors' consulting rooms may be exempted from the provisions of Article II, Sect. 2 c) and 4, Art. III, Sect.s 4 and 5 upon writtenna pplication to the Area Commissioner.

Section 2. — Premises provided with private generating sets shall be exempt from the provisions of this Order.

Section 3. — Bakers and duty chemists shall be exempt from the provisions of Art. 2, Sect. 4.

Section 4. — Domestic water heaters and express coffee machines are exempt from Art. 3 Sect. 4.

Section 5. — For security purposes shops shall be permitted to maintain internal illumination (but not in the shop window) at the rate of 20 watts for each display window between 1830 and 0700 hours.

Section 6. — Any establishment or private individual may, in exceptional circumstances and in the interest of Public Health or Security, be exempt wholly or in part from the provisions of this order on a written application being made to the Area Commissioner.

Section 7. — Prohibition of the use of electric current for lighting or other purposes does not preclude the use of other forms of illumination or energy in lieu thereof.

ARTICLE V

WARNING OF EXCESSIVE CONSUMPTION

In the event of excessive consumption in any district an interruption of three minutes will be made in the supply of electric current upon receipt of this warning all consumers affected will immediately reduce their consumption otherwise, after a further 15 minutes, the supply will be suspended for a period of two hours.

ARTICLE VI

DESIGNATION OF OFFICER

An Area Officer shall be designated by me who shall be charged with the responsibility of enforcing the provisions of this order. He shall perform such duties and issue necessary orders in my name for the operation and enforcement of this order.

ARTICLE VII

PENALTIES

Section 1. — Any person violating the provisions of this order shall be liable to immediate disconnection of the electricity supply to his premises or establishment for a period of one week, for the first offence and two weeks for the second and each subsequent offence.

Section 2. — Upon conviction by Allied Military Court, any person violating any provision of this order shall be liable to punishment by fine or imprisonment or both as the Court may determine. In addition thereto the Court may on such conviction order the forfeiture of electrical appliances used.

Section 3. — Violation of the provisions of the present order shall be reported to the officer designated by me under art. 4 who shall order the discontinuance of the electric supply and or report the violation to the Area Legal Office for prosecution in Allied Military Courts.

ARTICLE VIII

EFFECTIVE DATE

This Order shall take effect at 0001 hours January 20, 1947.

Dated in Trieste this 17th January 1947.

A. H. GARDNER

Lt. Col. R. A.

Area Commissioner, Trieste

Area Order No. 51

ESTABLISHMENT AND FUNCTIONS OF PROVISIONAL CONSULTATIVE COMMITTEE OF THE „ISTITUTO NAZIONALE PER L' ASSISTENZA DI MALATTIA AI LAVORATORI“

WHEREAS it is considered advisable to establish in that part of Venezia Giulia administered by the Allied Forces Provisional Consultative Committees of the Istituto Nazionale per la assistenza di Malattia ai Lavoratori (hereinafter referred to as the Istituto), to facilitate the functioning and to accelerate the action of the Area Branch Offices of the said Istituto relating to the necessities resulting from the local conditions,

NOW, THEREFORE, I, A. H. GARDNER, Lt. Col. Area Commissioner, Trieste
Area

ORDER:

ARTICLE I

ESTABLISHMENT OF A PROVISIONAL CONSULTATIVE COMMITTEE

A provisional Consultative Committee of the Istituto (hereinafter referred to as the Committee) is hereby established with its seat at the Ufficio Provinciale of TRIESTE of the Istituto. The said Committee shall be constituted and shall exercise its functions as set forth in the following provisions.

ARTICLE II

The Committee shall:

- a) Control and secure the observance of the statutory provisions, of the regulations and instructions of the Allied Military Government relating to the granting of benefits and assistance to the enrolled workers and generally the orderly management of the Ufficio Provinciale;
- b) Examine and submit to the Allied Military Government the questions relating to the collection of contributions, to the granting of economic and medical assistance, to the prevention and prophylaxis of the diseases of workers, and suggest means for the improvement of the aforesaid services;
- c) propose temporary reductions of the indemnities in the event of exceptionally high disease-rate or „vis-major“;
- d) decide within fixed limits the amounts of the funerary assistance and the granting of marriage and birth-allowances;
- e) examine and state their opinion on the budget and the annual accounts of the „Ufficio Provinciale“ of the Istituto, which shall be submitted for the approval of the Allied Military Government;
- f) propose and state their opinion for the establishment of Professional and Territorial Sections of the „Ufficio Provinciale“;
- g) appoint Home Control Commissions (Commissioni di vigilanza a domicilio);
- h) decide on the appeals filed by the enrolled members by the respective employers and by the personnel of the Istituto against the decision of the manager of the „Ufficio Provinciale“ on administrative or disciplinary matters.

- i) delegate an appropriate number of their members (including the manager of the Ufficio Provinciale) to form a Commission who shall meet weekly ;
 - 1. — to decide on claims other than those indicated under para *h*) filed by the enrolled members and on the applications for extraordinary allowances and exceptional contributions to surgical, medical or pharmaceutical expenses sustained directly by the enrolled members ; and
 - 2. — to accelerate by a preparatory investigation the settlement by the Committee of the appeals referred to under para *h*).
- j) decide on the expulsions and temporary suspension of the enrolled members.

ARTICLE III

APPOINTMENT OF THE COMMITTEE

Section 1. — The Committee shall consist of the following members :

- a) the Medico Provinciale
- b) a representative of the Medical Association of the Area ;
- c) a representative of each interested category of the employers and of the workers in the Territory (Industry, Commerce Banking and Insurance, and Agriculture) appointed by the President of the Area upon nomination by the interested categories.

Section 2. — The Allied Military Government will appoint one of the members of the Committee as President and two others ; one of them chosen from among the employers, the second from among the workers, as Vice Presidents of this Committee. The manager of the Ufficio Provinciale will act as secretary.

Section 3. — The members referred to under para *c*) Section 1 of this Article shall remain in office for a period of twelve months and may be re-appointed on the expiration of this period. If members are substituted during this period the newly appointed members shall remain in office for the unexpired portion of the period.

Section 4. — The members of the Committee, including the President shall not be entitled to any compensation except reimbursement for the expenses actually incurred in connection with the session of the Committee ; members who are workers shall be reimbursed for their lost working-hours.

ARTICLE IV

SESSION AND DECISIONS OF THE COMMITTEE

Section 1. — The Committee shall hold its ordinary session at least once every two months. The President may call extraordinary session of the Committee whenever he deems it necessary or whenever at least three of the members request it.

Section 2. — Whenever the President calls an extraordinary or ordinary meeting of the Committee, the secretary shall notify each member stating the subjects to be discussed at the meeting.

Section 3. — The Committee's decisions shall be valid if the meeting is attended by the President or one of the Vice-Presidents and by at least one half of the members. The decisions shall be taken by a majority vote. If the votes are equal, the vote of the President or in his absence that of the substituting President shall prevail.

Section 4. — Minutes of each session shall be kept by the secretary and transmitted by him in three copies to the Allied Military Government.

ARTICLE V

EFFECTIVE DATE

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

Dated at Trieste this 14th day of January 1947

A. H. GARDNER
Lt. Col. R. A.

Area Commissioner, Trieste

POLA AREA

Area Order No. 13

ESTABLISHMENT AND FUNCTIONS OF PROVISIONAL CONSULTATIVE COMMITTEES OF THE „ISTITUTO NAZIONALE PER L'ASSISTENZA DI MALATTIA AI LAVORATORI“

WHEREAS it is considered advisable to establish in that part of Venezia Giulia administered by the Allied Forces provisional Consultative Committees of the Istituto Nazionale per la Assistenza di Malattia ai Lavoratori (hereinafter referred to as the Istituto), to facilitate the functioning and to accelerate the action of the Area Branch Offices of the said Istituto relating to the necessities resulting from the local conditions;

NOW, THEREFORE, I, Lieut. Col. E.S. ORPWOOD, Royal Berkshire Regiment, Area Commissioner, Pola

ORDER :

ARTICLE I

ESTABLISHMENT OF A PROVISIONAL CONSULTATIVE COMMITTEE

A provisional Consultative Committee of the Istituto (hereinafter referred to as the Committee) is hereby established with its seat at the Ufficio Provinciale of POLA of the Istituto. The said Committee shall be constituted, and shall exercise its functions, as set forth in the following provisions.

ARTICLE II

FUNCTIONS ON THE COMMITTEES

The Committee shall :

- a) control and secure the observance of the statutory provisions, of the regulations and instructions of the Allied Military Government relating to the granting of benefits and assistance to the enrolled workers and generally the orderly management of the Ufficio Provinciale;
- b) examine and submit to the Allied Military Government the questions relating to the collection of contributions, to the granting of economic and medical assistance, to the prevention and prophylaxis of the diseases of workers, and to suggest means for the improvement of the aforesaid services;
- c) propose temporary reductions of the indemnities in the event of exceptionally high disease-rate or „vis maior“;
- d) decide within fixed limits the amounts of the funerary assistance and the granting of marriage and birth allowances;
- e) examine and state their opinion on the budget and the annual accounts of the „Ufficio Provinciale“ of the Istituto which shall be submitted for the approval of the Allied Military Government.
- f) propose and state their opinion for the establishment of Professional and Territorial Sections of the „Ufficio Provinciale“;
- g) appoint Home Control Commissions (Commissioni di vigilanza a domicilio);
- h) decide on the appeals filed by the enrolled members by the respective employers and by the personnel of the Istituto against decision of the manager of the „Ufficio Provinciale“ on administrative or disciplinary matters;
- i) delegate an appropriate number of their members (including the manager of the „Ufficio Provinciale“) to form a Commission who shall meet weekly;
- l) to decide on claims other those indicated under para h) filed by the enrolled members and on the application for extraordinary allowances and exceptional contributions to surgical, medical or pharmaceutical expenses sustained directly by the enrolled members; and

- 2) to accelerate by a preparatory investigation the settlement by the Committee of the appeals referred to under para h);
- j) decide on the expulsions and temporary suspensions of the enrolled members.

ARTICLE III

APPOINTMENT OF THE COMMITTEE

Section 1. — The Committee shall consist of the following members;

- a) the Medico Provinciale;
- b) a representative of the Medical Association of the Area;
- c) a representative of each interested category of the employers and of the workers in the Territory (Industry, Commerce, Banking and Insurance, and Agriculture) appointed by the President of the Area upon nomination by the interested categories.

Section 2. — The Allied Military Government will appoint one of the members of the Committee as President and two others one of them chosen from among the employers, the second from among the workers, as Vice Presidents of this Committee. The manager of the Ufficio Provinciale will act as secretary.

Section 3. — The members referred to under para c) Section 1 of this Article shall remain in office for a period of twelve months and may be reappointed on the expiration of this period. If members are substituted during this period the newly appointed members shall remain in office for the unexpired portion of the period.

Section 4. — The members of the Committee, including the President, shall not be entitled to any compensation except reimbursement for the expenses actually incurred in connection with the sessions of the Committee; members who are workers shall be reimbursed for their lost working-hours.

ARTICLE IV

SESSION AND DECISIONS OF THE COMMITTEE

Section 1. — The Committee shall hold their ordinary sessions at least once every two months. The President may call extraordinary sessions of the Committee whenever he deems it necessary or wherever at least three of the members request it.

Section 2. — Whenever the President calls an ordinary or extraordinary meeting of the Committee the secretary shall notify each member stating the subjects to be discussed at the meeting.

Section 3. — The Committee's decisions shall be valid if the meeting is attended by the President or one of the Vice-Presidents and by at least one half of the members.

The decisions shall be taken by a majority vote. If the votes are equal, the vote of the President or in his absence that of the substituting Vice President shall prevail.

Section 4. — Minutes of each session shall be kept by the secretary and transmitted by him in three copies to the Allied Military Government.

ARTICLE V

EFFECTIVE DATE

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

Dated at Pola this 22nd of January 1947.

E.S. ORPWOOD

Lt. Col.

Area Commissioner, Pola Area

Area Order No. 14

RESTRICTIONS ON THE USE OF ELECTRICAL CURRENT

WHEREAS Area Order No. 12 dated November 6, 1946, amended by Area Order No. 12 a) dated December 7, 1946, imposed certain restrictions on the use of electricity and

WHEREAS the electricity supply situation has seriously deteriorated and revision of the restriction of electricity is necessary,

NOW, THEREFORE, I, Lieutenant Colonel, E. S. ORPWOOD, Royal Berkshire Regiment, Area Commissioner of Pola

ORDER:

ARTICLE I

CANCELLATION OF PREVIOUS ORDERS

Area Order No. 12 dated November 6, 1946 and Area Order No. 12a dated December 7, 1946 are hereby superseded by the present Order.

ARTICLE II

RESTRICTIONS ON THE USE OF ELECTRICAL CURRENT

Section 1.

- a) The consumption of electricity by domestic users for lighting and domestic appliances shall be limited to 180 K. W. per month for a family of four persons or less. For each person in excess of four, the allowance shall be increased by 30 K. W. per month the maximum total being 300 K. W. per month.
- b) In cases where houses, apartments or other living accommodations provided with only one electrical meter, have been structurally adapted for habitation by more than one family and the only common use is in respect of entrance, hall or stairway, then the allowance for each such family shall be as provided for in para a).
- c) In cases where two or more families live in the same house, apartment or other premises, which have not been adapted for separate habitation, and the occupants share in common the kitchen, bath-room, lavatory or living rooms and the electricity is supplied through one meter, the allowance of electricity shall be 75% of the allowance set out in para a) for each additional family living therein, namely 135 K. W. per month for each additional family of four persons or less plus 25.5 K. W. per month for each person in excess of four up to a maximum of 225 K. W. per month.

Section 2.

- a) Current shall be switched off throughout the Area, except as provided in Section 3, on three non-consecutive work-days each week from 0730 to 1130 hours and from 1300 to 1800 hours.
- b) Every Sunday current shall be switched off throughout the Area, from 0730 to 1100 hours and from 1300 to 1600 hours.
- c) Current shall be switched off throughout the Area each night from 0100 to 0130, from 0300 to 0330 and from 0500 to 0530 hours.

Section 3. — To minimize the effect of restriction on hospitals the cuts specified in Section 2 a) will be limited to between 1300 and 1800 hours. Consumers other than hospitals on these preferential circuits will in addition observe the cut from 730 to 1130 hours.

Section 4. — No shops, offices or commercial, industrial or „artigiani“ enterprises, including barbers, and hairdressers shall use electricity for lighting or power purposes between 1830 and 700 hours on any day in the week.

Section 5. — Electrical illumination of public rooms in hotels shall be switched off at 2230 hours daily, and in addition hotels shall reduce their weekly consumption to not more than 66% of the average weekly consumption during the fifth bi-monthly meter reading period in 1946.

Section 6. — Bars, wine-shops, cafes, restaurants, dance halls and places of amusement (except theatres and cinemas) shall not use electrical current for any purpose between 2230 and 730 hours daily and in addition shall reduce their weekly consumption to not more than 50% of the average weekly consumption during the fifth-bi-monthly reading period of 1946.

Section 7. — Cinemas shall open only between the following hours :

- a) on weekdays from 1600 to 2300 hours :
- b) on Sundays from 1600 to 2400 hours.

Section 8. — The average intensity of street lighting shall be reduced by 50%.

Section 9. — A reduction of 45% on the November 1946 consumption of electricity for all purposes by industrial and „artigiani“ enterprises shall be effected by restricted hours of working in accordance with agreement entered into between the Association of Industrialists, Association of Artigiani, Sindacati Unici and the Camera del Lavoro with the approval of Allied Military Government.

ARTICLE III

PROHIBITED USES OF ELECTRICAL CURRENT

Section 1. — The use of electricity for space heating, except as provided for in Article IV, is prohibited in all premises whatsoever.

Section 2. — The use of electricity for the illumination of shop windows and external signs and advertisements is prohibited.

Section 3. — The electrical illumination of entrance, halls and stairways between sunrise and sunset is prohibited.

Section 4. — Except as provided for in Article IV the use of electricity for water heating, steam raising or distillation is prohibited.

Section 5. — The use of accumulators for lighting purposes is prohibited.

Section 6. — New connections for industrial, commercial or domestic purposes are prohibited.

ARTICLE IV

EXEMPTIONS AND MODIFICATIONS

Section 1. — Hospitals and doctors' consulting rooms may be exempted from the provisions of Article II - Sec. 2 c) and Art. III Secs 4 and 5 upon written application to the Area Commissioner.

Section 2. — Premises provided with private generating sets shall be exempt from the provisions of this Order.

Section 3. — Bakers and duty chemists shall be exempt from the provisions of Art. II - Sec. 4.

Section 4. — Domestic water heaters and express coffee machines are exempt from Art. III - Sec. 4.

Section 5. — For security purposes shops shall be permitted to maintain internal illumination (but not in the shop window) at the rate of 20 Watts for each display window between 1830 and 0700 hours.

Section 6. — Any establishment or private individual may, in exceptional circumstances and in the interest of Public Health or Security, be exempt wholly or in part from the provisions of this order on a written application being made to the Area Commissioner.

Section 7. — Prohibition of the use of electric current for lighting or other purposes does not preclude the use of other forms of illumination or energy in lieu thereof.

ARTICLE V

WARNING OF EXCESSIVE CONSUMPTION

In the event of excessive consumption in any district an interruption of three minutes will be made in the supply of electric current. Upon receipt of this warning all consumers affected will immediately reduce their consumption; otherwise, after a further 15 minutes, the supply will be suspended for a period of two hours.

ARTICLE VI

DESIGNATION OF OFFICER

An Area Officer shall be designated by me who shall be charged with the responsibility of enforcing the provisions of this order. He shall perform such duties and issue necessary orders in my name for the operation and enforcement of this order.

ARTICLE VII

PENALTIES

Section 1. — Any person violating the provisions of this order shall be liable to immediate disconnection of the electricity supply to his premises or establishment for a period of one week, for the first offence and two weeks for the second and each subsequent offence.

Section 2. — Upon conviction by Allied Military Court, any person violating any provision of this order shall be liable to punishment by fine or imprisonment or both as the Court may determine. In addition thereto the Court may on such conviction order the forfeiture of electrical appliances used.

Section 3. — Violations of the provisions of the present order shall be reported to the officer designated by me under Art. IV who shall order the discontinuance of the electric supply and or report the violation to the Area Legal Office for prosecution in Allied Military Courts.

ARTICLE VIII

EFFECTIVE DATE

This Order shall take effect at 0001 hours January 26, 1947.

Dated at Pola this 24th day of January 1947.

E. S. ORPWOOD

Lt. Col.

Area Commissioner

Pola Area

Area Administrative Order No. 84

COMMISSION FOR THE ISSUE OF LICENCES TO HAWKERS IN THE COMMUNE OF POLA AMENDMENT TO AREA ADMINISTRATIVE ORDER No. 15

1. — *I, Lieutenant Colonel, E.S. ORPWOOD, Royal Berkshire Regiment, Area Commissioner of Pola, HEREBY appoint*

KIRCHENKNOPF Paolo

to be a member of the Commission for the issue of licences to hawkers in the Commune of Pola, in the place of BALDASSARINI Oreste who has resigned.

2. — This Order shall take effect immediately.

Dated at Pola, this 31st day of January 1947.

E.S. ORPWOOD

Lt. Col.

Area Commissioner, Pola Area

Area Administrative Order No. 85

COUNCIL OF THE CHAMBER OF COMMERCE, POLA — AMENDMENT TO AREA ADMINISTRATIVE ORDER N. 24

1. — *I, Lieutenant Colonel E. S. ORPWOOD, Royal Berkshire Regiment, Area Commissioner of Pola, HEREBY appoint*

Ing. PEDROTTI Felice

to be a member of the Council of the Chamber of Commerce, Pola, in the place of Ing. DAVANZO Piero who has resigned.

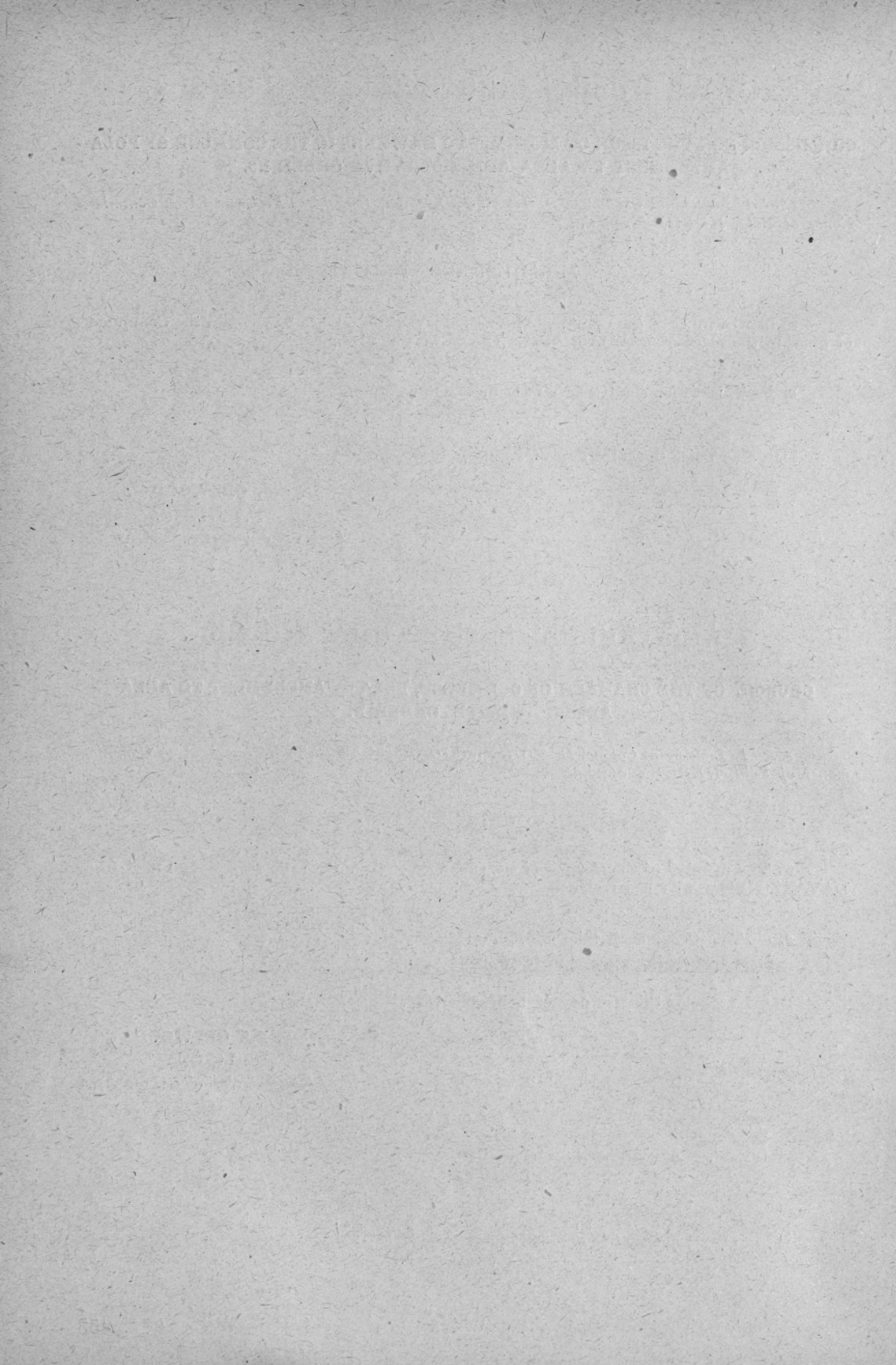
2. — This Order shall take effect immediately.

Dated at Pola, this 1st day of February 1947.

E.S. ORPWOOD

Lt. Col.

Area Commissioner, Pola Area



VOLUME II

GAZETTE No. 10

ALLIED MILITARY GOVERNMENT

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