Declassified E.O. 12356 Section 3.3/NND No. 785016

ACC

10000/142/763
(VOL. 3)

1 2 3 A1

Declassified E.O. 12356 Section 3.3/NND No. 785016

000/142/763
OL. 3)

DISCRIMINATION LAWS
(OCT. 1944); NOV. 1945 – AUG. 1946

Secret

AC/4118/L.

VOLUME 3

OPENED : 10 November 1945

CLOSED : 31 January 1947

SUBJECT : DISCRIMINATION LAWS

10000 / 42 / 763 ~~762~~

THIS FOLDER

Declassified E.O. 12356 Section 3.3/NND No. 939216

1239

SUBJECT : DISCRIMINATION LAWS

10000 142 / 763 ~~762~~

THIS FOLDER
CONTAINS PAPERS
FROM NOV. 45
TO AUG. 46
CATALOGUE.

checked through
nothing classified

PC

1240

Declassified E.O. 12356 Section 3.3/NND No. 77 [illegible]

MINISTERO DELLE CORPORAZIONI

SERVIZIO DI VIGILANZA SULLE ASSICURAZIONI

124

Declassified E.O. 12356 Section 3.3/NND No. 775214

1242

2/(cont)

I suggest a line should be sent to V.C. giving a general ruling in reply to the telegram of Dec 19. (21A) and that we should follow it with a letter (giving reasons) of which I should like to see draft

28/1/46

M Carr Bly
V.P.C.A.S.

Legal A.C. 3.

Please see minutes 1, 2 & 3 also signal attached. Please have letter prepared in amplification of signal JKH CA Sec.

29 Jan.

V.P.

CAS

Why has no decision been made ?

May I have a discussion please early

Declassified E.O. 12356 Section 3.3/NND No. 785016

amplification of [illegible] Ca. Rec.

29 Jan.

V.P.

CAS

Why has no decision been made ?

May I have a discussion please early

Monday.

MS/mlr

C.SO

The matter treats of the formation of a Special Council to deal with question of movable property of Jews in Venezia Giulia : Legal S/Es opinion is attd. herein. V.P.CA See. wishes consultation with Polads A & B before further action and their advice is at present being sought

VPCA

Legal s/c

I accept the new text. It does not suggest Italian law. Reference to this can be made in preamble.

[illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785016

AC/A118/1

VP CA Sec.

1.

21 December 1945

SUBJECT : Jewish Property in V.G.

1. This Sub-Commission without entering into the practibility of the order drafted by Major Gold, is of opinion that it does not lie within the powers of the occupant to pass legislation which may affect the private property of ordinary citizens of the occupied State.

2. This would be against the Hague Conventions (art. 43-46) and international practice and would create, even if morally justifiable, a most dangerous precedent which less scrupulous occupant would take full benefit of.

3. The setting up of a Commission to decide on title to movable property seemed to this Sub-Commission fraught with danger and by so doing the Allies would be assuming a responsibility which considering the time factor, could be better left to either the returning or the new Sovereign of this unfortunate region.

Noted on file 23/1/46

Minute first seen 24/1/46

MC

G.G. Hammond

G.G. HAMMOND,
Lt. Col.,
Deputy Chief Legal Advisor.

2

Legal Sub-Commission

205

1. I did not see Minute 1 until it was inserted in this file on 24/1/46 which was the first time the subject was brought to my notice. The matter appears have been delayed by the file [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785016

movable property seemed to this Sub-Commission fraught with danger and by so doing the Allies would be assuming a responsibility which considering the time factor, could be better left to either the returning or the new Sovereign of this unfortunate region.

G.G. Hammond

G.G. HAMMOND,
Lt. Col.,
Deputy Chief Legal Adviser.

Note on file 23/1/46
Minute first seen 24/1/46
MC

2

Legal Sub-Commission

2U3

1. I did not see Minute 1 until it was noted in this file on 24/1/46 which was the first time the subject was brought to my notice. The matter appears have been delayed by the file having been mislaid by your Sec.

2. I have discussed the matter with the Executive Commissioner, who agrees with the opinion expressed in Min. 1. As it seems quite clear that the proposals go beyond the powers of an occupying power there is no need to consult Polads or AFHQ.

3. You should reply to C.L.O. Ven. Giulia that in the opinion of this Hd Qrs (for reason given in Min 1) the Order should not go beyond the provisions of current Italian legislation which deals only with immovable property as I understand it.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1246

Declassified E.O. 12356 Section 3.3/NND No. 785016

File number 4122/1
618

Archive-Group

Removed by

Legal
Liaison Off. Vienna

Sub-Commission - Branch - Section

Date 27.2.47

Signature of sub-commission

Signature of Searcher

1247

Declassified E.O. 12356 Section 3.3/NND No. 785016

4118

AMBASSADE DE FRANCE
EN ITALIE

LE CONSEILLER COMMERCIAL

FILE

Rome le 22 Août 1946

Mon cher Colonel,

Au cours de notre conversation de l'autre jour, vous avez bien voulu me faire savoir que vous étiez intervenu auprès des Autorités italiennes en vue d'obtenir que les dispositions législatives prises par le Gouvernement italien en faveur des Israélites en matière de restitution des biens ayant fait l'objet de vente ou de spoliation soient étendues aux ressortissants alliés.

Je vous serais très obligé de bien vouloir me faire savoir si, à votre connaissance, les dispositions législatives en question sont en voie d'élaboration.

Veuillez agréer, mon cher Colonel, l'expression de mes sentiments les meilleurs.

Colonel HANNAFORD
Conseiller Juridique
Commission Alliée
Via Veneto
ROME

20

1248

Declassified E.O. 12356 Section 3.3/NND No. 785016

41A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE

GGH/pa.
25 July 1946.

AC/4116/L.

SUBJECT : Fascist Racial Laws.

TO : Poled (B).

1. With reference to your Memo No.155/3/46 of 15 April regarding the question of compensation for damages suffered by stateless Jews in Italy, it is understood that the Italian Government will be prepared under certain condition to extend to stateless Jews who had their domicile or residence in Italy before the war the benefit of the provisions of DLL No.222 of 12 April 1945 and subsequent legislation.

2. In consequence your memoranda have been forwarded to the Presidenza del Consiglio for the necessary action.

G.G. HANNAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

Copy to : Poled (A).

2

20

249

Declassified E.O. 12356 Section 3.3/NND No. 785016

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

40A

MF/rm.
25 July 1946.

AC/hq18/1.

OGGETTO : Leggi Razziali.

A : Dott. Comm. SCORDINO
Ufficio Legislativo
Presidenza del Consiglio.

Con riferimento alla conversazione tra il D.G.L.A Col. HAMILFORD e il Dott. SCORDINO di codesto Ufficio sul medesimo oggetto, questa Sottocommissione si pregia di comunicare in copia due lettere pertinenti alla questione.

Nel contempo sarebbe ben desiderabile che questa Commissione Alleata venisse cortesemente informata dello stadio del progetto di decreto la cui emanazione risolverebbe una situazione di ingiusta sperequazione.

Si resta in attesa di un cortese cenno di riscontro.

Con la migliore considerazione.

G.D. HAMILFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

All.

202

1250

Declassified E.O. 12356 Section 3.3/NND No. 785016

155/17/46

12th July, 1946.

To: D.C.L.A., H.Q., Allied Commission, Rome.

From: Office of the British Political Adviser.

Subject: Fascist Racial Laws.

Copy to: U.S. Political Adviser

In reference to Memorandum from this Office No. 155/9/46 of the 15th April, a further letter has been received from Dr. Bruno Altenberg, lawyer in Milan, regarding the question of compensation to cover stateless Jews who suffered damages as a result of racial persecution and the war.

I should be glad to know your opinion on this subject in general and particularly with regard to the desirability or otherwise of making an approach to the Italian Government.

R.P. Pavitt,
Poland (Br.).

SUB COMMISSION
Chief Counsel
JUL 1 6 1946
Section

20 i

UNIONE
DELLE
COMUNITÀ ISRAELITICHE ITALIANE
R. D. 30 Ottobre 1930 N.° 1731

Roma, 30 Maggio 1946

Lungotevere Sanzio N. 9
Telef. 52397

Prot. N. 1521/46
D.S/M

Ill/mo Signor
Lt.Col. HANNAFORD
Deputy Chief Legal Advisor
A.C. Legal Sub-Commission

R o m a

Abbiamo ricevuto la gradita Sua lettera AC.4118/L del 27 corr. e Le siamo grati delle Sue comunicazioni.

Siamo certi che il Suo intervento è stato determinante perchè venisse deliberata l'abrogazione della legislazione razziale nella Venezia Giulia e di ciò La ringraziamo vivamente anche a nome dei nostri confratelli che vedono cessare, in tal modo, una iniqua ed ingiusta legislazione.

Voglia gradire i sensi della nostra riconoscenza.

IL VICE PRESIDENTE
[illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785016

R o m a

Abbiamo ricevuto la gradita Sua lettera AC.4118/L del 27 corr. e Le siamo grati delle Sue comunicazioni.

Siamo certi che il Suo intervento è stato determinante perchè venisse deliberata l'abrogazione della legislazione razziale nella Venezia Giulia e di ciò La ringraziamo vivamente anche a nome dei nostri confratelli che vedono cessare, in tal modo, una iniqua ed ingiusta legislazione.

Voglia gradire i sensi della nostra riconoscenza.

IL VICE PRESIDENTE
[illegible]

Trattare un solo argomento per foglio. - Indirizzare la corrispondenza impersonalmente

SUB COMMISION
Chief Counsel
(JD)
Violation Section
(CL RKS)
3 Jun 46

Declassified E.O. 12356 Section 3.3/NND No. 775016

1253

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

(34A)

AC/4118/L

AP/ns.
27 May 1946.

Sig. Renzo Levi,
Vice Presidente dell'Unione
Comunità Israelitiche Italiane

ROMA
Lungotevere Sanzio 9

In evasione alla Sua lettera 1460/46 del 24 Maggio,1946 ho il piacere di comunicarle che sono in corso di pubblicazione delle norme concernenti la modifica e l'abrogazione della legislazione razziale per tutto il territorio sottoposto all'Amministrazione del Governo Militare Alleato della Venezia Giulia.

Per qualsiasi chiarimento la prego di voler informare la Comunita Israelitica della Venezia Giulia di rivolgersi direttamente al Maggiore GOLD, Ufficiale Legale Capo per detto territorio.

G.G.HANNAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

UNIONE
DELLE
COMUNITÀ ISRAELITICHE ITALIANE
R. D. 30 Ottobre 1930 N.° 1731

Lungotevere Sanzio N. 9
Telef. 561-787

Roma. 23 Jiar 5706
24 Maggio 1946

4118/4

Prot. N. 1460/46

D.S/M

Ill/mo Sig. Col. HANNAFORD
Allied Commission
Legal Sub Commission

R o m a

Il nostro Presidente Rag. Raffaele Cantoni ha avuto occasione d'intrattenerla recentemente sul problema della legislazione razziale non ancora abrogata nella Venzia Giulia sottoposta all'amministrazione del Governo Militare Alleato.

Ci permettiamo sollecitare il suo alto interessamento perchè vengano sollecitamente abrogate quelle norme che già in tutta l'Italia hanno perso valore, certi che verrà prontamente riparata l'ingiustizia perpetrata contro gli ebrei, che è ingiustizia contro l'umanità intera.

Ci creda di lei obbligatissimi.

IL VICE PRESIDENTE
(Renzo Levi)

Renzo Levi

SUB C...

Trattare un solo argomento per foglio - Indirizzare la corrispondenza impersonalmente

Declassified E.O. 12356 Section 3.3/NND No. 785016

Trattare un solo argomento per foglio - Indirizzare la corrispondenza impersonalmente.

d'intrattenerla recentemente sul problema de[illegible]
le non ancora abrogata nella Venzia Giulia sottoposta all'amministrazione del Governo Militare Alleato.

Ci permettiamo sollecitare il suo alto interessamento perchè vengano sollecitamente abrogate quelle norme che già in tutta l'Italia hanno perso valore, certi che verrà prontamente riparata l'ingiustizia perpetrata contro gli ebrei, che è ingiustizia contro l'umanità intera.

Ci creda di lei obbligatissimi.

IL VICE PRESIDENTE
(Renzo Levi)
Renzo Levi

SUB C[illegible]
[illegible]
Chief Co[illegible]
[illegible]JO
[illegible]alion
[illegible]L RKS
27 May 46

193

Declassified E.O. 12356, Section 3.3/NND No. 785016

I 2 5 6 |

Declassified E.O. 12356 Section 3.3/NND No. 785016

4/8

305A

Office of the British Political Adviser.
H.Q., A.C.

155/9/46

April 15th, 1946.

To:- D.C.L.A., H.Q., A.C.

From:- Office of the British Political Adviser.

Subject:- Fascist Racial Laws.

Reference:- My memo. no. 155/6/46 of March 15th.

Copy:- U.S. Political Adviser.

I understand that the Inter-Governmental Committee for Refugees, which is the body most interested in the problem of compensating Jews who have suffered from Fascist and other Italian organisations during the war, is hampered in its work by the Italian claim that no legislation exists which could be used to assist Jewish refugees. The Italian Ministry of Foreign Affairs seem to have been unable or unwilling to move in the matter and have suggested that the Ministry of Post War Relief be invited to examine the question of principle involved. The Inter-Governmental Committee for Refugees would certainly be helped in its work if the Italian Government would make some pronouncement so that the Committee's representatives in Italy would know how to advise applicants.

2. It seems, from the foregoing, that a serious lacuna in Italian law exists and it should presumably be the responsibility of the Allied Commission, acting on behalf of the United Nations, to attempt to set matters right. Would you consider the desirability, despite the relaxation of Allied control over the Italian Government, of suggesting to the latter that the problem be urgently studied and adequate legal provisions

197

I understand that the [illegible] for Refugees, which is the body most interested in the problem of compensating Jews who have suffered from Fascist and other Italian organisations during the war, is hampered in its work by the Italian claim that no legislation exists which could be used to assist Jewish refugees. The Italian Ministry of Foreign Affairs seem to have been unable or unwilling to move in the matter and have suggested that the Ministry of Post War Relief be invited to examine the question of principle involved. The Inter-Governmental Committee for Refugees would certainly be helped in its work if the Italian Government would make some pronouncement so that the Committee's representatives in Italy would know how to advise applicants.

2. It seems, from the foregoing, that a serious lacuna in Italian law exists and it should presumably be the responsibility of the Allied Commission, acting on behalf of the United Nations, to attempt to set matters right. Would you consider the desirability, despite the relaxation of Allied control over the Italian Government, of suggesting to the latter that the problem be urgently studied and adequate legal provisions be made to solve it?

197

A.S. Halford
Polad (Br.)

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
→ CJO
Italion Section
CLERKS
17 April 46

Declassified E.O. 12356 Section 3.3/NND No. 785016

OFFICE OF POLAD (B)
ALLIED COMMISSION

155/6/46

To: Deputy Chief Legal Adviser,
H.Q. Allied Commission, Rome.

Subject: Fascist Racial Laws.

Copy to: U.S. Polad.

I enclose a copy of a letter received from a lawyer in Milan asking if it would be possible to intervene with the Italian Government to obtain an extension of compensation to cover stateless Jews who suffered damages as a result of Fascist racial laws. As you will see, his plea is for two different things, viz.

(i) compensation for forms of racial persecution not covered by DLL.222 of 12th April 1945;

(ii) compensation for direct war-damage suffered by stateless Jews.

2. These requests are wide ones, but seem to deserve careful examination. I should be grateful to learn your views on the matter and in particular whether you consider there is a case which the Allied Commission ought to take up with the Italian Government.

A.B. Halford
Polad (Br.)

19

15th March, 1946.

1258

Declassified E.O. 12356 Section 3.3/NND No. 785016

extension of [illegible] who suffered damages as a result of Fascist racial laws. As you will see, his plea is for two different things, viz.

(i) compensation for forms of racial persecution not covered by DLL.222 of 12th April 1945;

(ii) compensation for direct war-damage suffered by stateless Jews.

2. These requests are wide ones, but seem to deserve careful examination. I should be grateful to learn your views on the matter and in particular whether you consider there is a case which the Allied Commission ought to take up with the Italian Government.

A.S. Halford
Polad (Br.)

19

15th March, 1946.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Copy

Dr. Bruno Altenberg,
Milano,
Corso Porta Vittoria N.58.

Registered

Milan, February 20th 1946.

Mr. A.C.E. Malcolm,
British Embassy,
R O M E

Dear Mr. Malcolm,

I thank you very much for your kind letter of 7th February (155.3.46) which you addressed to me on the subject of indemnities payable by the Italian Government to Jewish persons for damages suffered as a result of the Fascist racial laws and I took cognizance of your referring to the Lieutenant's Decree law of April 12th 1945. Iam however sorry that I must tell you that, according to my opinion, the said Decree will not serve much the persons who had charged me to defend their interests in the proceedings before the Italian Authorities. The Decree of April 12th 1945 n.222 exclusively regards disposal of real estate, of commercial houses and donations which were a consequence of racial laws or dispositions. The cases however, which were the base of my letter December 13th regarded damages of plundering, by bombardments, or by measures of the fascist government or the fascist authorities in the widest extension, not only real property or commercial houses, transferred or alienated, charged or indebted in consequence of these measures, but all the matters of fact, in which a Jewish merchant was forced to shut his shop or his house or a Jewish physician or agent could no more exercise his profession, especially because he was interned in a concentration-camp or was to remain hidden, and so on, and all this without a legal base, only because he was of Jewish origin.

I therefore beg you, dear Mr. Malcolm, to speak once more to Sir Noel Charles and to see if there is not the possibility to intercede in favour of these victims, as I had written in my letter of December 13th, because these poor people have

1 2 6 0 1

Declassified E.O. 12356 Section 3.3/NND No. 785016

February (155.3.46) which you addressed to [redacted] of indemnities payable by the Italian Government to Jewish persons for damages suffered as a result of the Fascist racial laws and I took cognizance of your referring to the Lieutenant's Decree law of April 12th 1945. Iam however sorry that I must tell you that, according to my opinion, the said Decree will not serve much the persons who had charged me to defend their interests in the proceedings before the Italian Authorities. The Decree of April 12th 1945 n.222 exclusively regards disposal of real estate, of commercial houses and donations which were a consequence of racial laws or dispositions. The cases however, which were the base of my letter December 13th regarded damages of plundering, by bombardments, or by measures of the fascist government or the fascist authorities in the widest extension, not only real property or commercial houses, transferred or alienated, charged or indebted in consequence of these measures, but all the matters of fact, in which a Jewish merchant was forced to shut his shop or his house or a Jewish physician or agent could no more exercise his profession, especially because he was interned in a concentration-camp or was to remain hidden, and so on, and all this without a legal base, only because he was of Jewish origin.

I therefore beg you, dear Mr. Malcolm, to speak once more to Sir Noel Charles and to see if there is not the possibility to intercede in favour of these victims, as I had written in my letter of December 13th, because these poor people have none who may defind their interests unless the Governments of Great Britain and of the United States of America.

I should be glad if my letter would help to facilitate the mischief of these unfortunate victims of the war, and remain, dear Sir,

very faithfully yours,

ALTENBERG.

Declassified E.O. 12356 Section 3.3/NND No. 785014

1262

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

(347)

GGH/ns
AC/4IIS/L 4 April 1946.

SUBJECT : Jewish property Order.

TO : SCAO (Attn: S.L.O.)
VENEZIA GIULIA.

1. Reference is made to our AC/4IIS/L of 11 February and your letter LTC/AMG/ID 102/666 of 9 March 1946.

2. The text of G.O. 23 is approved.

3. However it is recommended in accordance with the policy suggested by this Sub Commission, that instead of referring to the Italian equivalent of each article of the proposed order, a general overall clause to the same effect be inserted in the preamble.

By command of Rear Admiral STONE :

G.G. HANNAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

19

1263

Declassified E.O. 12356 Section 3.3/NND No. 785016

418

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

Legal S/C
G/MP
33A

LEGAL DIVISION

Date 9 March 1946

FILE REF. 13C/AMG/LD/ 62/666

SUBJECT: Restoration of Property Rights to Jews.

TO: HEADQUARTERS - ALLIED COMMISSION - APO 394 -
for Legal Sub-Commission
(Attention Musgrave Thomas, Italian Branch,
for Chief Legal Advisor)

30A

1.- Reference is to your letter of 11 February, your file AC/4116/L.

2.- The proposed Order has been redrawn on the basis of Italian legislation. In accordance with paragraph 4 of your letter, copies in English and Italian are enclosed for the attention of the Civil Affairs Section.

3.- It is believed that the proposed Order follows the Italian Decrees in substance (RIL, 20 January 1944, No. 26; D.L.L., 12 April, 1945, No. 222). It does not go beyond them.

4.- It is considered important that the Order be returned with the comments of the Commission as soon as possible so that final draft may be prepared for presentation to the S.C.A.C.

By Order of Colonel ROBERTSON:

A. E. GOLD
MAJOR AUS
CHIEF LEGAL OFFICER

LEG. SUB-COMMISSION
CLO
DCLO
Chief Counsel
CLO
Legislation Section
MKS
14 March 46.

Enclosure.

Approved
S S tt.

19

Trattare un solo argomento per foglio. - Indirizzare la corrispondenza impersonalmente.

UNIONE
DELLE
COMUNITÀ ISRAELITICHE ITALIANE
R. D. 30 Ottobre 1930 N.° 1731

Roma, 19 Febbraio 1946
Lungotevere Sanzio N. 9 - Telef. 561-787

Prot. N. 344/46

C/M

Signor
Col. HANNEFEORD
Capo Ufficio Legale
presso la
Commissione Alleata

R o m a

Questa Unione si permette rendersi interprete presso cod. on.le Commissione dello stato della Comunità di Trieste la quale lamenta che non siano state ancora pubblicate nella Venezia Giulia occupata e amministrata dagli Alleati le leggi che reintegrano i cittadini ebrei nei loro diritti patrimoniali.

L'Unione sottoscritta si permette perciò fare viva preghiera che siano estese alla Venezia Giulia almeno immediatamente le disposizioni vigenti nel resto d'Italia e ciò perchè col trascorrere del tempo sempre più cresce il danno dovuto dai cittadini perseguitati dai nazi-fascisti per motivi razziali.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Trattare un solo argomento per foglio. - Indirizzare la corrispondenza impersonalmente.

R o m a

Questa Unione si permette rendersi interprete presso cod. on.le Commissione dello stato della Comunità di Trieste la quale lamenta che non siano state ancora pubblicate nella Venezia Giulia occupata e amministrata dagli Alleati le leggi che reintegrano i cittadini ebrei nei loro diritti patrimoniali.

L'Unione sottoscritta si permette perciò fare viva preghiera che siano estese alla Venezia Giulia almeno immediatamente le disposizioni vigenti nel resto d'Italia e ciò perchè col trascorrere del tempo sempre più cresce il danno dovuto dai cittadini perseguitati dai nazi-fascisti per motivi razziali.

Vi saremo grati per quanto vorrete fare in merito alla nostra richiesta, e, ringraziandoVi, Vi porgiamo distinti ossequi. 19

IL COMMISSARIO AGGIUNTO :
(Rag. Raffaele Cantoni)

Raffaele Cantoni

Declassified E.O. 12356 Section 3.3/NND No. 985016

Mod.32

Ministero del Tesoro
RAGIONERIA GENERALE DELLO STATO
Ufficio Beni Alleati e nemici

Roma, 7 febbraio 1946

ALL'ENTE DI GESTIONE E LIQUIDAZIONE
IMMOBILIARE E.G.E.L.I. Via dei Sabini 8
R O M A
e, per conoscenza
ALLA COMMISSIONE ALLEATA -
Ufficio Legale R O M A
ALLA AVVOCATURA DISTRETTUALE DELLO STATO
(rif. nota 13-11-45 n.614/N 5992 R O M A
ALL'ISTITUTO DI CREDITO FONDIARIO
V E R O N A

Div. V. n. 12266/80
Prot. V.
Trieste 1 P.G.

Risposta a nota del 10-12-1945 n.5213

OGGETTO: Retrocessione beni ebraici 1939 - Situati nel territorio di Trieste -

Con riferimento alla nota suindicata si osserva che, tenuto conto del rilevante onere finanziario che dalla retrocessione dei beni in oggetto deriverebbe a carico dello Stato, l'Istituto di Credito fondiario delle Venezie avrebbe dovuto dare immediata notizia a questo Ministero-pel tramite di codesto Ente - del progetto in corso di elaborazione presso il Governo Militare Alleato per porre in grado questa Amministrazione di delegare un proprio rappresentante ad intervenire nelle riunioni tenutesi presso l'Ufficio legale del detto Governo per l'esame delle questioni di propria competenza.

Si prega, ad ogni modo, di impartire opportune disposizioni al suddetto Istituto di credito fondiario, affinchè il testo del progetto in questione, corredato dal parere dell'Avvocatura Distrettuale dello Stato, venga subito comunicato a questo Ministero per l'esame di propria competenza.

IL MINISTRO

Declassified E.O. 12356 Section 3.3/NND No. 785016

Con riferimento alla nota sunindicata si osserva che, tenuto conto del rilevante onere finanziario che dalla retrocessione dei beni in oggetto deriverebbe a carico dello Stato, l'Istituto di Credito fondiario delle Venezie avrebbe dovuto dare immediata notizia a questo Ministero-pol tramite di codesto Ente - del progetto in corso di elaborazione presso il Governo Militare Alleato per porre in grado questa Amministrazione di delegare un proprio rappresentante ad intervenire nelle riunioni tenutesi presso l'Ufficio legale del detto Governo per l'esame delle questioni di propria competenza.

Si prega, ad ogni modo, di impartire opportune disposizioni al suddetto Istituto di credito fondiario, affinchè il testo del progetto in questione, corredato dal parere dell'Avvocatura Distrettuale dello Stato, venga subito comunicato a questo Ministero per l'esame di propria competenza.

IL MINISTRO

Bonomi

191

F. G.

Amm.

14/2.

Declassified E.O. 12356 Section 3.3/NND No. 785014

1268

Declassified E.O. 12356 Section 3.3/NND No. 785016

3 of A

AC/4118/-

AI/ns
11 February 1946.

SUBJECT : Restoration of property rights to Jews.

TO : S.C.A.O. (Attn: Chief Legal Officer
VENEZIA GIULIA.

1. Reference your signal 80 of 19th December and C.M.A. Section signal No 695 of 29th January.

2. After very careful consideration here of the draft General Order dealing with the restoration of property rights to Jews enclosed in your letter of 29th November this Sub Commission is of opinion that it does not lie within the powers of the occupant to pass legislation which may effect the private property of ordinary citizens of the occupied state. It would be against Arts. 43 to 46 of the Hague Convention. 1907, and international practice, and would create, even if morally justifiable, a most dangerous precedent which a less scupulous occupant could take full benefit of.

3. The setting up of a Commission to decide questions of title to movable property seems to this Sub Commission fraught with danger and by so doing the Allies would be assuming a responsibility which could be better left to either the returning or the new sovereign of this region.

4. As stated in the signal of 29th January the terms of the proposed order should not go beyond the provisions of current Italian legislation. The P.A., Civil Affairs would like to see the draft Order before it is issued.

By command of Rear Admiral STARK :

MURGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

16

1269

Declassified E.O. 12356 Section 3.3/NND No. 785016

RG 84 #118

29A

MQ ALCON 11 FEB 46

(1) XXII CORPS

1080

UNCLASSIFIED

REFERENCE YOUR EIGHT SLANT EIGHTY-FIVE SLANT THIRTY OF NINE FEBRUARY ONE NINE FOUR SIX.

PARA ONE FD LETTER DESPATCHED TODAY WITH ONE COPY PROPOSED ORDER

IMPORTANT

LEGAL SUB COMMISSION

302

19

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 8/85/30
Date/Time of Origin: FEB 091700
10 FEB 1946
FROM: HQ ALCOM XIII CORPS
TO : ALCOM

Message Centre No: C/9008
Date Time Rec'd: FEB 100900
Precedence: IMPORTANT

UNCLASSIFIED.

Your TPM N° 695 dated 29 Jan refers. Letter referred to in last sentence not yet received. Kindly expadite returning also 1 copy of proposed order.

AC DIST.

ACTION: CAS

INFO: CHIEF COMMISSIONER
FILE 2
FLOAT

Declassified E.O. 12356 Section 3.3/NND No. 785016

UNCLASSIFIED.

Your TPM N° 695 dated 29 Jan refers. Letter referred to in last sentence not yet received. Kindly expedite returning also 1 copy of proposed order.

AC DIST.

ACTION: CAS

INFO: CHIEF COMMISSIONER

FILE 2

FLOAT

ACTION
CIO
Chief Counsel
RKS
11-2-46

183

HEADQUARTERS
10 FEB 1946
637

Declassified E.O. 12356 Section 3.3/NND No. 785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 15/E1
Date/Time of Origin: 0/1000

Message Centre No: G/8921
Date Time Rec'd: FEB 081515
Precedence: ROUTINE

FROM: HQ AMG 13 CORPS
TO : MAJOR BAYLISS ACHQ ROME

UNCLASSIFIED

Contact Musgrave Thomas of italian branch legal sub commission RE prisoners for court of Assize here.Contact Lt Col Hannaford of legal sub commission RE details of jewish property order.

AC DIST

ACTION: LEGAL SC
INFO: CHIEF COMMISSIONER
FILE 2
FLOAT

HEADQUARTERS
8 FEB 1946
C.

LEGAL SUB COMMISSION
CLO
DCLO
Chief Couns

ACTION

181

Declassified E.O. 12356 Section 3.3/NND No. 785016

UNCLASSIFIED

Contact Musgrave Thomas of italian branch legal sub commission RE prisoners for court of Assize here. Contact Lt Col Hannaford of legal sub commission RE details of jewish property order.

AC DIST

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

FILE 2

FLOAT

HEADQUARTERS
8 FEB 1946
C.

LEGAL SUB COMMISSION
CLO
DCLO
Chief Couns
CJO
Italian Section
PWB/ACS

ACTION

→ Mus Thomas
8.2.46

187

Essn.

Major Bayliss had already been asked.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1274

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED COMMISSION HEADQUARTERS

Office of British
Political Adviser

Vice-President,
Civil Affairs Section
Allied Commission.

31 GEN 1946

In a memorandum No. AC/M4132/L of 26th January, Legal Sub-Commission sent me copies of correspondence about a request by the Yugoslav Deputy Representative on the Advisory Council for Italy, for the release of five persons serving sentences of two years' for mutiny in the Italian Navy. The Yugoslav note described them as "Yugoslav nationals born in Istria". The matter was referred by the Allied Commission to the Ministry of Grace and Justice who replied that the persons involved are Italian subjects and consequently could not be handed over to the Yugoslav authorities as requested. They added that they could however take steps to expedite the examination of the possible grant of pardon.

2. As the persons involved were born in Istria and if they were never naturalised in Yugoslavia they are certainly Italian subjects, as claimed by the Italian Government. Even if, under Yugoslav law, they also possessed Yugoslav nationality, the principle of master nationality would apply if they are on Italian soil; they were in fact serving in Italian Navy at the time. Moreover, when the mutiny took place the Italians were already co-belligerents and the Italian Navy was operating under the orders of C-in-C Mediterranean. It is probable that there were Allied liaison officers on board at the time and that the decision to arrest the men was taken with their knowledge and authority. In the circumstances I do not think that we have any case for pressing the Italian Government to release the men. If they wish to do so, of their own free will, in order to secure better treatment for Italians in Yugoslavia, that is a different matter. In any case, the sentence presumably expires in three months' time. My own

/feeling

1275

Declassified E.O. 12356 Section 3.3/NND No. 785016

feeling is that we should not do more than communicate to Doctor Smodlaka a copy of the reply from the Ministry of Grace and Justice. I suggest however that you should also consult the Navy Sub-Commission and the United States Polad, to whom copies of this minute have been sent.

H. Morrison

29.i.46

Polad (BR)

Copied to Polad (US)
Navy Sub-Commission

1276

Declassified E.O. 12356 Section 3.3/NND No. 785016

31 GEN. 1946

HEADQUARTERS ALLIED COMMISSION

Office of Political Adviser (A)

To : Vice President, Civil Affairs Section

Subject: Request of Yugoslav Delegation to ACI for return of certain alleged Yugoslav nationals

I have seen the memorandum dated January 29 prepared by Polad (B) regarding the alleged Yugoslav nationals whom the Yugoslav Delegation to ACI is seeking to have returned, and can only repeat that since all the persons involved were born in Istria and there is no indication that they were ever naturalized in Yugoslavia, it is assumed they must be Italian citizens. I also agree with Polad (B)'s statements regarding the fact that since their mutiny took place after the Italian navy was serving under the Allies, there is a certain Allied responsibility in the matter.

I believe that, inasmuch as these men have only three months more to serve, merely conveying a copy of the Ministry of Justice's note to Dr. Smodlaka should be sufficient.

Robert McBride
Assistant Political Adviser (A)

Rome, January 30, 1946

Copies to:
Polad (B)
Navy SubCommission

ALLIED COMMISSION
HEADQ ARTERS
506 1

1277

Declassified E.O. 12356 Section 3.3/NND No. 785016

4178

26A

Legal S/C

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

LEGAL DIVISION Tel. 29794 ex...1..... Date 25 January 1946

FILE REF.: 13C/AMG/LD/ 102/249

SUBJECT: Proposed Order Dealing with Restoration of Jewish Property.

TO: Allied Commission, APO, 534, (for Legal Sub-Commission, attention: Chief Legal Advisor).

20A

1. Reference is to letter from this Division dated 29 November, 1945, with which were enclosed two copies of above proposed Order with a request from the Senior Civil Affairs Officer that one copy be forwarded to A.H.Q.

2. The Senior Civil Affairs Officer asks that it be emphasized again that the matter is considered here as extremely urgent and that a decision at the earliest possible time will be appreciated.

For the Senior Civil Affairs Officer:

A. E. GOLD
Major AUS
Chief Legal Officer

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS

Rcd 29 Jan 46.

181

1278

Declassified E.O. 12356 Section 3.3/NND No. 785016

25-A

ACCAB HQ ALCOM 29 1135

ANC VENEZIA GIULIA

695 RESTRICTED

PARA ONE ED REFERENCE YOUR NIGHT ED ZERO OF TWO ZERO DECEMBER AND EIGHT SLANT EIGHT FIVE SLANT ONE FOUR OF TWO ZERO JANUARY ED

PARA TWO ED IN THIS OPINION OF THIS HEADQUARTERS IT DOES NOT LIE WITHIN THE POWERS OF MYSELF NOR TO REST LEGISLATION AFFECTING PRIVATE PROPERTY OF ORDINARY CITIZENS ED

PARA THREE ED IN ANY SUCH CASE PROPOSED STEPS SHOULD NOT GO BEYOND THE PROVISIONS OF CURRENT ITALIAN LEGISLATION ED

PARA FOUR ED LETTER FOLLOWS

SECURITY

CIVIL AFFAIRS SECTION

525 M. CARR, Brigadier

G.J. LEGER
CWO, USA
Asst Adjutant

18 ;

T 279

Declassified E.O. 12356 Section 3.3/NND No. 785016

00 E.C. Personal for Adams (attn. Ens Lucas) 24A

HQ ALCOM

24 JAN 46

(1) SCAO VENEZIA GIULIA

4116 (Legal) Vol 2

533

RESTRICTED

8 / 8 5 / 14 A

YOUR EIGHT SLANT EIGHTYFIVE SLANT FOURTEEN OF NINETEEN JANUARY

REGRET NO DECISION YET BEEN TAKEN IN THIS DELICATE MATTER

WHICH IS BEING URGENTLY PURSUED

Distribution: (BY ELS)

SCAO Venezia Giulia

182

PRIORITY

Legal Sub-Commission

302

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

23A Legal

Originator's Reference: 8/85/14.
Dge/Time of Origin: JAN.191715A

Message Centre No: G/7720
Date Time Rec'd: JAN.201430
Precedence: IMPORTANT

FROM: AMG 13 CORPS FROM BOWMAN
TO : HQ ALCOM CITE ACLEG

21A

RESTRICTED

22A

RESTRICTED.
Reference our 80 on 19 December and your reply of 22 December. Promising action on our draft order for implementing return of Jewish property. Further losses are occurring, local Jewish community continues pressure and we have received direct from AFHQ letter on subject handed to Sacmed personally with instructions to keep that Headquarters informed as to action taken. Situation is critical. Request immediate action.

AC DIST

ACTION: LEGAL
INFO; CHIEF COMMISSIONER
FILE 2
FLOAT

RESTRICTED

LEG... SUB-COMMISSION
CLO
DCLO

ACTION

Declassified E.O. 12356 Section 3.3/NND No. 785016

RESTRICTED

RESTRICTED.

Reference our 80 on 19 December and your reply of 22 December. Promising action on our draft order for implementing return of Jewish property. Further losses are occurring, local Jewish community continues pressure and we have received direct from AFHQ letter on subject handed to Sacmed personally with instructions to keep that Headquarters informed as to action taken. Situation is critical. Request immediate action.

AC DIST

ACTION: LEGAL
INFO; CHIEF COMMISSIONER
FILE 2
FLOAT

RESTRICTED

ACTION

LEGAL SUB COMMANDS
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
21 Jan 46

HEADQUARTERS
20 JAN 1946
A. C.

CA Sec

181

Declassified E.O. 12356 Section 3.3/NND No. 785016

1282

Declassified E.O. 12356 Section 3.3/NND No. 785016

4118

22A

SCAO, VENEZIA GIULIA REGION

9549 21 DECEMBER 1945 PRIORITY

RESTRICTED FD

PARA ONE FD REFERENCE YOUR SIGNAL EIGHT POINT ZERO OF NINETEEN DECEMBER FD

PAREN TO SENIOR CIVIL AFFAIRS OFFICER CMA VENEZIA GIULIA REGION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO FD MATTER IS UNDER CONSIDERATION FD REPLY TO QUESTIONS RAISED IN YOUR SIGNAL WILL BE SENT AS SOON AS POSSIBLE

184

Legal Sub-Commission

302

1283

Declassified E.O. 12356 Section 3.3/NND No. 785016

AC/4116/L. 21 December 1945

VP CA Sec.

SUBJECT : Jewish Property in V.G.

1. This Sub-Commission without entering into the practibility of the order drafted by Major Gold, is of opinion that it does not lie within the powers of the occupant to pass legislation which may affect the private property of ordinary citizens of the occupied State.

2. This would be against the Hague Conventions (art. 43-46) and international practice and would create, even if morally justifiable, a most dangerous precedent which less scrupulous occupant could take full benefit of.

3. The setting up of a Commission to decide on title to movable property seemed to this Sub-Commission fraught with danger and by so doing the Allies would be assuming a responsibility which considering the time factor, could be better left to either the returning or the new Sovereign of this unfortunate region.

G.G. RAMSAFORD,
Lt.Col.,
Deputy Chief Legal Advisor.

4118 8 Legal 21A

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 8 .0
Date/Time of Origin: DEC.191800A

Message Centre No: C/5926
Date Time Rec'd: DEC.200900
Precedence: IMPORTANT

FROM: AMG 13 CORPS FROM BOWMAN

TO : HQ ALCOM FOR CHIEF LEGAL ADVISER INFO: AFHQ FOR G5 SECTION
FOR A C O S

RESTRICTED

attached

RESTRICTED.
In view rapid dispersal urge early comment our letter 29 November and accompanying draft order re return of jewish property.
As minimum please state immediately whether policy permits matter be handled here at all by interim milgov order rather than left for permanent Government as reported planned for other places in theater.

ACTION

AC DIST

ACTION : LEGAL 2
INFO : CHIEF COMMISSIONER
EXEC COMR
FILE 2
FLOAT

HEADQUARTERS

Declassified E.O. 12356 Section 3.3/NND No. 785016

attached

RESTRICTED.

In view rapid dispersal urge early comment our letter 29 November and accompanying draft order re return of jewish property. As minimum please state immediately whether policy permits matter be handled here at all by interim milgov order rather than left for permanent Government as reported planned for other places in theater.

ACTION

AC DIST

ACTION : LEGAL 2
INFO : CHIEF COMMISSIONER
EXEC COMR
FILE 2
FLOAT

HEADQUARTERS
20 DEC 1945

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
20 DEC 1945

RESTRICTED

178

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED MILITARY GOVERNMENT

13 CORPS

GENERAL ORDER No. 23

RESTORATION OF PROPERTY RIGHTS OF JEWS AND PERSONS PERSECUTED BY THE NAZI-FASCISTS FOR POLITICAL REASONS.

WHEREAS by General Order No. 3 Jews were reinstated in their full civil and political rights and

WHEREAS by General Order No. 18 provisions were made prohibiting dealings with and movement of property seized from jews and other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

Declassified E.O. 12356 Section 3.3/NND No. 785016

other persons persecuted by the Nazi-Fascists [illegible]
of the Allied Military Government and

WHEREAS it is considered desirable to make provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED V. BOSMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

ARTICLE I

PERSONS AFFECTED BY THIS ORDER

The provisions of this Order shall apply not only to persons formerly considered of Jewish race, but also to all persons persecuted for political reasons after the 6 October 1938 and all Articles of this Order (except those that deal with laws which applied exclusively to persons considered of Jewish race) shall be construed accordingly.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE II

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS

All laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" or for Antifascist political activities are (except as hereinafter provided) hereby repealed. All such persons shall be and they are hereby (subject however to the provisions in this Order herinafter set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.C.E.L.I.

The"Ente di Gestione e Liquidazione Immobiliare" (known as " E.C.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders

Declassified E.O. 12356 Section 3.3/NND No. 785016

and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.C.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.C.E.L.I.") shall continue its activities for the purpose only of carrying out the provisions of this Order and all other Orders and Instructions in force in the Territory.

ARTICLE IV

176

RESTITUTION OF ENEMY/E.A PROPERTY

A) By E.C.E.L.I.

All persons who were compelled by virtue of R.D.L. of 17 November 1938 No. 1728 and R.D.L. of 9 February 1939 No. 126 to transfer immovable property to E.C.E.L.I., and all persons lawfully deriving title under them, may, within one year after the date of the cessation of the present state of war, claim restitution of the said property from E.C.E.L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.C.E.L.I. any bonds

Declassified E.O. 12356 Section 3.3/NND No. 785016

issued by or sums paid or property transferred to him by E.C.A.L.I as a consideration for the said property. Where the claimant surrenders only part of such bonds, money or property a part of the said immovable property only shall be restored to him in proportion to the bonds, money or property surrendered by him Provided however that the restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B) By Third Parties Deriving Title under E.C.A.L.I.

Where the immovable property, restitution of which is calimed, has been acquired by third parties deriving title under E.C.A.L.I. the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.C.A.L.I. the owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. the satisfaction of any right of indemnity hereinbefore granted shall not

I 2900

Declassified E.O. 12356 Section 3.3/NND No. 785016

the claimant will be entitled to restitution of [illegible]

the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.C.E.E.I. The owner restoring the immovable property, and each of the persons who acquired the immovable property said after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned, the satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or affect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph. 173

C) Condition of the Property at the date of Restitution

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE V

RELATING TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF.

The claimant shall repay to A.C.A.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimant. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this

Declassified E.O. 12356 Section 3.3/NND No. 785016

tioned in the deed restoring the property

Land Register by the judge in charge thereof (Giudice Tavolare)

without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE VI.

MORTGAGES ON PROPERTY RESTORED

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered

Declassified E.O. 12356 Section 3.3/NND No. 785016

by him by virtue of Article IV hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VII

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

[illegible] of usufruct over property restored under the

Declassified E.O. 12356 Section 3.3/NND No. 785016

against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

Any rights of usufruct over property restored under the terms of Article IV hereof which have been extinguished by E.C.E.L.I. for valuable consideration, shall automatically revive on restitution of the property to the claimant provided however that in such case the usufructuary shall restore to E.C.E.L.I. the amount of the consideration paid to him on extinction of the usufruct.

173

1293

Declassified E.O. 12356 Section 3.3/NND No. 835016

ARTICLE IX

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER EXPROPRIATION.

Any person who has carried out improvements to property restored under the provisions of article IV hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

Declassified E.O. 12356 Section 3.3/NND No. 785016

of (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property, shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

ARTICLE X

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

172

A) Any person formerly considered of Jewish race whon can prove to the Authority hereinafter established that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not) in order to avoid the application of the racial -ews shall be entitled to have such transfer annulled Provided that the application for such annulment be made within one year after the date of the cessation of the present state of war. In cases in which annulment is granted the property so transferred shall be restored to the claimant in the same material

12971

Declassified E.O. 12356 Section 3.3/NND No. 838019

condition as at the date of his request for such annulment.

B) Applications for annulment under para A) of this Article shall be decided in accordance with the principles of strict law. Provided however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by the law.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS, LIMITATIONS AND RIGHTS OF IRREVOCABLE PROPERTY

A. DONATIONS

A donation made under Articles VI and XV of R.B.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third

Declassified E.O. 12356 Section 3.3/NND No. 785016

condition as at the date of his request for such annulment.

B) Applications for annulment under para A) of this Article shall be decided in accordance with the principles of strict law. Provided however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by the law.

ARTICLE XI

LEASES OF PROPERTY RESTORED

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS, LIMITATIONS AND RECORDS OF MOVABLE PROPERTY.

A. DONATIONS

A donation made under Articles VI and IV of [illegible] of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be deemed to have [illegible]

Provided however that after the expiration of such term of three years the laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS INHERITANCES AND BEQUESTS OF MOVEABLE PROPERTY

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee [illegible] consideration for alienation or granting of rights over the property to third parties.

B) INHERITANCES AND BEQUESTS

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial laws, may, within one year after the date of cessation of the present state of war, accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall cease

13001

Declassified E.O. 12356 Section 3.3/NND No. NN5016

but without prejudice to rights of third parties acquired through him over the subject matter of the inheritance or the bequest.

2.- A person who accepts an inheritance or bequest which he has previously renounced as provided by para B) 1 of this Article shall take the property included in such inheritance or bequest in its material condition as at the date of such acceptance.

ARTICLE XIII

RESTITUTION OF BUSINESS PREMISES

A) Business premises which on the 8 September 1943 were lawfully occupied by persons formerly considered as of Jewish race and of which they were dispossessed by or by order of the Nazi-Fascists, must be restored to them within thirty days from the date of request for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expiration of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established

Declassified E.O. 12356 Section 3.3/NND No. 785016

of thirty days after the date on [illegible] premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim repossession as aforesaid shall be extinguished

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY. All proceedings by creditors for an Order to sell property which were suspended by virtue of [illegible] of 9 February 1939 No. 126 and which relate to property restored under any of the Provisions of this Order to persons effected by the racial laws, may be declared finally extinguished upon application

Declassified E.O. 12356 Section 3.3/NND No. 778516

by the interested parties to the competent Judicial Authority or by such Authority even when no such application to it has been made.

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS.

All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring personal and property rights to persons formerly considered of Jewish race may be finally extinguished by the competent Judicial Authority on application of the interested parties or by such Authority even when no such application to it has been made. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XV

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of R.D.L. 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title,

Declassified E.O. 12356 Section 3.3/NND No. 785016

No. 126 may claim restitution thereof in the same manner as [illegible] restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title, the other partners in the business and the persons deriving title under E.O.No. I.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XVI

TERMINATION OF MANAGEMENTS AND LIQUIDATION OF BUSINESS AND PROPERTIES PROVIDED FOR BY PRIOR LAWS.

BUSINESS. All administrations, managements, sequestrations, and liquidations

Declassified E.O. 12356 Section 3.3/NND No. 785016

of businesses provided for under Part II, head 4 of R.D.L. of the 9 February 1939 No. 126 shall cease and come to an end on application therefor by the true owner thereof to the person charged with such administration, management, sequestration and liquidation.

B) Other properties

The provisions of para A of this Article shall also apply to administrations, managements and sequestrations of property from persons for reasons of so-called race or Anti-Fascist political activity.

C) Time limit for restitution and rendering of accounts.

The business or property referred to in paras A) and B) of this Article shall be restored and a detailed account of the administration management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A. Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution

Declassified E.O. 12356 Section 3.3/NND No. 785016

by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A. Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution under the terms of this Order of any property acquired by third parties as trustees for them in order to avoid the application of the racial laws.

C) Proof in support of applications to set aside deeds or for restitution of property under paras A) and B)

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under paras A) and B) of this Article. Written evidence is admissible in support of such applications even

Declassified E.O. 12356 Section 3.3/NND No. 759016

though given by means of documents which have not been authenticated or registered or in respect of which may tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVIII

RESPONSIBILITY OF PERSONS WHO HAVE ALIENATED JEWISH MOVABLES RECEIVED DIRECTLY FROM NAZI-FASCIST AUTHORITIES OR COMPANY TO VARIES FROM THE JEWISH OFFICE OR TO GENERAL ORDER NO. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No. 18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

Declassified E.O. 12356 Section 3.3/NND No. 785016

II of the said General Order

within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

The Provisions of this paragraph shall also apply to movable property received as above from Authorities, bodies or persons other than those mentioned in Article II of General Order No. 18 in circumstances which must have given the persons receiving such property reasonable suspicion that the said property was of the types mentioned in Article II of the said General Order.

167

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Goods transferred contrary to Orders from the Jewish Office.

The Provisions of para A) of this Article shall also apply to persons who transferred movable property after service upon them of an Order of the Jewish Office referred to in Article III of General Order No. 18 blocking the said property. Such transfer shall be presumed to have been made after the service of such Order unless the person served with the Order can prove that he filed with the Jewish Office a written reasoned protest against the same.

C) Goods transferred contrary to General Order No. 18.

The Provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No. 18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL RULES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be

1306

Declassified E.O. 12356 Section 3.3/NND No. 785016

without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government. Area Commissioners of the Allied Military Government may from time to time, as the volume of work so requires, set up and appoint members to further Examining Commissions, constituted in like manner.

B) General Duties of the Commission.

Each Examining Commission shall have the duty of investigating all dealings and movements of movable property seized or taken from persons formerly considered of Jewish race or persons having the custody thereof on behalf of such Jews. The Commission

Declassified E.O. 12356 Section 3.3/NND No. 935016

shall act upon written application, setting out all relevent facts, of any person interested in the said property Provided however that the Commission may act of its own accord without having received any such application when it appears necessary in the interests of justice so to do.

c) General Powers of the Commission.

1. Each Examining Commission and all members thereof shall in the exercise of the said duties have all powers of an Examining Magistrate (Giudice Istruttore) according to Law.

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 10.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ed by the President or Vice-President of the Co... tersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWER OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives as it shall consider necessary in regard to goods within its jurisdiction which have been frozen by virtue of General Order No. 18.

1065

ARTICLE XXI

DECLARATIONS MADE UNDER ARTICLE III OF GENERAL ORDER No. 18

The Jewish Office referred to in Article III. of General Order No. 18 shall forward all declarations received pursuant to the said Article to the Examining Commissions of the Area in which

Declassified E.O. 12356 Section 3.3/NND No. 785016

the property declared is situated immediately on the expiration of the term laid down in the said Article for the making of such declarations.

ARTICLE XXII

CLAIMS TO MOVABLE PROPERTY

Any person who has a claim to or in respect of movable property (including persons who have declared goods or are considered as trustees thereof by virtue of this Order or of General Order No.18) shall within twenty days of the effective date of this Order make such claim in writing to the Examining Commission of the Area in which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No. 18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all

Declassified E.O. 12356 Section 3.3/NND No. 785016

has been restored by virtue of Article IV of General Order No. 18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all information within their knowledge in respect of the goods the subject matter of such interrogation.

B) Any person who knows or has reason to suspect that movables of jewish origin are abandoned, or are hidden or held by persons other than the true owner, shall supply full information of all facts giving rise to such knowledge or suspicion to the Examining Commission of the Area in which such movables are known or believed to be abandoned, hidden or held. Should the Examining Commission be satisfied that such information has led to the recovery of such movables, it shall recommend to the Judicial Commission hereinafter

16

Declassified E.O. 12356 Section 3.3/NND No. 785016

mentioned that the true owner recovering the property be ordered to pay a sum equal to five percent of the value of the property to the person supplying such information.

C) All information given by virtue of pares A) and B) of this Article shall be true and complete to the best of the knowledge and belief of the person giving it.

ARTICLE XXIV

PROCEDURE OF THE EXAMINING COMMISSION.

After having collected all available information with regard to any one matter in order to prove that the property the subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, SEDES AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below

Declassified E.O. 12356 Section 3.3/NND No. 785016

such matter is affected by the [illegible] Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DUTIES OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and substitute members shall be appointed and removable in writing by the Local Area Commissioner of the Allied Military Government.

163

B) GENERAL POWERS, DUTIES AND PROCEDURE

1. Powers

(a) Each Judicial Commission shall examine each file received from the Examining Commission under Article XXIV hereof. When it is satisfied that any movable property the subject matter of any such files belonged to and was seized or taken from persons affected by

Declassified E.O. 12356 Section 3.3/NND No. 785016

the racial laws, it shall order that such movables be restored to the person from whom such property was seized or taken as aforesaid or his successor in title.

Should it appear to the Commission that the said fact has not been sufficiently proved but that further proof necessary can be obtained, it shall refer the file back to the Examining Commission with instructions as to the further evidence required.

When it appears to the Commission that the proof of the above mentioned facts is insufficient and is not capable of perfection, it shall order that the property in question be freed forthwith from the block imposed by General Order No. 18. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) Whenthe Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Removables and other questions relating to property.

The Judicial Commission shall also decide all other disputes

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall order that the property in [illegible] the block imposed by General Order No. 18. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) Whenthe Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied , it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provisions of this Order and of General Order No. 18 Provided however that one of the parties to such dispute be a person adversely affected by the racial laws or persecuted by the Nazi Fascistsfor political reasons or his successor in title.

162

3. Procedure

The Judicial Commission shall, in deciding all questions and disputes under Sections 1 and 2 of this paragraph, employ such procedure as it shall (except as provided by Article A (B) of this Order in relation to applications for annulment of transfers) deem necessary to effect substantial justice according to the

Declassified E.O. 12356 Section 3.3/NND No. 785016

principles of equity.

The judgment of the Judicial Commission shall be final and not subject of appeal. proceedings may however be taken to revoke it under the terms of articles 395 et seq. of the Code of Civil Procedure.

c) DURATION.

The Judicial Commission shall decide and give final judgment in all questions and disputes submitted to it within two years of the date of the present state of war.

All questions and disputes submitted to it within the said period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such [illegible] immediate vendor the price paid for such

Declassified E.O. 12356 Section 3.3/NND No. 785016

of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para 3, 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such order, to recover from his immediate vendor the price paid for such goods by means of action before the appropriate Judicial Authority.

161

ARTICLE XXVII

PROCEDURE FOR UNBLOCKING OF PROPERTY OF JEWS HELD IN BANK ACCOUNTS AND PERSONAL SAFES.

A) Where the owners are identifiable.

Property held in bank accounts or personal safes in the name of persons adversely affected by the racial laws and which have been blocked by the Nazi-Fascists for so-called reasons of

Declassified E.O. 12356 Section 3.3/NND No. 785016

race, shall be and it is hereby immediately unblocked in favour of the persons in whose name such property is held or the persons deriving title under them so far as such persons can be identified, unless such property has been also blocked for reasons other than of race.

In cases in which the property in any one account or safe is held in the name of more than one person and the bank is unable to identify the portion thereof belonging to each of such persons, or there is a doubt or a dispute as to the ownership of property held in any account or safe, the bank shall submit the matter to the local Examining Commission. The Examining Commission, after carrying out its duties as hereinbefore set out in relation to such property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) <u>Where the owners are not identifiable.</u>

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each area.

Declassified E.O. 12356 Section 3.3/NND No. 785016

property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) Where the owners are not identifiable.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

ARTICLE XXVIII

OTHER MOVABLE PROPERTY BELONGING TO PERSONS KNOWN TO BE JEWS BUT WHO ARE UNIDENTIFIABLE OR DEAD.

160

Movable property, (other than of the types mentioned in Article XXVII hereof), which is known to have belonged to persons affected by the racial laws shall, if such persons or their successors in title cannot individually be identified or are dead or non-existent, be collected under the supervision of the local Examining Commission in one central warehouse in each Area.

Declassified E.O. 12356 Section 3.3/NND No. 759016

ARTICLE XXIX

DISTRIBUTION AND CLAIMS IN RESPECT OF MOVABLE PROPERTY OF IDENTIFIABLE JEWISH OWNERS.

On completion of his duties in relation to property of identifiable ownership, each Examining Commission shall prepare a scheme for proportional distribution of all property in the central fund and central warehouse respectively referred to Articles XXVII (B) and XXVIII hereof among the persons who have submitted claims to property to such Examining Commission under the Provisions of this order and whose property has , through no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do ot appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate , setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall , after

Declassified E.O. 12356 Section 3.3/NND No. 785016

by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do ot appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate , setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall , after considering all such claims , prepare and publish in the said Gazette a final distribution scheme, against which there shall be no appeal or further claim. The examining Commission shall on or after the date of publication of such final scheme distribute the property among the persons entitled in accordance with the said scheme.

159

Declassified E.O. 12356 Section 3.3/NND No. NB5016

ARTICLE XXX

ENTRY IN PUBLIC RECORDS OF CLAIMS UNDER THIS ORDER.

At the request of any person who has a claim by virtue of the Provisions of this Order to property or any right therein, which property or right is registrable by Law in a public record, a note shall be made of such claim against the entry in the record relating to such property or right. Any person acquiring such property or right after the date of such note shall do so subject to such claim.

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after

Declassified E.O. 12356 Section 3.3/NND No. 785014

FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after the expiration of such period shall be subject to the limitation as to damage mentioned in the Civil Code.

158

ARTICLE XXXII

REDUCTION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

All fees due to notaries and stock-brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of

Declassified E.O. 12356 Section 3.3/NND No. 785016

endorsements of shares required in order to carry out the Provisions of this Order shall be and they are hereby reduced by fifty per cent.

ARTICLE XXXIII

FISCAL PROVISIONS.

A) Tax on deeds restoring property under this Order.

All deeds and documents for the purpose of restoring property or rights therein to persons affected by the racial laws or their heirs, entered into pursuant to the Provisions of this Order, shall be exempt from all stamp duties and taxes provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made

Declassified E.O. 12356 Section 3.3/NND No. 785016

Provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made pursuant to this Order.

Documents containing orders of the Court or Judicial Commissions, made pursuant to the Provisions of this Order, shall be subject to a fix registration charge of 20 Lire. 157

C) Tax on deeds restoring shares.

Deeds restoring shares under the Provisions of this Order shall be free from all stamp duties and taxes provided that the persons who intend to request the restitution of such shares

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall within one year after the date of the cessation of the present state of war lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question.

D) Tax on dissolution of small real property companies.

Divisions of property on the dissolution of real property companies formed before 1st April 1941 with a capital not exceeding 1.000.000.- lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons affected by the racial laws, shall, insofar as such divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 39 of Appendix "A" to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposte Graduale di Registro) and also to the fixed registration tax (Imposte Ipotecarie) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of

Declassified E.O. 12356 Section 3.3/NND No. 785016

ject to the graduated registration fees set out in Article 69 of Appendix "A" to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No. 126, shall be free of all stamp duties and taxes provided that they are entered into within one year after the date of cessation of the present state of war.

In such cases the transferee shall pay to the transferor such sum as he would have paid by way of succession duty had the property in question been transferred directly to him.

F) Taxes in connection with proceedings for cancellation of lost or stolen bonds and shares.

All applications, orders and other documents in connection

156

Declassified E.O. 12356 Section 3.3/NND No. 785016

with proceedings under Articles 2016 and 2027 of the Civil Code for cancellation of bonds and shares seized by the Nazi-Fascists from persons affected by the racial laws, shall be free from all stamp and registration taxes, provided that the application for such cancellation be made within one year after the date of cessation of the present state of war.

ARTICLE XXXIV

PENALTIES

Any person who violates or attempts to violate any of the provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

Declassified E.O. 12356 Section 3.3/NND No. 985016

shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

MISCELLANEOUS

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

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

155

This Order shall be published in

Gazzetta

Poster form

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED MILITARY GOVERNMENT

13 CORPS

GENERAL ORDER No. 23

RESTORATION OF PROPERTY RIGHTS OF JEWS AND PERSONS PERSECUTED BY THE NAZI-FASCISTS FOR POLITICAL REASONS.

WHEREAS by General Order No. 3 Jews were reinstated in their full civil and political rights and

WHEREAS by General Order No. 18 provisions were made prohibiting dealings with and movement of property seized from jews and other persons persecuted by the Nazi-Fascists pending further order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED E. BOWEN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

154

ARTICLE 1

Declassified E.O. 12356 Section 3.3/NND No. 785016

other persons persecuted by the Nazi-fascists [illegible]
of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the 'Territory')

NOW, THEREFORE, I, ALFRED [illegible] BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

154

ARTICLE I

PERSONS AFFECTED BY THIS ORDER

The Provisions of this Order shall apply not only to persons formerly considered of Jewish race, but also to all persons persecuted for political reasons after the 6 October 1938 and all Articles of this Order (except those that deal with laws which applied exclusively to persons considered of Jewish race) shall be construed accordingly.

./.

1334

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE II

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS

All laws, decrees, provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" or for Antifascist political activities are (except as hereinafter provided) hereby repealed. All such persons shall be and they are hereby (subject however to the provisions in this Order hereinafter set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.G.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.G.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

153

ARTICLE IV

Declassified E.O. 12356 Section 3.3/NND No. 785016

aforesaid) of all property taken from them by [illegible]

Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.C.R.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as "E.C.R.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

153

ARTICLE IV

RESTITUTION OF IMMOVABLE PROPERTY

A) By E.C.R.E.L.I.

All persons who were compelled by virtue of R.D.L. of 17 November 1938 No. 1728 and R.D.L. of 9 February 1939 No. 126 to transfer immovable property to E.C.R.E.L.I., and all persons lawfully deriving title under them, may, within one year after the date of the cessation of the present state of war, claim restitution of the said property from E.C.R.E.L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.C.R.E.L.I. any bonds

Declassified E.O. 12356 Section 3.3/NND No. 785016

issued by or sums paid or property transferred to him by E.C.A.L.I as a consideration for the said property. Where the claimant surrendere only part of such bonds, money or property a part of the said immovable property only shall be restored to him in proportion to the bonds, money or property surrendered by him Provided however that the restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B/ By Third Parties Deriving Title under E.C.A.L.I.

Where the immovable property, restitution of which is calimed, has been acquired by third parties deriving title under E.C.A.L.I. the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.C.A.L.I. The owner restoring the immovable property. said and each of the persons who acquired the immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned, the

Declassified E.O. 12356 Section 3.3/NND No. 785016

has been acquired by third parties during [illegible]

the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim provided however that he shall surrender to such owner any bonds, money or property received by him from E.C.S.-..I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. the 152 satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or effect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph.

C) Condition of the Property at the date of Restitution

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

1338

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE V

RELATING TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF.

The claimant shall repay to E.G.E.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimant. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this

151

Declassified E.O. 12356 Section 3.3/NND No. 785016

repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

151

ARTICLE VI

MORTGAGES ON PROPERTY RESTORED

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered

Declassified E.O. 12356 Section 3.3/NND No. 785016

by him by virtue of Article IV hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VII

ENCUMBRANCES AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

DEVIATION OF EXTINGUISHED RIGHTS OF USUFRUCT

15(1)

[illegible] granted under the

Declassified E.O. 12356 Section 3.3/NND No. 785016

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

151

Any rights of usufruct over property restored under the terms of Article IV hereof which have been extinguished by E.G.E.L.I. for valuable consideration, shall automatically revive on restitution of the property to the claimant Provided however that in such case the usufructuary shall restore to E.G.E.L.I. the amount of the consideration paid to him on extinction of the usufruct.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE IX

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER RESTITUTION.

Any person who has carried out improvements to property restored under the provisions of article IV hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

14.

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property, shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

14)

ARTICLE X

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

A) Any person formerly considered of Jewish race whon can prove to the Authority hereinafter established that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not) in order to avoid the application of the racial laws shall be entitled to have such transfer annulled Provided that the application for such annulment be made within one year after the date of the cessation of the present state of war. In cases in which annulment is granted the property so transferred shall be restored to the claimant in the same material

Declassified E.O. 12356 Section 3.3/NND No. 785016

condition as at the date of his request for such annulment.

B) Applications for annulment under para A) of this Article shall be decided in accordance with the principles of strict law. Provided however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by the law.

ARTICLE XI

LEASES OF PROPERTY RESTORED

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the laws in force covering the renewal of leases shall apply.

ARTICLE XII

DONATIONS ENCUMBRANCES AND BEQUESTS OF MOVABLE PROPERTY

A. DONATIONS

A donation made under Articles VI and LV of A.B... of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third

Declassified E.O. 12356 Section 3.3/NND No. 785016

Provided however that after the expiration of such term of three years the laws in force covering the renewal of leases shall apply.

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF REMOVABLE PROPERTY

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

B) INHERITANCES AND BEQUESTS

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial laws, may, within one year after the date of cessation of the present state of war, accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall cease

Declassified E.O. 12356 Section 3.3/NND No. 785016

but without prejudice to rights of third parties acquired through him over the subject matter of the inheritance or the bequest.

2.- A person who accepts an inheritance or bequest which he has previously renounced as provided by para 1 of this Article shall take the property included in such inheritance or bequest in its material condition as at the date of such acceptance.

ARTICLE XIII

RESTITUTION OF BUSINESS PREMISES.

A) Business premises which on the 8 September 1943 were lawfully occupied by persons formerly considered as of Jewish race and of which they were dispossessed by or by order of the Nazi-fascists, must be restored to them within thirty days from the date of request for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expiration of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-fascists.

C) All requests to repossess premises by virtue of para A) of

Declassified E.O. 12356 Section 3.3/NND No. 785016

of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim repossession as aforesaid shall be extinguished

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

A) PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY. All proceedings by creditors for an Order to sell property which were suspended by virtue of [illegible] of 9 February 1939 No. 126 and which relate to property restored under any of the Provisions of this Order to persons effected by the racial laws, may be declared finally extinguished upon application

Declassified E.O. 12356 Section 3.3/NND No. 785016

by the interested parties to the competent Judicial Authority or by such Authority even when no such application to it has been made.

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS.

All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring personal and property rights to persons formerly considered of Jewish race may be finally extinguished by the competent Judicial Authority on application of the interested parties or by such Authority even when no such application to it has been made. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XV

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THEREIN

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article XVIII and LX of R.G.B.L. 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary

13491

Declassified E.O. 12356 Section 3.3/NND No. 785016

13501

A) Restitution of businesses and shares in partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of A.B.L. 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title, the other partners in the business and the persons deriving title under A.C.L.I.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XVI

ADMINISTRATION OF MANAGEMENT AND LIQUIDATION OF BUSINESS AND PROPERTIES

[illegible]

BUSINESS. All administrations, managements, sequestrations, and liquidations

Declassified E.O. 12356 Section 3.3/NND No. 785016

of businesses provided for under Part II, head 4 of R.D.L. of the 9 February 1939 No. 126 shall cease and come to an end on application therefor by the true owner thereof to the person charged with such administration, management, sequestration and liquidation.

B) Other properties.

The provisions of para A of this Article shall also apply to administrations, managements and sequestrations of property from persons for reasons of so-called race or Anti-Fascist political activity.

C) Time limit for restitution and rendering of accounts.

The business or property referred to in peras A) and B) of this Article shall be restored and a detailed account of the administration management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds.

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties.

Persons affected by the racial laws may claim restitution

145

Declassified E.O. 12356 Section 3.3/NND No. 935016

after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PART SO TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution under the terms of this order of any property acquired by third parties as trustees for them in order to avoid the application of the racial laws.

C) Proof in support of applications to set aside deeds or for restitution of property under paras A) and B).

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under paras A) and B) of this Article. Written evidence is admissible in support of such applications even

Declassified E.O. 12356 Section 3.3/NND No. 785016

though given by means of documents which have not been authenticated or registered or in respect of which any tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVIII

RESPONSIBILITY OF PERSONS WHO HAVE ALIENATED JEWISH MOVABLES RECEIVED DIRECTLY FROM NAZI-FASCIST AUTHORITIES OR CONTRARY TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No. 18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ed by them from any Authority, body or per

11 of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restorati n.

The Provisions of this paragraph shall also apply to movable property received as above from Authorities, bodies or persons other than those mentioned in Article II of General Order No. 18 in circumstances which must have given the persons receiving such property reasonable suspicion that the said property was of the types mentioned in Article II of the said General Order.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Goods transferred contrary to Orders from the Jewish Office.

The Provisions of para A) of this Article shall also apply to persons who transferred movable property after service upon them of an Order of the Jewish Office referred to in Article III of General Order No. 18 blocking the said property. Such transfer shall be presumed to have been made after the service of such Order unless the person served with the Order can prove that he filed with the Jewish Office a written reasoned protest against the same.

C) Goods transferred contrary to General Order No. 18.

The Provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No. 18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL RULES AND POWERS OF REMAINING COMMISSIONS.

A) Constitutions.

One Remaining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The Presi-

143

Declassified E.O. 12356 Section 3.3/NND No. 785016

to transfers of movable property blocked by General Order No. 2 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL RULES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government. Area Commissioners of the Allied Military Government may from time to time, as the volume of work so requires, set up and appoint members to further Examining Commissions, constituted in like manner.

B) General Duties of the Commission.

Each Examining Commission shall have the duty of investigating all dealings and movements of movable property seized or taken from persons formerly considered of Jewish race or persons having the custody thereof on behalf of such Jews. The Commission

143

Declassified E.O. 12356 Section 3.3/NND No. 182016

shall act upon written application, setting out all relevant facts, of any person interested in the said property Provided however that the Commission may act of its own accord without having received any such application when it appears necessary in the interests of justice so to do.

c) General Powers of the Commission.

1. Each Examining Commission and all members thereof shall in the exercise of the said duties have all powers of an Examining Magistrate (Giudice Istruttore) according to Law.

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

RIGHT OF EXAMINING COMMISSION IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

143

Declassified E.O. 12356 Section 3.3/NND No. 785016

ed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives as it shall consider necessary in regard to goods within its jurisdiction which have been frozen by virtue of General Order No. 18.

ARTICLE XXI

DECLARATIONS MADE UNDER ARTICLE III OF GENERAL ORDER No. 18

The Jewish Office referred to in Article III. of General Order No. 18 shall forward all declarations received pursuant to the said Article to the Examining Commissions of the Area in which

Declassified E.O. 12356 Section 3.3/NND No. 785016

the property declared is situated immediately on the expiration of the term laid down in the said Article for the making of such declarations.

ARTICLE XXII

CLAIMS TO MOVABLE PROPERTY

Any person who has a claim to or in respect of movable property (including persons who have declared goods or are considered as trustees thereof by virtue of this Order or of General Order No.18) shall within twenty days of the effective date of this Order make such claim in writing to the Examining Commission of the Area in which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No. 18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all

141

Declassified E.O. 12356 Section 3.3/NND No. 785016

has been restored by virtue of

or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

141

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all information within their knowledge in respect of the goods the the subject matter of such interrogation.

B) Any person who knows or has reason to suspect that movables of jewish origin are abandoned, or are hidden or held by persons other than the true owner, shall supply full information of all facts giving rise to such knowledge or suspicion to the Examining Commission of the Area in which such movables are known or believed to be abandoned, hidden or held. Should the Examining Commission be satisfied that such information has led to the recovery of such movables, it shall recommend to the Judicial Commission hereinafter

Declassified E.O. 12356 Section 3.3/NND No. 785019

mentioned that the true owner recovering the property be ordered to pay a sum equal to five percent of the value of the property to the person supplying such information.

C) All information given by virtue of pares A) and B) of this Article shall be true and complete to the best of the knowledge and belief of the person giving it.

ARTICLE XXIV

PROCEDURE ON THE EXAMINING COMMISSION.

After having collected all available information with regard to any one matter in order to prove that the property the subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below

140

Declassified E.O. 12356 Section 3.3/NND No. 785016

Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL DUTIES AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 6th grade. The President and other members and substitute members shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government.

140

B) GENERAL POWERS, DUTIES AND PROCEDURE.

1. Movables.

(a) Each Judicial Commission shall examine each file received from the Examining Commission under Article XXIV hereof. When it is satisfied that any movable property the subject matter of any such files belonged to and was seized or taken from persons affected by

Declassified E.O. 12356 Section 3.3/NND No. 785016

the racial laws, it shall order that such movables be restored to the person from whom such property was seized or taken as aforesaid or his successor in title.

Should it appear to the Commission that the said fact has not been sufficiently proved but that further proof necessary can be obtained,it shall refer the file back to the Examining Commission with instructions as to the further evidence required.

When it appears to the Commission that the proof of the above mentioned facts is insufficient and is not capable of perfection, it shall order that the property in question be freed forthwith from the block imposed by General Order No. 13. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b)When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied , it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes

139

Declassified E.O. 12356 Section 3.3/NND No. 785016

on the question some [illegible]

[illegible] submitted to the Judicial Committee, it may re-submit the [illegible] to the Judicial Committee however that it is the intention of [illegible] over the said property with the date of [illegible] over of the said block as aforesaid shall not be affected by any [illegible] and order of the Judicial Committee made as a result of such further evidence.

(2) And the [illegible] with the recommendation of the Standing Committee made under Article xxiii (b) of this order, shall be [illegible] by [illegible] and [illegible] .

(3) Upon all [illegible] payment of the said sum.

4. [illegible] and other matters [illegible]

The Standing Committee shall [illegible] and [illegible] disputes, [illegible] in the case of property [illegible] by virtue of the provisions of this order and it shall be [illegible] provided for the [illegible] of this order to be [illegible] the Judicial Committee of the Privy Council for [illegible] and [illegible] affected by [illegible] by reason of [illegible] in title.

5. [illegible]

The Standing Committee shall, in carrying out [illegible] directions under [illegible] of this order [illegible] such [illegible] and [illegible] provided by [illegible] of this order to [illegible] as [illegible] transfers deem necessary to effect [illegible] having regard to the

Declassified

principles of equity.

The judgment of the Judicial Commission shall be final and not subject of appeal. proceedings may however be taken to revoke it under the terms of articles 395 et seq. of the Code of Civil Procedure.

c) DURATION.

The Judicial Commission shall decide and give final judgment in all questions and disputes submitted to it within two years of the date of the present state of war.

All questions and disputes submitted to it within the said period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such

Declassified E.O. 12356 Section 3.3/NND No. 785016

135

of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such order, to recover from his immediate vendor the price paid for such goods by means of action before the appropriate Judicial Authority.

ARTICLE XXVII

PROCEDURE FOR UNBLOCKING OF PROPERTY OF JEWS HELD IN BANK ACCOUNTS AND PERSONAL SAFES.

A) Where the owners are identifiable.

Property held in bank accounts or personal safes in the name of persons adversely affected by the racial laws and which have been blocked by the Nazi-Fascists for so-called reasons of

138

Declassified E.O. 12356 Section 3.3/NND No. 785016

13866

race, shall be and it is hereby immediately unblocked in favour of the persons in whose name such property is held or the persons deriving title under them so far as such persons can be identified, unless such property has been also blocked for reasons other than of race.

In cases in which the property in any one account or safe is held in the name of more than one person and the bank is unable to identify the portion thereof belonging to each of such persons, or there is a doubt or a dispute as to the ownership of property held in any account or safe, the bank shall submit the matter to the local Examining Commission. The Examining Commission, after carrying out its duties as hereinbefore set out in relation to such property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) <u>Where the owners are not identifiable.</u>

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

137

Declassified E.O. 12356 Section 3.3/NND No. 785016

decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) Where the owners are not identifiable.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

137

ARTICLE XXVIII

OTHER MOVABLE PROPERTY BELONGING TO PERSONS KNOWN TO BE JEWS BUT AND ARE UNIDENTIFIABLE OR DEAD.

Movable property, (other than of the types mentioned in Article XXVII hereof), which is known to have belonged to persons affected by the racial laws shall, if such persons or their successors in title cannot individually be identified or are dead or non-existent, be collected under the supervision of the local Examining Commission in one central warehouse in each Area.

Declassified E.O. 12356 Section 3.3/NND No. 935016

ARTICLE XXIX

DISTRIBUTION AND CLAIMS IN RESPECT OF MOVABLE PROPERTY OF UNIDENTIFIABLE JEWISH OWNERS.

On completion of his duties in relation to property of identifiable ownership, each Examining Commission shall prepare a scheme for proportional distribution of all property in the central fund and central warehouse respectively referred to Articles XXVII (B) and XXVIII hereof among the persons who have submitted claims to property to such Examining Commission under the Provisions of this order and whose property has , through no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do ot appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate , setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall , after .

Declassified E.O. 12356 Section 3.3/NND No. 785016

no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do not appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate, setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall, after considering all such claims, prepare and publish in the said Gazette a final distribution scheme, against which there shall be no appeal or further claim. The examining Commission shall on or after the date of publication of such final scheme distribute the property among the persons entitled in accordance with the said scheme.

136

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXX

ENTRY IN PUBLIC RECORDS OF CLAIMS UNDER THIS ORDER.

At the request of any person who has a claim by virtue of the Provisions of this Order to property or any right therein, which property or right is registrable by law in a public record, a note shall be made of such claim against the entry in the record relating to such property or right. Any person acquiring such property or right after the date of such note shall do so subject to such claim.

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after

Declassified E.O. 12356 Section 3.3/NND No. 785016

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after the expiration of such period shall be subject to the limitation as to damage mentioned in the Civil Code.

135

ARTICLE XXXII

REDUCTION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

All fees due to notaries and stock-brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of

Declassified E.O. 12356 Section 3.3/NND No. 785016

endorsements of shares required in order to carry out the provisions of this Order shall be and they are hereby reduced by fifty per cent.

ARTICLE XXXIII

FISCAL PROVISIONS.

A) Tax on deeds restoring property under this Order.

All deeds and documents for the purpose of restoring property or rights therein to persons affected by the racial laws or their heirs, entered into pursuant to the provisions of this Order, shall be exempt from all stamp duties and taxes provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made

Declassified E.O. 12356 Section 3.3/NND No. 785016

year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made pursuant to this Order.

Documents containing orders of the Court or Judicial Commissions, made pursuant to the Provisions of this Order, shall be subject to a fix registration charge of 20 -ire.

C) Tax on deeds restoring shares.

Deeds restoring shares under the Provisions of this Order shall be free from all stamp duties and taxes provided that the persons who intend to request the restitution of such shares

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall within one year after the date of the cessation of the present state of war lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question.

D) Tax on dissolution of small real property companies.

Divisions of property on the dissolution of real property companies formed before 14 April 1941 with a capital not exceeding 1.000.000.- lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons affected by the racial laws, shall, insofar as such divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 39 of Appendix 'A' to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposte Graduale di Registro) and also to the fixed registration tax (Imposte Ipotecarie) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of

Declassified E.O. 12356 Section 3.3/NND No. 785016

of Appendix 'A' to the Schedule of [illegible]

tion law approved by R.D.L. of 30 December 1923, No. 3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of article 30 of R.D.L. of 9 February 1939, No. 126, shall be free of all stamp duties and taxes provided that they are entered into within one year after the date of cessation of the present state of war.

135

In such cases the transferee shall pay to the transferor such sum as he would have paid by way of succession duty had the property in question been transferred directly to him.

F) Taxes in connection with proceedings for cancellation of lost or stolen bonds and shares.

All applications, orders and other documents in connection

Declassified E.O. 12356 Section 3.3/NND No. 785016

with proceedings under Articles 2016 and 2027 of the Civil Code for cancellation of bonds and shares seized by the Nazi-Fascists from persons affected by the racial laws, shall be free from all stamp and registration taxes, provided that the application for such cancellation be made within one year after the date of cessation of the present state of war.

ARTICLE XXXIV

PENALTIES

Any person who violates or attempts to violate any of the provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

Declassified E.O. 12356 Section 3.3/NND No. 785016

conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXIV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

132

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

This Order shall be published in

Gazzetta

Poster form

Declassified E.O. 12356 Section 3.3/NND No. 785016

1379

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

Legal Division — Date 29 November 1945

File Ref.: 13 c/AMG/LD/ 102/591

SUBJECT : Restoration of property rights to Jews and other persons persecuted by Nazi-Fascists.

TO : Chief Legal Adviser, Headquarters Allied Commission

1. Enclosed are two copies of draft General Order prepared by this division on the above mentioned question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the

Declassified E.O. 12356 Section 3.3/NND No. 785016

relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of "Non-Aryans", within the meaning of such laws, in the City of Trieste alone and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunali will make quite impossible a speedy just restoration of the rights of the owners of the property. Such speedy restoration is, it is submitted, by this Division a matter of urgency.

13801

Declassified E.O. 12356 Section 3.3/NND No. 778501

these people, having returned from hiding or German concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division id to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of Examining Commission Article XIX)

The S.C.A.D. feels that the powers given to this Commission especially those for search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divilge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Covernment's laws have been followed exactly.

Declassified E.O. 12356 Section 3.3/NND No. 759016

persons to declare personal property

to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XXV 13) and in addition all disputes are referred to the Judicial Committee, which will be composed of Judicial personnel and which must decide between all the parties according to equity .

D) Property of unidentifiable Jews Article XXVIII and XXIX.

The S.C.A.C. feels that these provisions may operate to the detriment of those persons who cannot at first be identified but later turn up. However, under Article XXV the Judicial Committee

Declassified E.O. 12356 Section 3.3/NND No. 838016

can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such per od may fairly be considered unidentifiable.

a) <u>The form of the document.</u>

The S.C.A.O. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

3. <u>Vienna.</u>

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.U.S.
Chief Legal Officer

Declassified E.O. 12356 Section 3.3/NND No. 785016

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.U.S.
Chief Legal Officer

129

Declassified E.O. 12356 Section 3.3/NND No. 938016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

Legal Division — Date 29 November 1945

File Ref.: 13 c/AMG/LD/ 102/591

SUBJECT : Restoration of property rights to Jews and other persons persecuted by Nazi-Fascists.

TO : Chief Legal Adviser, Headquarters Allied Commission

1. Enclosed are two copies of draft General Order prepared by this division on the above mentioned question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the

Declassified E.O. 12356 Section 3.3/NND No. 785016

legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of "Non-Aryans", within the meaning of such laws, in the City of Trieste alone and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunali will make quite impossible a speedy just restoration of the rights of the owners of the property. Such speedy restoration is, it is submitted, by this Division a matter of urgency.

Declassified E.O. 12356 Section 3.3/NND No. 785016

these people, having returned from hiding or German concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division id to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of Examining Commission Article XIX)

The S.C.A.D. feels that the powers given to this Commission especially those for search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divilge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.D. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XIV)

Declassified E.O. 12356 Section 3.3/NND No. 785016

any leads to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

c) Rights of third parties.

The S.A.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immoveble property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XX[illegible]) and in addition all disputes are referred to the Judicial Committee, which will be composed of Judicial personnel and which must decide between all the parties according to equity.

D) Property of unidentifiable Jews Articles XXVIII and XXIX.

The S.A.C.C. feels that these provisions may operate to the detriment of those persons who cannot at first be identified but later turn up. However, under Article XXV the Judicial Committee

Declassified E.O. 12356 Section 3.3/NND No. 785016

can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such period may fairly be considered unidentifiable.

a) <u>The form of the document.</u>

The S.C.A.O. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

3. <u>Visas.</u>

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

for the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.U.S.
Chief Legal Officer

126

Declassified E.O. 12356 Section 3.3/NND No. 785016

if the matter could receive as speedy consideration as possible.

for the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.U.S.
Chief Legal Officer

125

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

Legal Division — Date 29 November 1945

File Ref.: 13 c/AMG/AD/ 102/591

SUBJECT : Restoration of property rights to Jews and other persons persecuted by Nazi-Fascists.

TO : Chief Legal Adviser, Headquarters Allied Commission

1. Enclosed are two copies of draft General Order prepared by this division on the above mentioned question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XIV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the [illegible] As a result there are some thousands of [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785016

relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of "Non-Aryans", within the meaning of such laws, in the City of Trieste alone and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunals will make quite impossible a speedy just restoration of the rights of the owners of the property. Such speedy restoration is, it is submitted, by this Division a matter of urgency.

125

Declassified E.O. 12356 Section 3.3/NND No. 785016

these people, having returned from hiding or German concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division is to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of Examining Commission Article XIX)

The S.C.A.D. feels that the powers given to this Commission especially those for search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.D. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly.

1 3 9 3 3
Declassified E.O. 12356 Section 3.3/NND No. 785016

persons to declare personal property formerly belonging or supposed to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XXVI) and in addition all disputes are referred to the Judicial Committee 12 which will be composed of Judicial personnel and which must decide between all the parties according to equity .

D) Property of unidentifiable Jews Article XXVII and XXIX.

The S.C.C.C. feels that these provisions may operate to the detriment of those persons who cannot at first be identified but later turn up. However, under Article XX7 the Judicial Committee

Declassified E.O. 12356 Section 3.3/NND No. 785016

can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such period may fairly be considered unidentifiable.

A) The form of the document.

The S.C.A.O. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

3. Vienna.

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Sgd. A.E. COLE
Major A.C.S.
Chief Legal Officer

Declassified E.O. 12356 Section 3.3/NND No. 985016

for the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.U.S.
Chief Legal Officer

123

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED MILITARY GOVERNMENT

13 CORPS

GENERAL ORDER No. 23

RESTORATION OF PROPERTY RIGHTS OF JEWS AND PERSONS PERSECUTED BY THE NAZI-FASCISTS FOR POLITICAL REASONS.

WHEREAS by General Order No. 3 Jews were reinstated in their full civil and political rights and

WHEREAS by General Order No. 18 provisions were made prohibiting dealings with and movement of property seized from jews and other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED D. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

ARTICLE I

Declassified E.O. 12356 Section 3.3/NND No. 935016

other persons persecuted by the Nazi-Fascists pending further order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED D. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

ARTICLE I

PERSONS AFFECTED BY THIS ORDER

The Provisions of this Order shall apply not only to persons formerly considered of Jewish race, but also to all persons persecuted for political reasons after the 6 October 1938 and all Articles of this Order (except those that deal with Laws which applied exclusively to persons considered of Jewish race) shall be construed accordingly.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE II

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS

All Laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of roperty of persons because of their so-called "Jewish race" or foe Antifascist political activities are (except as hereinafter provided) hereby repealed. All such persons shall be and they are hereby (subject however to the provisions in this Order herimafter set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.G.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as "E.G.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

Declassified E.O. 12356 Section 3.3/NND No. 785016

set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.C.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.C.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

127

ARTICLE IV

RESTITUTION OF IMMOVABLE PROPERTY

A) By E.C.E.L.I.

All persons who were compelled by virtue of R.D.L. of 17 November 1938 No. 1728 and R.D.L. of 9 February 1939 No. 126 to transfer immovable property to E.C.E.L.I , and all persons lawfully deriving title under them, may, within one year after the date of the cessation of the present state of war, claim restitution of the said property from E.C.E.L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.C.E.L.I. any bonds

1400
Declassified E.O. 12356 Section 3.3/NND No. 785016

issued by or sums paid or property transferred to him by E.C.E.L.I as a consideration for the said property. Where the claimant surrenders only part of such bonds, money or property a part of the said immovable property only shall be restored to him in proportion to the bonds, money or property surrendered by him Provided however that the restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B) By Third Parties Deriving Title under E.C.E.L.I.

Where the immovable property, restitution of which is calimed, has been acquired by third parties deriving title under E.C.E.L.I. the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.C.E.L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned, the

Declassified E.O. 12356 Section 3.3/NND No. 785016

1402

the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from B.C.R.--I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. the satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or affect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph.

C) Condition of the Property at the date of Restitution

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE V

REPAIRS TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF.

The claimant shall repay to E.C.E.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimants. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged

1403
Declassified E.O. 12356 Section 3.3/NND No. 785016

spect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to,indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE VI

MORTGAGES ON PROPERTY RESTORED

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered

1404

179

Declassified E.O. 12356 Section 3.3/NND No. 785016

by him by virtue of Article IV hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VII

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

A.1 easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OR MORTGAGE

Declassified E.O. 12356 Section 3.3/NND No. 785016

1405

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIIA

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

Any rights of usufruct over property restored under the terms of Article IV hereof which have been extinguished by E.C.A.L.I. for valuable consideration, shall automatically revive on restitution of the property to the claimant provided however that in such case the usufructuary shall restore to E.C.A.L.I. the amount of the consideration paid to him on extinction of the usufruct.

118

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XI

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER EXPROPRIATION.

Any person who has carried out improvements to property restored under the provisions of article IV hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

ARTICLE X

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be acted in [illegible] of (Giudice Savolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

ARTICLE X

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

1) Any person formerly considered of Jewish race whon can prove to the Authority hereinafter established that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not) in order to avoid the application of the racial laws shall be entitled to have such transfer annulled Provided that the application for such annulment be made within one year after the date of the cessation of the present state of war. In cases in which annulment is granted the property so transferred shall be restored to the claimant in the same material

1408

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

condition as at the date of his request for such annulment.

B) Applications for annulment under para A) of this Article shall be decided in accordance with the principles of strict law. Provided however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by the law.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided howeverthat after the expiration of such term of three years the laws in force covering the renewal of leases shall apply.

ARTICLE XII

DONATIONS INHERITANCES AND BEQUESTS OF MOVABLE PROPERTY

A. DONATIONS

A donation made under Articles VI and XV of A.B.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the laws in force covering the renewal of leases shall apply.

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF IMMOVABLE PROPERTY

A) DONATIONS

A donation made under Articles VI and IV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

B) INHERITANCES AND BEQUESTS

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial laws, may, within one year after the date of cessation of the present state of war, accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall cease

Declassified E.O. 12356 Section 3.3/NND No. 785016

but without prejudice to rights of third parties acquired through him over the subject matter of the inheritance or the bequest.

2.- A person who accepts an inheritance or bequest which he has previously renounced as provided by para 2) 1 of this Article shall take the property included in such inheritance or bequest in its material condition as at the date of such acceptance.

ARTICLE XIII

RESTITUTION OF BUSINESS PREMISES

A) Business premises which on the 8 September 1943 were lawfully occupied by persons formerly considered as of Jewish race and of which they were dispossessed by or by order of the Nazi-Fascists, must be restored to them within thirty days from the date of request for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expiration of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established

Declassified E.O. 12356 Section 3.3/NND No. 775016

for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expiration of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim repossession as aforesaid shall be extinguished

115

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

A) PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY . All proceedings by creditors for an Order to sell property which were suspended by virtue of R.D.L. of 9 February 1939 No. 126 and which relate to property restored under any of the Provisions of this Order to persons effected by the racial laws, may be declared finally extinguished upon application

Declassified E.O. 12356 Section 3.3/NND No. 785016

by the interested parties to the competent Judicial Authority or by such Authority even when no such application to it has been made.

B) PROCEEDINGS DEEMED NULL AND VOID THROUGH CANCELLATION OF RACIAL LAWS.

All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring personal and property rights to persons formerly considered of Jewish race may be finally extinguished by the competent Judicial Authority on application of the interested parties or by such Authority even when no such application to it has been made. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XV

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of R.G.B.l. 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title

Declassified E.O. 12356 Section 3.3/NND No. 785016

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of [illegible] 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title and the other partners in the business and the persons deriving title under N.S.B.B.I.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XVI

LIQUIDATION OF MANAGEMENTS AND LIQUIDATION OF BUSINESSES AND PROPERTIES [illegible] PROVIDED FOR BY NAZI LAWS.

[illegible]. All administrations, managements, sequestrations, and liquidations

Declassified E.O. 12356 Section 3.3/NND No. 785016

of businesses provided for under Part II, head 4 of R.D.L. of the 9 February 1939 No. 126 shall cease and come to an end on application therefor by the true owner thereof to the person charged with such administration, management, sequestration and liquidation.

B) Other properties.

The provisions of para A of this Article shall also apply to administrations, managements and sequestrations of property from persons for reasons of so-called race or Anti-Fascist political activity.

C) Time limit for restitution and rendering of accounts.

The business or property referred to in paras A) and B) of this Article shall be restored and a detailed account of the administration management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTY SO TO AVOID RACIAL LAWS.

A. Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution

Declassified E.O. 12356 Section 3.3/NND No. 785016

the business or property referred to in paras A) and B) of this Article shall be restored and a detailed account of the administration management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A, Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution under the terms of this Order of any property acquired by third parties as trustees for them in order to avoid the application of the Racial Laws.

C) Proof in support of applications to set aside deeds or for restitution of property under paras A) and B).

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under paras A) and B) of this Article. Written evidence is admissible in support of such applications even

Declassified E.O. 12356 Section 3.3/NND No. 785016

though given by means of documents which have not been authenticated or registered or in respect of which may tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVIII

RESPONSIBILITY OF PERSONS WHO HAVE ALIENATED JEWISH MOVABLES RECEIVED DIRECTLY FROM NAZI-FASCIST AUTHORITIES OR CONTRARY TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No. 18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

Declassified E.O. 12356 Section 3.3/NND No. 785016

types mentioned in Articles I and II of General Order No. 18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restorati n.

The Provisions of this paragraph shall also apply to movable property received as above from Authorities, bodies or persons other than those mentioned in Article II of General Order No. 18 in circumstances w ich must have given the persons receiving such property reasonable suspicion that the said property was of the types mentioned in Article II of the said General Order.

11

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Goods transferred contrary to Orders from the Jewish Office.

The Provisions of para A) of this Article shall also apply to persons who transferred movable property after service upon them of an Order of the Jewish Office referred to in Article III of General Order No. 18blocking the said property. Such transfer shall be presumed to have been made after the service of such Order unless the person served with the Order can prove that he filed with the Jewish Office a written reasoned protest against the same.

C) Goods transferred contrary to General Order No. 18.

The Provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No. 18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The Presi-

1420

Declassified E.O. 12356 Section 3.3/NND No. 785016

General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL RULES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government. Area Commissioners of the Allied Military Government may from time to time, as the volume of work so requires, set up and appoint members to further Examining Commissions, constituted in like manner.

B) General Duties of the Commission.

Each Examining Commission shall have the duty of investigating all dealings and movements of movable property seized or taken from persons formerly considered of Jewish race or persons having the custody thereof on behalf of such Jews. The Commission

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall act upon written application, setting out all relevent facts, of any person interested in the said property Provided however that the Commission may act of its own accord without having received any such application when it appears necessary in the interests of justice so to do.

c) General Powers of the Commission.

1. Each Examining Commission and all members thereof shall in the exercise of the said duties have all powers of an Examining Magistrate (Giudice Istruttore) according to Law.

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives

Declassified E.O. 12356 Section 3.3/NND No. 785016

ed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives as it shall consider necessary in regard to goods within its jurisdiction which have been frozen by virtue of General Order No. 18.

ARTICLE XXI

DECLARATIONS MADE UNDER ARTICLE III OF GENERAL ORDER No. 18

The Jewish Office referred to in Article III. of General Order No. 18 shall forward all declarations received pursuant to the said Article to the Examining Commissions of the Area in which

1423

Declassified E.O. 12356 Section 3.3/NND No. 785016

the property declared is situated immediately on the expiration of the term laid down in the said Article for the making of such declarations.

ARTICLE XXII

CLAIMS TO MOVABLE PROPERTY

Any person who has a claim to or in respect of movable property (including persons who have declared goods or are considered as trustees thereof by virtue of this Order or of General Order No.18) shall within twenty days of the effective date of this Order make such claim in writing to the Examining Commission of the Area in which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No. 13 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all

Declassified E.O. 12356 Section 3.3/NND No. 785016

has been restored by virtue of Article IV of General Order No. 18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all information within their knowledge in respect of the goods the the subject matter of such interrogation.

B) Any person who knows or has reason to suspect that movables of jewish origin are abandoned, or are hidden or held by persons other than the true owner, shall supply full information of all facts giving rise to such knowledge or suspicion to the Examining Commission of the Area in which such movables are known or believed to be abandoned, hidden or held. Should the Examining Commission be satisfied that such information has led to the recovery of such movables, it shall recommend to the Judicial Commission hereinafter

Declassified E.O. 12356 Section 3.3/NND No. 935016

mentioned that the true owner recovering the property be ordered to pay a sum equal to five percent of the value of the property to the person supplying such information.

C) All information given by virtue of paras A) and B) of this Article shall be true and complete to the best of the knowledge and belief of the person giving it.

ARTICLE XXIV

PROCEDURE ON THE EXAMINING COMMISSION.

After having collected all available information with regard to any one matter in order to prove that the property the subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and subetitute

Declassified E.O. 12356 Section 3.3/NND No. 785016

Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and substitute members shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government.

B) GENERAL POWERS, DUTIES AND PROCEDURE

1. Movables

(a) Each Judicial Commission shall examine each file received from the Examining Commission under Article XXIV hereof. When it is satisfied that any movable property the subject matter of any such files belonged to and was seized or taken from persons affected by

10%

Declassified E.O. 12356 Section 3.3/NND No. 785016

the racial laws, it shall order that such movables be restored to the person from whom such property wasseized or taken as aforesaid or his successor in title.

Should it appear to the Commission that the said fact has not been sufficiently proved but that further proof necessary can be obtained,it shall refer the file back to the Examining Commission with instructions as to the further evidence required.

When it appears to the Commission that the proof of the above mentioned facts is insufficient and is not capable of perfection, it shall order that the property in question be freed forthwith from the block imposed by General Order No. 18. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) Whenthe Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied , it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes

Declassified E.O. 12356 Section 3.3/NND No. 785016

on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) whenthe Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied , it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provisions of this Order and of General Order No. 18 Provided however that one of the parties to such dispute be a person adversely affected by the racial laws or persecuted by the Nazi-Fascists for political reasons or his successor in title.

3. Procedure

The Judicial Commission shall, in deciding all questions and disputes under Sections 1 and 2 of this paragraph, employ such procedure as it shall (except as provided by Article X (B) of this Order in relation to applications for annulment of transfers) deem necessary to effect substantial justice according to the

Declassified E.O. 12356 Section 3.3/NND No. 485016

principles of equity.

The judgment of the Judicial Commission shall be final and not subject of appeal. proceedings may however be taken to revoke it under the terms of articles 395 et seq. of the Code of Civil Procedure.

c) DURATION.

The Judicial Commission shall decide and give final judgment in all questions and disputes submitted to it within two years of the date of the present state of war.

All questions and disputes submitted to it within the said period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such [illegible] from his immediate vendor the price paid for such

I A 3 01

Declassified E.O. 12356 Section 3.3/NND No. 785016

of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such order, to recover from his immediate vendor the price paid for such goods by means of action before the appropriate Judicial Authority.

ARTICLE XXVII

PROCEDURE FOR THE PAYING OF PROPERTY OF JEWS HELD IN BANK ACCOUNTS AND PERSONAL SAFES.

A) Where the owners are identifiable:

Property held in bank accounts or personal safes in the name of persons adversely affected by the racial laws and which have been blocked by the Anzi-Fascists for so-called reasons of

Declassified E.O. 12356 Section 3.3/NND No. 785016

race, shall be and it is hereby immediately unblocked in favour of the persons in whose name such property is held or the persons deriving title under them so far as such persons can be identified, unless such property has been also blocked for reasons other than of race.

In cases in which the property in any one account or safe is held in the name of more than one person and the bank is unable to identify the portion thereof belonging to each of such persons, or there is a doubt or a dispute as to the ownership of property held in any account or safe, the bank shall submit the matter to the local Examining Commission. The Examining Commission, after carrying out its duties as hereinbefore set out in relation to such property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) <u>Where the owners are not identifiable.</u>

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

1432
Declassified E.O. 12356 Section 3.3/NND No. 785016

property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) Where the owners are not identifiable.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

ARTICLE XXVIII

OTHER MOVABLE PROPERTY BELONGING TO PERSONS KNOWN TO BE JEWS BUT WHO ARE NOT IDENTIFIABLE OR DEAD.

Movable property, (other than of the types mentioned in Article XXVII hereof), which is known to have belonged to persons affected by the racial laws shall, if such persons or their successors in title cannot individually be identified or are dead or non-existent, be collected under the supervision of the local Examining Commission in one central safe use in each Area.

105

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXIX

DISTRIBUTION AND CLAIMS IN RESPECT OF MOVABLE AND/OR OF UNIDENTIFIABLE JEWISH OWNERS.

On completion of his duties in relation to property of identifiable ownership, each Examining Commission shall prepare a scheme for proportional distribution of all property in the central fund and central warehouse respectively referred to Articles XXVII (B) and XXVIII hereof among the persons who have submitted claims to property to such Examining Commission under the Provisions of this order and whose property has , through no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do ot appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate , setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall , after [illegible] all such claims , prepare and publish in the said

Declassified E.O. 12356 Section 3.3/NND No. 785016

by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do ot appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate , setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall , after considering all such claims , prepare and publish in the said Gazette a final distribution scheme, against which there shall be no appeal or further claim. The examining Commission shall on or after the date of publication of such final scheme distribute the property among the persons entitled in accordance with the said scheme.

FO 1

1435

Declassified E.O. 12356 Section 3.3/NND No. NN 50016

ARTICLE XXX

ENTRY IN PUBLIC RECORDS OF CLAIMS UNDER THIS ORDER.

At the request of any person who has a claim by virtue of the Provisions of this Order to property or any right therein, which property or right is registrable by Law in a public record, a note shall be made of such claim against the entry in the record relating to such property or right. Any person acquiring such property or right after the date of such note shall do so subject to such claim.

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after

Declassified E.O. 12356 Section 3.3/NND No. 785016

FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after the expiration of such period shall be subject to the limitation as to damage mentioned in the Civil Code.

ARTICLE XXXII

REMISSION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

3103

All fees due to notaries and stock-brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of

Declassified E.O. 12356 Section 3.3/NND No. 785016

endorsements of shares required in order to carry out the Provisions of this Order shall be and they are hereby reduced by fifty per cent.

ARTICLE XXXIII

FISCAL PROVISIONS.

A) Tax on deeds restoring property under this Order.

All deeds and documents for the purpose of restoring property or rights therein to persons affected by the racial laws or their heirs, entered into pursuant to the Provisions of this Order, shall be exempt from all stamp duties and taxes provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made

Declassified E.O. 12356 Section 3.3/NND No. 785016

Provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made pursuant to this Order.

Documents containing orders of the Court or Judicial Commissions, made pursuant to the Provisions of this Order, shall be subject to a fix registration charge of 20 Lire.

C) Tax on deeds restoring shares.

Deeds restoring shares under the Provisions of this Order shall be free from all stamp duties and taxes provided that the persons who intend to request the restitution of such shares

10

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall within one year after the date of the cessation of the present state of war lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question.

D) Tax on dissolution of small real property companies.

Divisions of property on the dissolution of real property companies formed before 14 April 1941 with a capital not exceeding 1.000.000.- lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons affected by the racial laws, shall, insofar as such divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 39 of Appendix "A" to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one hair to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No. 126, shall be free of all stamp duties

Declassified E.O. 12356 Section 3.3/NND No. 785016

ject to the graduated registration fees set out in Article 39 of Appendix "A" to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposte Graduale di Registro) and also to the fixed registration tax (Imposte Ipotecarie) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No. 126, shall be free of all stamp duties and taxes provided that they are entered into within one year after the date of cessation of the present state of war.

In such cases the transferee shall pay to the transferor such sum as he would have paid by way of succession duty had the property in question been transferred directly to him.

F) Taxes in connection with proceedings for cancellation of lost or stolen bonds and shares.

All applications, orders and other documents in connection

Declassified E.O. 12356 Section 3.3/NND No. 785016

with proceedings under Articles 2015 and 2027 of the Civil Code for cancellation of bonds and shares seized by the Nazi-Fascists from persons affected by the racial laws, shall be free from all stamp and registration taxes, provided that the application for such cancellation be made within one year after the date of cessation of the present state of war.

ARTICLE XXXIV

PENALTIES

Any person who violates or attempts to violate any of the provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

~~AUTHORITY~~

~~EFFECTIVE DATE~~

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

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

This Order shall be published in

Gazzetta

Foster form

101

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

Legal Division — Date 29 November 1945

File Ref.: 13 c/AMG/LD/ 102/591

SUBJECT : Restoration of property rights to Jews and other persons persecuted by Nazi-fascists.

TO : Chief Legal Adviser, Headquarters Allied Commission

1. Enclosed are two copies of draft General Order prepared by this division on the above mentioned question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of

Declassified E.O. 12356 Section 3.3/NND No. 785016

1 4 4 4

relation to personal property different from the [illegible]
legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of "Non-Aryans", within the meaning of such laws, in the City of Trieste alone and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunals will make quite impossible a speedy just restoration of the rights of the owners of the property. Such speedy restoration is, it is submitted, by this division a matter of urgency.

Declassified E.O. 12356 Section 3.3/NND No. 785016

these people, having returned from hiding or German concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division id to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of Examining Commission Article XIX)

The S.C.A.O. feels that the powers given to this Commission especially those for search, are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.O. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XVI)

Declassified E.O. 12356 Section 3.3/NND No. 785016

to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

c) Rights of third parties.

The U.N.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XXVI) and in addition all disputes are referred to the Judicial Committee, which will be composed of Judicial personnel and which must decide between all the parties according to equity.

9R

d) Property of unidentifiable Jews Article XXVIII and XXIX.

The U.N.C.C. feels that these provisions may operate to the detriment of those persons who cannot at first be identified but later turn up. However, under Article XXV the Judicial Committee

Declassified E.O. 12356 Section 3.3/NND No. 785016

can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such period may fairly be considered unidentifiable.

4) The form of the document.

The S.C.A.O. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

3. Views.

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Sgd. A.E. Gold
Major A.G.S.
Chief Legal Officer

1448

Declassified E.O. 12356 Section 3.3/NND No. 785016

if the matter could receive as speedy consideration as possible.

for the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.G.S.
Chief Legal Officer

91

Declassified E.O. 12356 Section 3.3/NND No. 775016

ALLIED MILITARY GOVERNMENT

13 CORPS

GENERAL ORDER No. 23

RESTORATION OF PROPERTY RIGHTS OF JEWS AND PERSONS PERSECUTED BY THE NAZI-FASCISTS FOR POLITICAL REASONS.

WHEREAS by General Order No. 3 Jews were reinstated in their full civil and political rights and

WHEREAS by General Order No. 18 provisions were made prohibiting dealings with and movement of property seized from jews and other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinststement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

ARTICLE I

1430

Declassified E.O. 12356 Section 3.3/NND No. 785016

other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter Called the "Territory")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

ARTICLE I

PERSONS AFFECTED BY THIS ORDER

The Provisions of this Order shall apply not only to persons formerly considered of jewish race, but also to all persons persecuted for political reasons after the 6 October 1938 and all Articles of this Order (except those that deal with laws which applied exclusively to persons considered of Jewish race) shall be construed accordingly.

98

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE II

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS

All Laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" or for Antifascist political activities are (except as hereinafter provided) hereby repealed. All such persons shall be and they are hereby (subject however to the provisions in this Order herinafter set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.G.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.G.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

Declassified E.O. 12356 Section 3.3/NND No. 785016

set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

ARTICLE III

CONTINUATION OF ACTIVITIES OF E.G.E.L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.G.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

ARTICLE IV

RESTITUTION OF MOVABLE PROPERTY

A) By E.G.E.L.I.

All persons who were compelled by virtue of R.D.L. of 17 November 1938 No. 1728 and R.D.L. of 9 February 1939 No. 126 to transfer immovable property to E.G.E.L.I., and all persons lawfully deriving title under them, may, within one year after the date of the cessation of the present state of war, claim restitution of the said property from E.G.E.L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.G.E.L.I. any bonds

95

Declassified E.O. 12356 Section 3.3/NND No. 785016

issued by or sums paid or property transferred to him by E.G.E.L.I as a consideration for the said property. Where the claimant surrenders only part of such bonds, money or property a part of the said immovable property only shall be restored to him in proportion to the bonds, money or property surrendered by him Provided however that the restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B) <u>By Third Parties Deriving Title under E.G.E.L.I.</u>

Where the immovable property, restitution of which is calimed, has been acquired by third parties deriving title under E.G.E.L.I. the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.G.E.L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned, the

Declassified E.O. 12356 Section 3.3/NND No. 785016

has been acquired by third parties deriving title under E.G.E.L.I. the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.G.E.L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. the satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or affect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph.

C) Condition of the Property at the date of Restitution

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE V

RELATING TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF.

The claimant shall repay to E.G.A.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimant. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged

1456

Declassified E.O. 12356 Section 3.3/NND No. 985016

repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE VI

MORTGAGES ON PROPERTY RESTORED

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered

Declassified E.O. 12356 Section 3.3/NND No. 785016

by him by virtue of Article IV hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VII

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

93

Declassified E.O. 12356 Section 3.3/NND No. 785016

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

Any rights of usufruct over property restored under the terms of Article IV hereof which have been extinguished by E.C.Z.L.I. for valuable consideration, shall automatically revive on restitution of the property to the claimant Provided however that in such case the usufructuary shall restore to E.C.Z.L.I. the amount of the consideration paid to him on extinction of the usufruct.

93

1456

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE IX

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER EXPROPRIATION.

Any person who has carried out improvements to property restored under the ptovisions of article IV hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

1460

Declassified E.O. 12356 Section 3.3/NND No. 935016

- 1961 -

Declassified E.O. 12356 Section 3.3/NND No. 785016

of (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid(where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he(when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate pruchaser by virtue of Article IV of this Order.

ARTICLE X

92

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

A) Any person formerly considered of Jewish race whon can prove to the Authority hereinafter established that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not) in order to avoid the application of the racial laws shall be entitled to have such transfer annulled Provided that the application for such annulment be made within one year after the date of the cessation of the present state of war. In cases in which annulment is granted the property so transferred shall be restored to the claimant in the same material

condition as at the date of his request for such annulment.

B) Applications for annulment under para A) of this Article shall be decided in accordance with the principles of strict law. Provided however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by the law.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the laws in force covering the renewal of leases shall apply.

ARTICLE XII

DONATIONS INHERITANCES AND BEQUESTS OF IMMOVABLE PROPERTY

A. DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third

yi

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF IMMOVABLE PROPERTY

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

B) INHERITANCES AND BEQUESTS

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial laws, may, within one year after the date of cessation of the present state of war, accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall cease

1463

Declassified E.O. 12356 Section 3.3/NND No. 785016

but without prejudice to rights of third parties acquired through him over the subject matter of the inheritence or the bequest.

2.- A person who accepts an inheritance or bequest which he has previously renounced as provided by para 1 of this Article shall take the property included in such inheritance or bequest in its material condition as at the date of such acceptance.

ARTICLE XLII

RESTITUTION OF BUSINESS PREMISES.

A) Business premises which on the 8 September 1943 were lawfully occupied by persons formerly considered as of Jewish race and of which they were dispossessed by or by order of the Nazi-Fascists, must be restored to them within thirty days from the date of request for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expiration of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of

Declassified E.O. 12356 Section 3.3/NND No. 785016

of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of Paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim repossession as aforesaid shall be extinguished

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

A) PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY. All proceedings by creditors for an Order to sell property which were suspended by virtue of R.D.L. of 9 February 1939 No. 126 and which relate to property restored under any of the Provisions of this Order to persons effected by the racial laws, may be declared finally extinguished upon application

Declassified E.O. 12356 Section 3.3/NND No. 785016

by the interested parties to the competent Judicial Authority or by such Authority even when no such application to it has been made.

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS.

All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring personal and property rights to persons formerly considered of Jewish race may be finally extinguished by the competent Judicial Authority on application of the interested parties or by such Authority even when no such application to it has been made. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XV

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of [illegible] 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title.

83

1496
Declassified E.O. 12356 Section 3.3/NND No. 785016

other persons by virtue of Article LVIII and LX of ..B.E. 9 February 1939, No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title, the other partners in the business and the persons deriving title under E.G.B.E.1.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XVI

TERMINATION OF MANAGEMENT AND LIQUIDATION OF BUSINESS AND PROPERTIES PROVIDED FOR BY PARTIAL ORDERS.

BUSINESS. All administrations, managements, sequestrations, and liquidations

Declassified E.O. 12356 Section 3.3/NND No. 785016

of businesses provided for under Part II, head 4 of R.D.L. of the 9 February 1939 No. 126 shall cease and come to an end on application therefor by the true owner thereof to the person charged with such administration, management, sequestration and liquidation.

B) Other properties

The provisions of para A of this Article shall also apply to administrations, managements and sequestrations of property from persons for reasons of so-called race or Anti-Fascist political activity.

C) Time limit for restitution and rendering of accounts.

The business or property referred to in paras A) and B) of this Article shall be restored and a detailed account of the administration management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution

Declassified E.O. 12356 Section 3.3/NND No. 785016

by the person charged therewith to the true owner within thirty days after application is ade for restitution by the true owner.

ARTICLE XVII.

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

87

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution under the terms of this Order of any property acquired by third parties as trustees for them in order to avoid the application of the racial laws.

C) Proof in support of applications to set aside deeds or for restitution of property under paras A) and B)

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under paras A) and B) of this Article. Written evidence is admissible in support of such applications even

Declassified E.O. 12356 Section 3.3/NND No. 785016

though given by means of documents which have not been authenticated or registered or in respect of which any tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVIII

RESPONSIBILITY OF PERSONS WHO HAVE ALIENATED JEWISH MOVABLES RECEIVED DIRECTLY FROM NAZI-FASCIST AUTHORITIES OR CONTRARY TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No. 18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ed by them from any Authority, body or person mentioned in Article II of the said General Order, shall (Notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

The Provisions of this paragraph shall also apply to movable property received as above from Authorities, bodies or persons other than those mentioned in Article II of General Order No. 18 in circumstances which must have given the persons receiving such property reasonable suspicion that the said property was of the types mentioned in Article II of the said General Order.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Goods transferred contrary to Orders from the Jewish Office.

The Provisions of para A) of this Article shall also apply to persons who transferred movable property after service upon them of an Order of the Jewish Office referred to in Article III of General Order No. 18 blocking the said property. Such transfer shall be presumed to have been made after the service of such Order unless the person served with the Order can prove that he filed with the Jewish Office a written reasoned protest against the same.

C) Goods transferred contrary to General Order No. 18.

The Provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No. 18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The Presi-

85

Declassified E.O. 12356 Section 3.3/NND No. 785016

General Order by reason of such [illegible]

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitutions.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government. Area Commissioners of the Allied Military Government may from time to time, as the volume of work so requires, set up and appoint members to further Examining Commissions, constituted in like manner.

B) General Duties of the Commission.

Each Examining Commission shall have the duty of investigating all dealings and movements of movable property seized or taken from persons formerly considered of Jewish race or persons having the custody thereof on behalf of such Jews. The Commission

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall act upon written application, setting out all relevent facts, of any person interested in the said property provided however that the Commission may act of its own accord without having received any such application when it appears necessary in the interests of justice so to do.

c) General Powers of the Commission.

1. Each Examining Commission and all members thereof shall in the exercise of the said duties have all powers of an Examining Magistrate (Giudice Istruttore) according to Law.

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ANNEX A

BOARDS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives

Declassified E.O. 12356 Section 3.3/NND No. 785016

terei,ned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XI

POWER OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives as it shall consider necessary in regard to goods within its jurisdiction which have been frozen by virtue of General Order No. 18.

ARTICLE XII

DECLARATIONS MADE UNDER ARTICLE III OF GENERAL ORDER No. 18

The Jewish Office referred to in Article III of General Order No. 18 shall forward all declarations received pursuant to the said Article to the Examining Commissions of the Area in which

Declassified E.O. 12356 Section 3.3/NND No. 785016

the property declared is situated immediately on the expiration of the term laid down in the said Article for the making of such declarations.

ARTICLE XXII

CLAIMS TO MOVABLE PROPERTY

Any person who has a claim to or in respect of movable property (including persons who have declared goods or are considered as trustees thereof by virtue of this Order or of General Order No.18) shall within twenty days of the effective date of this Order make such claim in writing to the Examining Commission of the Area in which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No. 18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all

Declassified E.O. 12356 Section 3.3/NND No. 785016

which the property is situated on such date. Where [illegible]
has been restored by virtue of Article IV of General Order No. 18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No. 18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duites under this Order shall supply all information within their knowledge in respect of the goods the subject matter of such interrogation.

B) Any person who knows or has reason to suspect that movables of jewish origin are abandoned, or are hidden or held by persons other than the true owner, shall supply full information of all facts giving rise to such knowledge or suspicion to the Examining Commission of the Area in which such movables are known or believed to be abandoned, hidden or held. Should the Examining Commission be satisfied that such information has led to the recovery of such movables, it shall recommend to the Judicial Commission hereinafter

Declassified E.O. 12356 Section 3.3/NND No. 935016

mentioned that the true owner recovering the property be ordered to pay a sum equal to five percent of the value of the property to the person supplying such information.

C) All information given by virtue of pares A) and B) of this Article shall be true and complete to the best of the knowledge and belief of the person giving it.

ARTICLE XXIV

PROCEDURE ON THE EXAMINING COMMISSION.

After having collected all available information with regard to any one matter in order to prove that the property the subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and substitute

83

Declassified E.O. 12356 Section 3.3/NND No. 785016

documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a Magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and substitute members shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government.

83

B) GENERAL POWERS, DUTIES AND PROCEDURE

1. Movables.

(a) Each Judicial Commission shall examine each file received from the Examining Commission under Article XXIV hereof. When it is satisfied that any movable property the subject matter of any such files belonged to and was seized or taken from persons affected by

Declassified E.O. 12356 Section 3.3/NND No. 785016

the racial laws, it shall order that such movables be restored to the person from whom such property was seized or taken as aforesaid or his successor in title.

Should it appear to the Commission that the said fact has not been sufficiently proved but that further proof necessary can be obtained, it shall refer the file back to the Examining Commission with instructions as to the further evidence required.

When it appears to the Commission that the proof of the above mentioned facts is insufficient and is not capable of perfection, it shall order that the property in question be freed forthwith from the Block imposed by General Order No. 13. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes

82

Declassified E.O. 12356 Section 3.3/NND No. 785016

on the question come thereafter to the notice of the [illegible] Commission, it may re-submit the file to the Judicial Commission provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provisions of this Order and of General Order No. 13 provided however that one of the parties to such dispute be a person adversely affected by the racial laws or persecuted by the Nazi-Fascists for political reasons or his successor in title.

3. Procedure.

The Judicial Commission shall, in deciding all questions and disputes under Sections 1 and 2 of this paragraph, employ such procedure as it shall (except as provided by Article X (B) of this Order in relation to applications for annulment of transfers) deem necessary to effect substantial justice according to the

82

Declassified E.O. 12356 Section 3.3/NND No. 785016

principles of equity.

The judgment of the Judicial Commission shall be final and not subject of appeal. proceedings may however be taken to revoke it under the terms of articles 395 et seq. of the Code of Civil Procedure.

C) DURATION.

The Judicial Commission shall decide and give final judgment in all questions and disputes submitted to it within two years of the date of the present state of war.

All questions and disputes submitted to it within the said period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such

81

Declassified E.O. 12356 Section 3.3/NND No. 785016

of the Judicial [illegible]

of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such order, to recover from his immediate vendor the price paid for such goods by means of action before the appropriate Judicial Authority.

87

ARTICLE XXVII

PROCEDURE FOR UNBLOCKING OF PROPERTY OF JEWS HELD IN BANK ACCOUNTS AND PERSONAL SAFES.

A) Where the owners are identifiable.

Property held in bank accounts or personal safes in the name of persons adversely affected by the racial laws and which have been blocked by the Nazi-Fascists for so-called reasons of

Declassified E.O. 12356 Section 3.3/NND No. 785016

race, shall be and it is hereby immediately unblocked in favour of the persons in whose name such property is held or the persons deriving title under them so far as such persons can be identified, unless such property has been also blocked for reasons other than of race.

In cases in which the property in any one account or safe is held in the name of more than one person and the bank is unable to identify the portion thereof belonging to each of such persons, or there is a doubt or a dispute as to the ownership of property held in any account or safe, the bank shall submit the matter to the local Examining Commission. The Examining Commission, after carrying out its duties as hereinbefore set out in relation to such property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) <u>Where the owners are not identifiable.</u>

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

80

Declassified E.O. 12356 Section 3.3/NND No. 785016

property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) Where the owners are not identifiable.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

80

ARTICLE XXVIII

OTHER MOVABLE PROPERTY BELONGING TO PERSONS KNOWN TO BE JEWS BUT AND ARE UNIDENTIFIABLE OR DEAD.

Movable property, (other than of the types mentioned in Article XXVII hereof), which is known to have belonged to persons affected by the racial laws shall, if such persons or their successors in title cannot individually be identified or are dead or non-existent, be collected under the supervision of the local Examining Commission in one central warehouse in each Area.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXIX

DISTRIBUTION AND CLAIMS IN RESPECT OF MOVABLE PROPERTY OF UNIDENTIFIABLE JEWISH OWNERS.

On completion of his duties in relation to property of identifiable ownership, each Examining Commission shall prepare a scheme for proportional distribution of all property in the central fund and central warehouse respectively referred to Articles XXVII (B) and XXVIII hereof among the persons who have submitted claims to property to such Examining Commission under the Provisions of this order and whose property has , through no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do ot appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate , setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall , after

79

Declassified E.O. 12356 Section 3.3/NND No. 785016

1486

by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do not appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate, setting out all material facts, to the Examining Commission in question, within thirty days after the date of the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall, after considering all such claims, prepare and publish in the said Gazette a final distribution scheme, against which there shall be no appeal or further claim. The examining Commission shall on or after the date of publication of such final scheme distribute the property among the persons entitled in accordance with the said scheme.

79

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXX

ENTRY IN PUBLIC RECORDS OF CLAIMS UNDER THIS ORDER.

At the request of any person who has a claim by virtue of the Provisions of this Order to property or any right therein, which property or right is registrable by Law in a public record, a note shall be made of such claim against the entry in the record relating to such property or right. Any person acquiring such property or right after the date of such note shall do so subject to such claim.

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after

78

Declassified E.O. 12356 Section 3.3/NND No. 785016

FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceed the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after the expiration of such period shall be subject to the limitation as to damage mentioned in the Civil Code.

78

ARTICLE XXXII

REDUCTION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

All fees due to notaries and stock-brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of

Declassified E.O. 12356 Section 3.3/NND No. 785016

endorsements of shares required in order to carry out the Provisions of this Order shall be and they are hereby reduced by fifty per cent.

ARTICLE XXXIII

FISCAL PROVISIONS.

A) Tax on deeds restoring property under this Order.

All deeds and documents for the purpose of restoring property or rights therein to persons affected by the racial laws or their heirs, entered into pursuant to the Provisions of this Order, shall be exempt from all stamp duties and taxes provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

B) Tax on orders of the Court or Judicial Commission, made

Declassified E.O. 12356 Section 3.3/NND No. 785016

year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission.

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to law.

77

B, Tax on orders of the Court or Judicial Commission, made pursuant to this Order.

Documents containing orders of the Court or Judicial Commissions, made pursuant to the Provisions of this Order, shall be subject to a fix registration charge of 20 Lire.

C) Tax on deeds restoring shares.

Deeds restoring shares under the Provisions of this Order shall be free from all stamp duties and taxes provided that the persons who intend to request the restitution of such shares

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall within one year after the date of the cessation of the present state of war lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question.

D) Tax on dissolution of small real property companies.

Divisions of property on the dissolution of real property companies formed before 14 April 1941 with a capital not exceeding 1.000.000.- lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons effected by the racial laws, shall, insofar as such divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 89 of Appendix "A" to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecarie) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No. 126, shall be free of all stamp duties

Declassified E.O. 12356 Section 3.3/NND No. 785016

of Appendix "A" to the schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No. 3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No. 126, shall be free of all stamp duties and taxes provided that they are entered into within one year after the date of cessation of the present state of war.

In such cases the transferee shall pay to the transferor such sum as he would have paid by way of succession duty had the property in question been transferred directly to him.

F) Taxes in connection with proceedings for cancellation of lost or stolen bonds and shares.

All applications, orders and other documents in connection

Declassified E.O. 12356 Section 3.3/NND No. 785016

with proceedings under Articles 2016 and 2027 of the Civil Code for cancellation of bonds and shares seized by the Nazi-Fascists from persons affected by the racial laws, shall be free from all stamp and registration taxes, provided that the application for such cancellation be made within one year after the date of cessation of the present state of war.

ARTICLE XXXIV

PENALTIES

Any person who violates or attempts to violate any of the provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

75

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

75

Sgd. ALFRED C. ROWMAN
Colonel J.A.G.D.
Senior Civil Affairs Officer.

This Order shall be published in

Gazzetta

Poster form

Declassified E.O. 12356 Section 3.3/NND No. 785016

D/rv

29 November 1945

102

Restoration of property rights to Jews and other persons persecuted by the Nazi-Fascists.

Chief Legal Adviser, Headquarters Allied Commission.

1. Enclosed are two copies of draft General Order prepared by this Division on the a/m question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before putting the Order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions.

5/

Declassified E.O. 12356 Section 3.3/NND No. 785016

blishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before putting the Order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of "Non-Aryans", within the meaning of such laws, in the City of Trieste alone and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunali will make quite impossible a speedy, just restoration of the rights of the owners of the property. Such speedy restoration is, it is sub

Declassified E.O. 12356 Section 3.3/NND No. 785016

mitted, by this Division a matter of urgency. These people, having returned from hiding or German concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division is to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of the Examining Commission (Article XIX)

The S.C.A.C. feels that the powers given to this Commission (especially those of search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

73

The S.C.A.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevi-

Declassified E.O. 12356 Section 3.3/NND No. 785016

quiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

73

The S.C.A.O. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XXVI) and in addition all disputes are referred to the Judicial Committee, which will be composed of Judicial personnel and which must decide between all the parties according to equity.

D) Property of unidentifiable Jews (Article XXVIII and XXIX)

The S.C.A.O. feels that these provisions may operate to the detriment of those persons who cannot at first be ident'

1469

Declassified E.O. 12356 Section 3.3/NND No. 785016

fied but later turn up. However under Article XXV the Judicial Committee can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such period may fairly be considered unidentifiable.

E) The form of the document.

The S.C.A.O. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

3 Views.

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

A.E. GOLD
Major A.U.S.
Chief Legal Officer

72

1500

Declassified E.O. 12356 Section 3.3/NND No. 785016

C/NP

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
11 Corps

GENERAL ORDER No. 2 3

RESTITUTION OF PROPERTY RIGHTS OF JEWS.

WHEREAS, by General Order No. 3 Jews were reinstated in their full civil and political rights: and

WHEREAS, it is considered desirable to make Provisions for the reinstatement of Jews in their full rights over their property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter called the "Territory");

NOW, THEREFORE, I, H.P.P. ROBERTSON, Colonel, O.B.E., Acting Senior Civil Affairs Officer in the Territory, hereby O R D E R as follows:

ARTICLE I

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS.

(GOL 20 Jan.1944 No.26 Art.1)

All Laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" are (except as hereinafter provided) hereby repealed. Such persons shall be and they are hereby (subject however to the provisions in this Order hereinafter set out) reinstated in all the rights over all forms of property which are enjoyed by the other citizens within the Territory.

71

1501

Declassified E.O. 12356 Section 3.3/NND No. 785016

Affairs Officer in the Territory, hereby O R D E R as follows:

ARTICLE I

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS.

(RL 20 Jan.1944 No.26 Art.1)

All Laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" are (except as hereinafter provided) hereby repealed. Such persons shall be and they are hereby (subject however to the provisions in this Order hereinafter set out) reinstated in all the rights over all forms of property which are enjoyed by the other citizens within the Territory.

71

ARTICLE II

CONTINUATION OF ACTIVITIES OF E.G.E.L.I.

(RL 20 Jan.1944 No.26 Art.2 1st para)

The "Ente di Gestione e Liquidazione Immobiliare" (known as "E.G.E.L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

./.

-

1502

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE III

RESTITUTION OF IMMOVABLE PROPERTY.

A) By E.G.E.L.I.

(RDL 20 Jan.1944 Art.s 3,4,5)

1.- All persons who were compelled by virtue of R.D.L. of 17 November 1938, No. 1728 and R.D.L. of 9 February 1939, No. 126 to transfer immovable property to E.G.E.L.I., and all persons lawfully deriving title under them, may, within one year after the date of the Peace Treaty, claim restitution of the said property from E.G.E.L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.G.E.L.I. any bonds issued by or sums paid to him by E.G.E.L.I. as a consideration for the said property and the sum eventually paid by E.G.E.L.I. under Article 31 of R.D.L. 9 February 1939, No. 126, as a consideration on extinction of any rights of usufruct over the said property. The extinction of such rights of usufruct under Article 31 of the aforesaid Decree through the payment of a sum, will be irrevocable to all effects of law.

The permutations effected under Article 37 of R.D.L. 9 February 1939, No. 126, shall be unrepeable.

(RDL 12 April 1945 No. 222 Art.8) 70

2.- Where the claimant surrenders only part of the bonds issued or money paid to him by E.G.E.L.I. as a consideration of the said immovable property, a part of the same only shall be restored to him in proportion to the bonds or money surrendered by

Declassified E.O. 12356 Section 3.3/NND No. 785016

1503

under Article 31 of R.D.L. 9 February 1939, No. 126, as a consideration on extinction of any rights of usufruct over the said property. The extinction of such rights of usufruct under Article 31 of the aforesaid Decree through the payment of a sum, will be irrevocable to all effects of law.

The permutations effected under Article 37 of R.D.L. 9 February 1939, No. 126, shall be unrepeable.

(HLL 12 April 1945 No. 222 Art.8) 70

2.- Where the claimant surrenders only part of the bonds issued or money paid to him by S.G.E.L.I. as a consideration of the said immovable property, a part of the same only shall be restored to him in proportion to the bonds or money surrendered by him, provided however that the restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B) By Third Parties Deriving Title under S.G.E.L.I.

(RDL 20 Jan.1944 No.26, Art.5;
HLL 12 April 1945 No.222 Art.10)

Where the immovable property, restitution of which is claimed, has been acquired by third parties deriving title under S.G.E.L.I. the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim

./.

1504

Declassified E.O. 12356 Section 3.3/NND No. 778516

provided however that he shall surrender to such owner any bonds or money received by him from E.G.M.L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor, to the extent of the price resulting from the public instrument of transfer as paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds or money surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. The satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or affect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph.

C) Condition of the Property at the date of Restitution.

(MLL 12 April 1945 No.222 Art.6 second para)

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

ARTICLE IV

(MLL 12 April 1945 No.222 Art.14)

REPAIRS TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF.

The claimant shall repay to E.G.M.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums

69.

Declassified E.O. 12356 Section 3.3/NND No. 785016

c) Condition of the Property at the date of Restitution.

(NLL 12 April 1945 No.222 Art.8 second para)

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

ARTICLE IV

(NLL 12 April 1945 No.222 Art.14)

REPAIRS TO PROPERTY DESTROYED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF.

The claimant shall repay to M.G.H.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

69

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimant. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

noted in the Land Register by the judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnity his immediate purchaser by virtue of Article IV of this Order.

ARTICLE V

MORTGAGES ON PROPERTY RESTORED.

(ZTL 20 Jan.1948 No. 26 Art. 7)

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered by him by virtue of Article III hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VI

Declassified E.O. 12356 Section 3.3/NND No. 785016

Where restitution is claimed of property against which a mortgage

tors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered by him by virtue of Article III hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

GR

ARTICLE VI

(GLL 12 April 1945 No. 222 Art. 1)

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY.

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE VII

(ELL 20 Jan. 1944 No.26 Art. 8)

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER EXPROPRIATION.

Any person who has carried out improvements to property restored under the provisions of Article III hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he (when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate purchaser by virtue of Article III of this Order.

ARTICLE VIII

SUBSTITUTION OF PAYMENT FOR RESTITUTION.

(ELL 12 April 1945 No.222 Art.12)

64

...restitution as provided for in Article III,

Declassified E.O. 12356 Section 3.3/NND No. 785016

The person who has carried out the improvements to the property as aforesaid (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he (when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate purchaser by virtue of Article III of this Order.

ARTICLE VIII

SUBSTITUTION OF PAYMENT FOR RESTITUTION.

(NLL 12 April 1945 No.222 Art.12)

Those who do not intend claiming restitution as provided for in Article III, shall be entitled to receive cash payment of the sum established as a consideration for the said property or the sum collected by N.O.W.L.I. as a consideration for the sale from third purchasers, Provided however that they surrender to N.O.W.L.I. any bonds issued by it as a consideration for the property at the time of the expropriation.

ARTICLE IX

INCREASE OF THE RATE OF INTEREST.

(NLL 12 April 1945 No.222 Art,13)

The rate of interest on the bonds issued by N.O.W.L.I. according to Article 32 of R.D.L. 9 February 1939, No. 126, is hereby raised to five per cent from the day

./.

Declassified E.O. 12356 Section 3.3/NND No. 825016

of the transfer of the said property to N.C.W.L.I.

ARTICLE X

AGREEMENT OF TRANSFERS OF PROPERTY BY JEWS.

(RDL 20 Jan.1944 No.26 Art.14)

A) Any person formerly considered of Jewish race who can prove to the appropriate Authority that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not) in order to avoid the application of the racial Laws shall be entitled to have such transfer annulled Provided that the application for such annulment be made, regardless to the time limit set forth by Article 1442 of the Civil Code within one year after the date of the Peace Treaty. Documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by the Law. The registration shall be made in such cases by the payment of a fix-tax of twenty Lire.

B) In cases in which annulment is granted the property so transferred shall be restored to the claimant in the same material condition as at the date of his request for such annulment.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

(DL 12 April 1945 No.222 Art.2)

All leases of property restored under Articles III and X of this Order which were:

Declassified E.O. 12356 Section 3.3/NND No. 785016

gistration shall be made in such cases by the payment of a fix-tax of twenty Lire.

B) In cases in which annulment is granted the property so transferred shall be restored to the claimant in the same material condition as at the date of his request for such annulment.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

(GLL 12 April 1945 No.222 Art.2)

All leases of property restored under Articles III and V of this Order which were:

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only.

If the term of three years has already expired on the effective date of this Order or will expire within one year after the said date, the owner to whom the property has been restored shall respect the lease for a time as long as that established in Articles 1574 and 1630 of the Civil Code as regards leases not determined as to

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

duration. Such provision does not affect however the Laws in force governing the renewal of leases.

The person to whom the property is restored shall be moreover entitled to retain the amount of the rents which were paid in advance out of the sum due to the person restoring the property to him.

ARTICLE XII

DONATIONS INHERITANCES AND BEQUESTS.

(LL 12 April 1945 No.222 Art.3)

A) DONATIONS.

A donation made under Articles 6 and 55 of R.D.L. of February 9, 1939, No. 126 may be revoked by the donor or persons deriving title under him within 6 months after the effective date of this Order. As to those who are outside the Territory, the said time limit will run from the date of the Peace Treaty.

Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

If the revocation of donations provided for in this Section does not take place, the provisions of the Civil Code as to abatement of shares, collation, set off, and the other regulations affecting donations shall be applied to such donations

Declassified E.O. 12356 Section 3.3/NND No. 785016

months after the effective date of this Order. As to those who are outside the Territory, the said time limit will run from the date of the Peace Treaty.

Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

If the revocation of donations provided for in this Section does not take place, the provisions of the Civil Code as to abatement of shares, collation, set off, and the other regulations affecting donations, shall be applied to such donations.

65

B) INHERITANCES AND BEQUESTS.

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial laws, may, within the time limits as provided by para A) accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall cease but without prejudice to rights of third parties acquired through him over the subject matter of the inheritance or the bequest.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

2.- A person who accepts an inheritance or bequest which has previously renounced as provided by para B) 1 of this Article shall take the property included in such inheritance or bequest in its material condition as at the date of such acceptance.

ARTICLE XIII

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

(RGBl. 20 Jan.1944 No.26 Art.9; GBl. 12 April 1945 No.222 Art.11)

A) PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY. The proceedings by creditors for an order to sell immovable property which were suspended by virtue of Article 5 of GBl of 9 February 1939, No.126, may be resumed in accordance with the existing law and without any limitation. All other proceedings by creditors for an order to sell immovable property to the damage of persons adversely affected by racial laws concerning property rights in which the same persons have been restored in accordance with the provisions of this Order shall be considered extinguished.

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS. All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring civil, political and property rights to persons formerly considered of Jewish race shall be declared finally extinguished by the competent Judicial Authority. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XIV

(RGBl 20 Jan.1944 No.26 Art.s 12 and 13)

RESTITUTION OF BUSINESSES AND COMPENSATION FOR INCURRENTS THERETO.

A) Restitution of Businesses and Shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons under Articles [illegible] 1939, No.126 and by means of a deed drawn by a notary, may

Declassified E.O. 12356 Section 3.3/NND No. 785016

this Order shall be considered extinguished.

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS. All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring civil, political and property rights to persons formerly considered of Jewish race shall be declared finally extinguished by the competent Judicial Authority. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XIV

(R.D.L. 20 Jan.1944 No.26 Art.s 12 and 13)

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO.

A) Restitution of Businesses and Shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons under Articles 58 and 60 of R.D.L. 9 February 1939, No.126 and by means of a deed drawn by a notary, may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article III of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation. Such public bonds shall be lodged for reimbursement (if desired) by the person restoring the Business with the Allied Military Government - Finance Division; the reimbursement shall be at the price of issue.

./.

6

Declassified E.O. 12356 Section 3.3/NND No. 835016

B) Improvements to the Business Restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article VII of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title, the other partners in the business and the persons deriving title under N.S.B.L.I.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XV

(WLL 12 April 1945 No.222 Art.6)

TERMINATION OF MANAGEMENTS AND LIQUIDATION OF BUSINESSES AND PROPERTIES PROVIDED FOR BY RACIAL LAWS.

All controls, managements, sequestrations, and liquidations of businesses provided for under Part II, head IV of R.D.L. of the 9 February 1939, No.136, and still in progress on the effective date of this Order, shall cease and come to an end on the said date and the said businesses shall be restored and a detailed account of the management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

If such owner is absent, a curator may be appointed to him by the appropriate Tribunals, on application of any person concerned or of the Public Prosecutor.

Declassified E.O. 12356 Section 3.3/NND No. 785016

TERMINATION OF MANAGEMENTS AND LIQUIDATION OF BUSINESSES AND PROPERTIES PROVIDED FOR BY RACIAL LAWS.

All controls, managements, sequestrations, and liquidations of businesses provided for under Part II, head IV of R.D.L. of the 9 February 1939, No.126, and still in progress on the effective date of this Order, shall cease and come to an end on the said date and the said businesses shall be restored and a detailed account of the management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

If such owner is absent, a curator may be appointed to him by the appropriate Tribunals, on application of any person concerned or of the Public Prosecutor.

63

ARTICLE XVI

(L. 12 April 1945 No.222 Art. 4)

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds.

Fictitious contracts and deeds of transfer of property of any kind and description or rights therein affected in order to avoid the application of the racial laws may be set aside under the provisions in that behalf contained in the Civil Code.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Proof in support of applications to set aside deeds or for restitution of property under para A).

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under para A) of this Article.

Written evidence is admissible in support of such applications even though given by means of documents which have not been authenticated or registered or in respect of which any tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVII

(RL 12 April 1945 No.222 Art. 19)

RESCISSION.

An action by persons affected by the racial laws under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceeds the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action be commenced within one year after the date of the Peace Treaty.

ARTICLE XVIII

FISCAL PROVISIONS.

(RL 20 Jan.1944 No.26 Article 11)

Declassified E.O. 12356 Section 3.3/NND No. 785016

(R.L. 12 April 1945 No.222 Art. 19)

DESCRIPTION.

An action by persons affected by the racial laws under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceeds the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action be commenced within one year after the date of the Peace Treaty.

ARTICLE XVII

FISCAL PROVISIONS.

(R.L 20 Jan.1944 No.26 Article 11)

62

A) Taxes on the revocation of donations based on the consent of the parties.

The deeds of total or partial revocation of donations based on the consent of the parties effected in accordance with Articles 6 and 55 of R.D.L. 9 February 1939, No. 126, and the deeds of transfer consequent to the requests for the revocation of same donations shall be exempt from all fiscal charges and rights up to one year after the date of the Peace Treaty. In case the revocation shall take place pursuant to a judicial decision the term shall be delayed until the proceeding is defined.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

b) Tax and succession duty on transfers of immovable property from one heir to another based on the consent of the parties.

(RDL 12 April 1945 No.222 Art. 15)

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property in the cases provided for by Article 30 of RDL of 9 February 1939, No.126, shall be exempt from all stamp duties and taxes, provided that they are entered into within one year after the date of the Peace Treaty.

In such cases the alienator shall be entitled to the reimbursement of the succession tax paid, on his own request to be submitted within 180 days from the completion of the transfer; the legal heir in whose favour the transfer occurs shall, in accordance with the provisions in force, pay the succession tax.

c) Tax on deeds restoring shares and immovable property.

(RDL 20 Jan.1944 No.25 Art.16;
RDL 12 April 45 No.222 Art.s 5,15,18)

1.- The following shall be exempt from all fiscal charges and rights in favour of persons formerly adversely affected by racial laws up to one year after the Peace Treaty: a) the restorations based on the consent of the parties of shares possessed by the above mentioned persons prior to 21 October 1941 and transferred to others after 17 November 1938 and before 30 June 1942 even in case the consent to the restoration has been manifested by the grantee upon the surrendering of the shares; b) the restorations based on the consent of the parties of immovable goods transferred by the

Declassified E.O. 12356 Section 3.3/NND No. 785016

1522

plation of the transfer: the legal heir in whose favour the transfer occurs shall, in accordance with the provisions in force, pay the succession tax.

C) Tax on deeds restoring shares and immovable property.

(R.L 20 Jan.1944 No.26 Art.16;
R.L 12 April 45 No.222 Art.s 5,15,18)

1.- The following shall be exempt from all fiscal charges and rights in favour of persons formerly adversely affected by racial laws up to one year after the Peace Treaty: a) the restorations based on the consent of the parties of shares possessed by the above mentioned persons prior to 31 October 1941 and transferred to others after 17 November 1938 and before 30 June 1942 even in case the consent to the restoration has been manifested by the grantee upon the surrendering of the shares: b) the restorations based on the consent of the parties of immovable goods transferred by the above persons after 17 November 1938 and prior to the effective date of this Order; c) the restorations based on the consent of the parties of quotas of artnership: d) the vindications of shares and of businesses in accordance with Article 1706 of the Civil Code; e) the terminations based on the consent of the parties of permutations considered by the second para of Article 37 of R.D. 9 February 1939, No. 126.

61

2.- The possession of the shares mentioned in a) and d) may result from private writing though not registered. The registration shall take place through the fix tax of twenty Lire.

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

In order to effect the restoration of some shares without the payment of taxes, the persons concerned shall, within six months from the effective date of this Order, lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question. As to those who are outside the Territory said term shall run as from the date of the Peace Treaty.

3.- As to the restorations based on the consent of the parties of shares and to the rectifications concerning the owners of said shares, the constatation that the annulment of one of the deeds considered by Article XVI (A) of this Order is to be made, for the purpose of exemption from taxes granted by 1 (a) of this Article, shall be effected by any means of evidence including presumptions.

b) cases on the deeds of restoration of businesses considered by Article XV.

(G.U. 12 April 1945 No.222 Art. 7)

The deeds and records by which the restoration of businesses or the appointment of the curator is effected in accordance with Article XV of this Order and those by which the rendering of accounts and the payments due pursuant to the same Article are made, shall be registered through the payment of the fix tax. The sentences and the other judicial provisions deciding on the applications for the restoration, the rendering of accounts and payments shall also be registered through payment of the fix tax.

The formalities concerning the land book ("libro tavolare") and the cadastral rectifications originated by the said acts, records, sentences and judicial provi-

Declassified E.O. 12356 Section 3.3/NND No. 785016

5) Taxes on the deeds of restoration of businesses considered by Article V.

(LL 12 April 1945 No.222 Art. 7)

The deeds and records by which the restoration of businesses or the appointment of the curator is effected in accordance with Article V of this Order and those by which the rendering of accounts and the payments due pursuant to the same Article are made, shall be registered through the payment of the fix tax. The sentences and the other judicial provisions deciding on the applications for the restoration, the rendering of accounts and payments shall also be registered through payment of the fix tax.

The formalities concerning the land book ("libro tavolare") and the cadastral rectifications originated by the said acts, records, sentences and judicial provisions shall be effected without payment of any tax, save the rights of the Land Registration Office (Ufficio Tavolare).

60

6) Tax on dissolution of small real property companies.

(LL 12 April 1945 No.222 Art.17)

Divisions of property on the dissolution of real property companies formed before 14 April 1941 with a capital not exceeding 1.000.000 Lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons formerly affected by the racial laws, shall, even though such divisions

./.

1524

Declassified E.O. 12356 Section 3.3/NND No. 785016

are made among shareholders or partners different that those who conferred the said property, be subject to the graduated registration fees set out in Article 89 of Appendix "A" to the schedule of taxes attached to the Taxation law approved by RDL of 30 December 1923 No. 3269 (Imposta Graduale di Registro) and also to the fixed recording (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the effective date of this Order.

F) Tax on other deeds restoring property under this Order and reimbursement of taxes.

(RDL 20 Jan. 1944 No.26 Art. 15)

All other deeds not clearly considered by this Order, nevertheless, entered into pursuant to the provisions of this Order for the purpose of restoring property of any kind and description or rights contained therein to persons affected by the racial laws or their heirs, shall be exempt from all stamp duties and taxes.

All stamp duties, Registration taxes (imposte di Registro) and recording taxes (imposte ipotecarie) paid ~~by persons affected by the racial laws~~ in connection with deeds of transfer, owing to the restoration carried out under the provisions of this Order shall be reimbursed to the ~~said~~ persons ~~or their heirs~~. entitled to the said reimbursement.

G) Extension of the fiscal exemptions granted by this Order to the citizens of the United Nations.

(RDL 21 January 1946 No.23)

Declassified E.O. 12356 Section 3.3/NND No. 838016

All other deeds not clearly considered by this Order, nevertheless, entered into pursuant to the provisions of this Order for the purpose of restoring property of any kind and description or rights contained therein to persons affected by the racial laws or their heirs, shall be exempted from all stamp duties and taxes.

All stamp duties, Registration taxes (imposte di Registro) and recording taxes (imposte ipotecarie) paid ~~by persons affected by the racial laws~~ in connection with deeds of transfer ~~s~~ set aside owing to the restoration carried out under the provisions of this Order shall be reimbursed to the ~~said~~ persons ~~or their heirs~~ entitled to the said reimbursement.

6) Extension of the fiscal exemptions granted by this Order to the citizens of the United Nations.

(GL 21 January 1945 No.23)

The fiscal exemptions considered by this Order are hereby extended in favour of the citizens of the United Nations with regard to all deeds and contracts necessary for the reobtaining of the goods of which they had simulated the transfer before the outbreak of hostilities for the purpose of subtracting said goods from the application of the provisions considered by the text of the war Law approved by RD 8 July 1938, No. 1415 and further amendments and additions thereto. Such exemptions shall be effective until 31 December 1946.

54

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XIX

REDUCTION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

(BGBl. 30 Jan.1944 No. 26 Art. 15, 16; BGBl. April 1945 No.222 Art. 7, 16)

All fees due to notaries and stock- brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of the endorsement of shares required in order to carry out the provisions of this Order shall be and are hereby reduced by fifty per cent.

ARTICLE XX

TIME LIMITS FOR CLAIMS AND LEGAL ACTIONS UNDER THIS ORDER.

(BGBl. 30 Jan.1944 No.26, Art.17: BGBl. 12 April 1945 No.222,Art.8)

The applications for restoration and the exercise of the legal actions concerning the rights mentioned in this Order in regard to which no particular term has been fixed shall be admitted up to one year after the date of the Peace Treaty as an exception to the provisions of the laws now in force. The disregarding of such term shall imply the loss of the right of applying for restoration and the barring from the said action.

ARTICLE XXI

AGREEMENTS CONCLUDED AFTER THE EFFECTIVE DATE OF THIS ORDER AND NOT IN CONFORMANCE WITH SAME.

(BGBl. 30 Jan.1944 No.26, Art. 18)

Declassified E.O. 12356 Section 3.3/NND No. 785016

The applications for restoration and the exercise of the legal actions concerning the rights mentioned in this Order in regard to which no particular term has been fixed shall be admitted up to one year after the date of the Peace Treaty as an exception to the provisions of the laws now in force. The disregarding of such term shall imply the loss of the right of applying for restoration and the barring from the said action.

ARTICLE XXI

AGREEMENTS PERFORMED AFTER THE EFFECTIVE DATE OF THIS ORDER AND NOT IN COMPLIANCE WITH SAME.

(G.G. 20 Jan.1940 No.26, Art. 18)

All agreements and formalities concerning the land book ("libro tavolare") carried out after the effective date of this Order and not in compliance with same shall be null and void.

58

ARTICLE XXII

EFFECTIVE DATE.

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in TRIESTE, this _____ day of February, 1946.

This Order shall be published in Gazette - Poster form

H.J.P. ROBERTSON
COLONEL O.B.E.
ACTING SENIOR CIVIL AFFAIRS OFF

Declassified E.O. 12356 Section 3.3/NND No. 785016

1529

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

Legal Division

Date 29 November 1945

File Ref.: 13 c/AMG/LD/ 102/591

SUBJECT : Restoration of property rights to Jews and other persons persecuted by Nazi-fascists.

TO : Chief Legal Adviser, Headquarters Allied Commission

1. Enclosed are two copies of draft General Order prepared by this division on the above mentioned question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nuremburg racial laws in full. As a result there are some thousands of

Declassified E.O. 12356 Section 3.3/NND No. NN5016

of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before put the order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

A) <u>The Judicial Commissions (Article XXV)</u>

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nurenburg racial laws in full. As a result there are some thousands of "Non-Aryans", wthin the meaning of such laws, in the City of Trieste alone and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunali will make quite impossible a speedy just restoration of the rights of the owners of the property. Such speedy restoration is, it is submitted, by this Division a matter of urgency.

1530

Declassified E.O. 12356 Section 3.3/NND No. 785016

these people, having returned from hiding or German concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division id to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of Examining Commission Article XIX)

The S.C.A.C. feels that the powers given to this Commission especially those for search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divilge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.A.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly.

Declassified E.O. 12356 Section 3.3/NND No. 785016

persons to declare personal property [illegible]
to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence volunterily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third partiaa.

The S.A.C.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article 5th I) and in addition all disputes are referred to the Judicial Committee, which will be composed of Judicial personnel and which must decide between all the parties according to equity .

D) Property of unidentifiable Jews Article XXVIII and XXIX.

The S.A.C.C. feels that these provisions may operate to the detriment of those persons who cannot at first be identified but later turn up. However, under Article XXV the Judicial Committee

Declassified E.O. 12356 Section 3.3/NND No. 785016

can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such period may fairly be considered unidentifiable.

2) <u>The form of the document.</u>

The S.C.A.O. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

3. <u>Visas.</u>

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Sgd. A.E. GOLD
Major A.U.S.
Chief Legal Officer

1533

Declassified E.O. 12356 Section 3.3/NND No. 785016

if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Sgd. A.L. GOLD
Major A.U.S.
Chief Legal Officer

5½

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED MILITARY GOVERNMENT
13 CORPS

GENERAL ORDER No. 23

RESTORATION OF PROPERTY RIGHTS OF JEWS AND PERSONS PERSECUTED BY THE NAZI-FASCISTS FOR POLITICAL REASONS.

WHEREAS by General Order No.3 Jews were reinstated in their full civil and political rights and

WHEREAS by General Order No.18 Provisions were made prohibiting dealings with and movement of property seized from Jews and other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter called the " Territory ")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

Declassified E.O. 12356 Section 3.3/NND No. 785016

other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter called the " Territory ")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

ARTICLE I

PERSONS AFFECTED BY THIS ORDER

5

The Provisions of this Order shall apply not only to persons formerly considered of Jewish race, but also to all persons persecuted for political reasons after the 6 October 1938 and all Articles of this Order (except those that deal with Laws which applied exclusively to persons considered of Jewish race) shall be construed accordingly.

1536

Declassified E.O. 12356 Section 3.3/NND No. 785016

Article II

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS

All Laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" or for antifascist political activities are(except as hereinafter provided) hereby repealed. All such persons shall be and they are hereby (subject however to the Provisions in this Order hereinafter set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

Article III

CONTINUATION OF ACTIVITIES OF E.C.E L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.C.E L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

Article IV

RESTITUTION OF IMMOVABLE PROPERTY

Declassified E.O. 12356 Section 3.3/NND No. 785019

Fascists.

Article III

CONTINUATION OF ACTIVITIES OF E.G.E L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.G.E L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and ~~in~~ Instructions in force in the Territory.

Article IV

RESTITUTION OF IMMOVABLE PROPERTY

A) By E.G.E L.I.

All persons who were compelled by virtue of R.D.L. of 17 November 1938 No. 1728 and R.D.L. of 9 February 1939 No. 126 to transfer immovable property to E.G.E L.I., and all persons lawfully deriving title under them, may, within one year after the date of the cessation of the present state of war, claim restitution of the said property from E.G.E L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.G.E L.I. any bonds

53

Declassified E.O. 12356 Section 3.3/NND No. 785016

issued by or sums paid or property transferred to him by E.G.E L.I. as a consideration for the said property. Where the claimant surrenders only part of such bonds, money or property a part of the said immovable property only shall be restored to him in proportion to the bonds, money or property surrendered by him Provided however that restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B) By Third Parties Deriving Title under E.G.E L.I.

Where the immovable property, restitution of which is claimed, has been acquired by third parties deriving title under E.G.E L.I., the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.G.E L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor ~~(including E.G.E L.I.)~~ to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered

Declassified E.O. 12356 Section 3.3/NND No. 985016

has been acquired by third parties deriving title under E.G.E L.I., the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.G.E L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor ~~(including E.G.E L.I.)~~ to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. The satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or affect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph. 52

C) Condition of the Property at the Date of Restitution

art 5 para 2 P.L.L 222

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE V

REPAIRS TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF

The claimant shall repay to E.G.E.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimant. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this

Declassified E.O. 12356 Section 3.3/NND No. 785016

repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE VI

MORTGAGES ON PROPERTY RESTORED

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered

Declassified E.O. 12356 Section 3.3/NND No. 785016

by him by virtue of Article IV hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VII

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

Declassified E.O. 12356 Section 3.3/NND No. 785016

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OFUSUFRUCT

Any rights of usufruct over property restored under the terms of Article IV hereof which have been extinguished by E.G.E.I.I. for valuable consideration, shall automatically revive on restitution of the property to the claimant Provided however that in such case the usufructuary shall restore to E.G.E.I.I. the amount of the consideration paid to him on extinction of the usufruct.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE IX

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER EXPROPRIATION.

Any person who has carried out improvements to property restored under the provisions of Article IV hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may he (when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE X.

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

1545

Declassified E.O. 12356 Section 3.3/NND No. 785016

The person who has carried out the improvements to the property as aforesaid (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may be (when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE X.

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

A) Any person formerly considered of Jewish race who can prove to the Authority hereinafter established that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not)in order to avoid the application of the racial laws shall be entitled to have such transfer annulled Provided that the application for such annulment be made within one year after the date of the cessation of the present state of war. In cases in which annulment is granted the property so transfered shall be restored to the claimant in the same material condition as at the date of his request for such annulment.

B) Applications for annulment under para A)of this Article shall

Declassified E.O. 12356 Section 3.3/NND No. 785016

be decided in accordance with the principles of strict law Provided however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by Law.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the Laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF IMMOVABLE PROPERTY.

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF IMMOVABLE PRO=
PERTY.

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third pa=rties in the property included in the donation acquired before the effective dete of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

B) INHERITANCES AND BEQUESTS.

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial Laws, may, within one year after the date of cessation of the present state of war, accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall ce=ase but without prejudice to rights of third parties acquired through him over the subject matter of the inheritance or the bequest.

2.- A person who accepts an inheritance or bequest which he has previously renounced as provided by para B)1 of this Article shall take the property included in such inheritance or bequest in its

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

material condition as at the date of such acceptance.

ARTICLE XIII

RESTITUTION OF BUSINESS PREMISES.

A) Business premises which on the 8 September 1943 were lawfully occupied by persons formerly considered as of Jewish race and of which they were dispossessed by or by order of the Nazi-Fascists, must be restored to them within thirty days from the date of request for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expiration of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim repossession as aforesaid shall be extinguished.

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) The Provisions of paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-payment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim repossession as aforesaid shall be extinguished.

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

A) PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY. All proceedings by creditors for an Order to sell property which were suspended by virtue of R.D.L. of 9 February 1939 No. 126 and which relate to property restored under any of the Provisions of this Order to persons effected by the racial laws, may be declared finally extinguished upon application by the interested parties to the competent Judicial Authority or by such Authority even when no such application to it has been made.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS.

All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring personal and property rights to persons formerly considered of Jewish race may be finally extinguished by the competent Judicial Authority on application of the interested parties or by such Authority even when no such application to it has been made. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XV

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of R.D.L. 9 February 1939 No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or

Declassified E.O. 12356 Section 3.3/NND No. 785016

of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of R.D.L. 9 February 1939 No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title, the other partners in the business and the persons deriving title under E.C.E.L.I.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XVI

TERMINATION OF MANAGEMENTS AND LIQUIDATIONS OF BUSINESSES AND PROPERTIES PROVIDED FOR BY RACIAL LAWS.

BUSINESS. All administrations, managements, sequestrations, and

Declassified E.O. 12356 Section 3.3/NND No. 785016

liquidations of businesses provided for under Part II,head 4 of R.D.L. of the 9 February 1939 No. 126 shall cease and come to an end on application therefor by the true owner thereof to the person charged with such administration, management, sequestration and liquidation.

B) Other properties

The Provisions of para A of this Article shall also apply to administrations, managements and sequestrations of property from persons for reasons of so-called race or Anti-fascist political activity.

C) Time limit for restitution and rendering of accounts.

The business or property referred to in paras A)and B) of this Article shall be restored and a detailed account of the administration, management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds.

Declassified E.O. 12356 Section 3.3/NND No. 838016

C) Time limit for restitution and rendering of accounts.

The business or property referred to in paras A)and B) of this Article shall be restored and a detailed account of the administration, management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds.

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the Provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution under the terms of this Order of any property acquired by third parties as trustees for them in order to avoid the application of the racial laws.

Declassified E.O. 12356 Section 3.3/NND No. NN 50016

C) Proof in support of applications to set aside deeds or for restitution of property under paras A) and B)

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under paras A) and B) of this Article. Written evidence is admissible in support of such applications even though given by means of documents which have not been authenticated or registered or in respect of which any tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVIII

RESPONSIBILITY OF PERSONS WHO HAVE ALIENATED JEWISH MOVABLES RECEIVED DIRECTLY FROM NAZI-FASCIST AUTHORITIES OR CONTRARY TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No.18 received by them from any authority, body or person mentioned in Article II of the said General Order, shall (notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration,

Declassified E.O. 12356 Section 3.3/NND No. 785016

TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No.18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration, they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

The Provisions of this paragraph shall also apply to movable property received as above from Authorities, bodies or persons other than those mentioned in Article II of General Order No.18 in circumstances which must have given the persons receiving such property reasonable suspicion that the said property was of the types mentioned in Article II of the said General Order.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Goods transferred contrary to Orders from the Jewish Office.

The Provisions of para A) of this Article shall also apply to persons who transferred movable property after service upon them of an Order of the Jewish Office referred to in Article III of General Order No.18 blocking the said property. Such transfer shall be presumed to have been made after the service of such Order unless the person served with the Order can prove that he filed with the Jewish Office a written reasoned protest against the same.

C) Goods transferred contrary to General Order No. 18.

The Provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No.18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitution.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The Presi-

Declassified E.O. 12356 Section 3.3/NND No. 785016

... to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitution.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government. Area Commissioners of the Allied Military Government may from time to time, as the volume of work so requires, set up and appoint members to further Examining Commissions, constituted in like manner.

B) General Duties of the Commission.

Each Examining Commission shall have the duty of investigating all dealings and movements of movable property seized or taken from persons formerly considered of Jewish race or persons having the custody thereof on behalf of such Jews. The Commission

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall act upon written application, setting out all relevant facts, of any person interested in the said property Provided however that the Commission may act of its own accord without having received any such application when it appears necessary in the interests of justice so to do.

c) General Powers of the Commission.

1. Each Examining Commission and all members thereof shall in the exercise of the said ~~powers and~~ duties have all powers of an Examining Magistrate (Giudice Istruttore) according to Law.

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY

Declassified E.O. 12356 Section 3.3/NND No. 785016

of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives as it shall consider necessary in regard to goods within its jurisdiction which have been frozen by virtue of General Order No.18.

ARTICLE XXI

DECLARATIONS MADE UNDER ARTICLE III OF GENERAL ORDER No. 18

The Jewish Office referred to in Article III of General Order No.18 shall forward all declarations received pursuant to the said Article to the Examining Commission of the Area in which

Declassified E.O. 12356 Section 3.3/NND No. 785016

the property declared is situated immediately on the expiration of the term laid down in the said Article for the making of such declarations.

ARTICLE XXII

CLAIMS TO MOVABLE PROPERTY

Any person who has a claim to or in respect of movable property (including persons who have declared goods or are considered as trustees thereof by virtue of this Order or of General Order No.18) shall within twenty days of the effective date of this Order make such claim in writing to the Examining Commission of the Area in which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No.18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No.18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duties under this Order shall supply all

Declassified E.O. 12356 Section 3.3/NND No. 785016

No.18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No.18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

A) Persons interrogated by members of the Examining Commission in performance of their duties under this Order shall supply all information within their knowledge in respect of the goods the subject matter of such interrogation.

41

B) Any person who knows or has reason to suspect that movables of Jewish origin are abandoned, or are hidden or held by persons other than the true owner, shall supply full information of all facts giving rise to such knowledge or suspicion to the Examining Commission of the area in which such movables are known or believed to be abandoned, hidden or held. Should the Examining Commission be satisfied that such information has led to the recovery of such movables, it shall recommend to the Judicial Commission hereinafter

Declassified E.O. 12356 Section 3.3/NND No. NB5016

mentioned that the true owner recovering the property be ordered to pay a sum equal to five percent of the value of the property to the person supplying such information.

C) All information given by virtue of paras A) and B) of this Article shall be true and complete to the best of the knowledge and belief of the person giving it.

ARTICLE XXIV

PROCEDURE ON THE EXAMINING COMMISSION.

After having collected all available information with regard to any one matter in order to prove that the property the subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their

Declassified E.O. 12356 Section 3.3/NND No. 785016

subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and substitute members shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government.

B) GENERAL POWERS, DUTIES AND PROCEDURE

1. Movables

(a) Each Judicial Commission shall examine each file received from the Examining Commission under Article XXIV hereof. When it is satisfied that any movable property the subject matter of any such files belonged to and was seized or taken from persons affected by

Declassified E.O. 12356 Section 3.3/NND No. 785016

the racial laws it shall order that such movables be restored to the person from whom such property was seized or taken as aforesaid or his successor in title.

Should it appear to the Commission that the said fact has not been sufficiently proved but that further proof necessary can be obtained, it shall refer the file back to the Examining Commission with instructions as to the further evidence required.

When it appears to the Commission that the proof of the above mentioned facts is insufficient and is not capable of perfection, it shall order that the property in question be freed forthwith from the block imposed by General Order No.18. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provi-

1565

Declassified E.O. 12356 Section 3.3/NND No. 785016

on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provisions of this Order and of General Order No.18 Provided however that one of the parties to such dispute be a person adversely affected by the radial laws or persecuted by the Nazi-Fascists for political reasons or his successor in title.

3. Procedure

The Judicial Commission shall, in deciding all questions and disputes under Sections 1 and 2 of this paragraph, employ such procedure as it shall (except as provided by Article X (B) of this Order in relation to applications for annulment of transfers) deem necessary to effect substantial justice according to the

Declassified E.O. 12356 Section 3.3/NND No. 785016

principles of equity.

The judgment of the Judicial Commission shall be final and not subject to Appeal. Proceedings may however be taken to revoke it under the terms of Articles 395 et seq. of the Code of Civil Procedure.

C) DURATION.

The Judicial Commission shall decide and give final judgment in all questions and disputes submitted to it within two years of the date of cessation of the present state of war.

All questions and disputes not submitted within the said period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right within six months of the date of such

Declassified E.O. 12356 Section 3.3/NND No. 785016

period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such order to recover from his immediate vendor the price paid for such goods by means of action before the appropriate Judicial Authority.

38

ARTICLE XXVII

PROCEDURE FOR UNBLOCKING OF PROPERTY OF JEWS HELD IN BANK ~~PROPERTY~~ ACCOUNTS AND PERSONAL SAFES.

A) Where the owners are identifiable.

Property held in bank accounts or personal safes in the name of persons adversely affected by the racial laws and which have been blocked by the Nazi-Fascists for so-called reasons of

Declassified E.O. 12356 Section 3.3/NND No. 785016

race, shall be and it is hereby immediately unblocked in favour of the persons in whose name such property is held or the persons deriving title under them so far as such persons can be identified, unless such property has been also blocked for reasons other than of race.

In cases in which the property in any one account or safe is held in the name of more than one person and the bank is unable to identify the portion thereof belonging to each of such persons, or there is a doubt or dispute as to the ownership of property held in any account or safe, the bank shall submit the matter to the local Examining Commission. The Examining Commission, after carrying out its duties as hereinbefore set out in relation to such property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) WHERE THE OWNERS ARE NOT IDENTIFIABLE.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each area.

1569

Declassified E.O. 12356 Section 3.3/NND No. 785016

1570

property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) WHERE THE OWNERS ARE NOT IDENTIFIABLE.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

ARTICLE XXVIII

OTHER MOVABLE PROPERTY BELONGING TO PERSONS KNOWN TO BE JEWS BUT WHO ARE UNIDENTIFIABLE OR DEAD.

Movable property, (other than of the types mentioned in Article XXVII hereof), which is known to have belonged to persons affected by the racial laws shall, if such persons or their successors in title cannot individually be identified or are dead or non-existent, be collected under the supervision of the local Examining Commission in one central warehouse in each Area.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXIX

DISTRIBUTION OF AND CLAIMS IN RESPECT OF MOVABLE PROPERTY OF UNIDENTIFIABLE JEWISH OWNERS.

On completion of its duties in relation to property of identifiable ownership, each Examining Commission shall prepare a scheme for proportional distribution of all property in the central fund and central warehouse respectively referred to Articles XXVII (B) and XXVIIIhereof among the persons who have submitted claims to property to such Examining Commission under the Provisions of this Order and whose property has, through no fault of the claimants, not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do not appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate, setting out all material facts, to the Examining Commission in question, within thirty days after the date on the cover of the edition of the said Gazette in which such shheme shall be published as aforesaid. The Examining Commission shall on the expiration of the

Declassified E.O. 12356 Section 3.3/NND No. 785016

no fault of the claimants, not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do not appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate, setting out all material facts, to the Examining Commission in question, within thirty days after the date on the cover of the edition of the said Gazette in which such shheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall, after considering all such claims, prepare and publish in the said Gazette a final distribution scheme, against which there shall be no appeal or further claim. The Examining Commission shall on or after the date of publication of such final scheme distribute the property among the persons entitled in accordance with the said scheme.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXX

ENTRY IN PUBLIC RECORDS OF CLAIMS UNDER THIS ORDER.

At the request of any person who has a claim by virtue of the Provisions of this Order to property or any right therein, which property or right is registrable by Law in a public record, a note shall be made of such claim against the entry in the record relating to such property or right. Any person acquiring such property or right after the date of such note shall do so subject to such claim.

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceeded the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceeded the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after the expiration of such period shall be subject to the limitation as to damage mentioned in the Civil Code.

35

ARTICLE XXXII

REDUCTION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

All fees due to notaries and stock-brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of

Declassified E.O. 12356 Section 3.3/NND No. 785016

endorsements of shares required in order to carry out the Provisions of this Order shall be and they are hereby reduced by fifty per cent.

ARTICLE XXXIII

FISCAL PROVISIONS.

A) Tax on deeds restoring property under this Order.

All deeds and documents for the purpose of restoring property or rights therein to persons affected by the racial laws or their heirs, entered into pursuant to the Provisions of this Order, shall be exempt from all stamp duties and taxes Provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission .

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to Law.

Declassified E.O. 12356 Section 3.3/NND No. 785016

year after the declaration of cessation of the present [illegible]
of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission .

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to Law.

B) Tax on orders of the Court of Judicial Commission, made pursuant to this Order. 3½

Documents containing orders of the Court or Judicial Commissions, made pursuant to the Provisions of this Order, shall be subject to a fixed registration charge of 20 Lire.

C) Tax on deeds restoring shares.

Deeds restoring shares under the Provisions of this Order shall be free from all stamp duties and taxes provided that the persons who intend to request the restitution of such shares

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall within one year after the date of the cessation of the present state of war lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question.

D) Tax on dissolution of small real property companies.

Divisions of property on the dissolution of real property companies formed before 14 April 1941 with a capital not exceeding 1.000.000.- lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons affected by the racial laws, shall, insofar as such divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 89 of Appendix "A" to the Schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No.3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed

Declassified E.O. 12356 Section 3.3/NND No. 785016

divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 89 of Appendix "A" to the Schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No.3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No.126, shall be free of all stamp duties and taxes provided that they are entered into within one year after the date of cessation of the present state of war.

In such cases the transferee shall pay to the transferor such sum as he would have paid by way of succession duty had the property in question been transferred directly to him.

F) Taxes in connection with proceedings for cancellation of lost or stolen bonds and shares.

All applications, orders and other documents in connection

Declassified E.O. 12356 Section 3.3/NND No. 785016

with proceedings under Articles 2016 and 2027 of the Civil Code for cancellation of bonds and shares seized by the Nazi-Fascists from persons affected by the racial laws, shall be free from all stamp and registration taxes, provided that the application for such cancellation be made within one year after the date of cessation of the present state of war.

ARTICLE XXXIV

PENALTIES

Any person who violates or attempts to violate any of the Provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

32

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Declassified E.O. 12356 Section 3.3/NND No. 785016

evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

32

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

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

1580

Declassified E.O. 12356 Section 3.3/NND No. 785016

4118

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

D/Ty 204
Legal

LEGAL DIVISION

Date 29 November 1945

FILE REF: 13c/AMG/LD 102/591

SUBJECT: Restoration of property rights to Jews and other persons persecuted by the Nazi-fascists.

TO : Chief Legal Adviser, Headquarters Allied Commission.

1. Enclosed are two copies of draft General Order prepared by this Division on the a/m question. In view of the importance of the subject from a policy point of view and the fact that (for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before putting the Order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.O. has doubt are the following:

a) The Judicial Commissions (Article XXV)

The S.C.A.O. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Ger-

Declassified E.O. 12356 Section 3.3/NND No. 785016

(for reasons hereinafter set out) the Order goes beyond and establishes a procedure in relation to personal property different from the Italian Government's legislation, the Senior Civil Affairs Officer desires to have the views of A.F.H.Q. and of the Chief Commissioner before putting the Order into effect. One copy of the draft Order is for the use of A.F.H.Q. and the other for that of the Chief Commissioner.

2. The principal provisions, as to which the S.C.A.C. has doubt are the following:

A) The Judicial Commissions (Article XIV)

The S.C.A.C. feels that it is dangerous to give such wide powers, ordinarily vested in the Tribunal, to these Commissions. However, in this Territory there was direct government by the Germans, who applied the Nuremburg racial laws in full. As a result there are some thousands of "Non-Aryans", within the meaning of such laws, in the City of Trieste alone, and Gorizia is somewhat in the same position. The Nazi-Fascists broke into their houses when they fled south and sold and gave their personal property to the numerous collaborationists and pro-Germans. It is quite obvious that the ordinary judicial procedure and the already heavy calendars of the Trieste and Gorizia Tribunali will make quite impossible a speedy, just restoration of the rights of the owners of the property. Such speedy restoration is, it is sub-

I 5821
Declassified E.O. 12356 Section 3.3/NND No. 785016

mitted, by this Division a matter of urgency. These people, having returned from hiding or Gerwan concentration camps, find all their own property missing, some of it displayed in the windows of art-dealers, some still in the hands of the Fascists and pro-Germans and some quite untraceable. The solution proposed by this Division is to have a judicially composed Commission, with power to decide all questions relating to personal property according to the principles of equity.

B) Powers of the Examining Commission (Article XIX)

The S.C.A.C. feels that the powers given to this Commission (especially those of search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

C) Rights of third parties.

The S.C.A.C. feels that rights of third parties, acquired

Declassified E.O. 12356 Section 3.3/NND No. 785016

(especially those of search) are too wide and that their exercise may lead to disturbances. However, a previous General Order requiring persons to declare personal property formerly belonging or suspected to have belonged to Jews brought in some thirty declarations only. It appears improbable that persons holding such property will divulge its existence voluntarily. This Division therefore considered it necessary to give the examining authority adequate powers to carry out its functions, including powers of search.

c) Rights of third parties.

The A.C.A.C. feels that rights of third parties, acquired in good faith, may be endangered. While this is probably inevitable to a certain extent, it is pointed out that with regard to immovable property, the Italian Government's laws have been followed exactly. As to movable property, similar provisions have been made (Article XXVI) and in addition all disputes are referred to the Judicial Committee, which will be composed of Judicial personnel and which must decide between all the parties according to equity.

b) Property of unidentifiable Jews (Article XXVIII and XXIX)

The A.C.A.C. feels that these provisions may operate to the detriment of those persons who cannot at first be identi-

Declassified E.O. 12356 Section 3.3/NND No. 785016

fied but later turn up. However, under Article XIV the Judicial Committee can entertain claims for two years from the date of cessation of the present state of war. This Division feels that persons who have not been identified or who have not made a claim with such period may fairly be considered unidentifiable.

E) The form of the document.

The S.C.A.C. thinks that consideration should be given to issuing this legislation as a Proclamation under the hand of the Theatre Commander.

5 Views.

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

A.L. [illegible]
Major A.D.S.
Chief Legal Officer

Declassified E.O. 12356 Section 3.3/NND No. 785016

In view of the urgency of the question it would be appreciated if the matter could receive as speedy consideration as possible.

For the acting Senior Civil Affairs Officer.

Louis Davis Clegg
A.U.S. (CAD)
Major A.U.S.
Chief Legal Officer

29

LEGAL SUB COMMISION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	
3 DEC 1945	

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED MILITARY GOVERNMENT
13 CORPS

GENERAL ORDER No. 23

RESTORATION OF PROPERTY RIGHTS OF JEWS AND PERSONS PERSECUTED BY THE NAZI-FASCISTS FOR POLITICAL REASONS.

WHEREAS by General Order No.3 Jews were reinstated in their full civil and political rights and

WHEREAS by General Order No.18 Provisions were made prohibiting dealings with and movement of property seized from Jews and other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter called the " Territory ")

NOW, THEREFORE, I, ALFRED C. BOWMAN, Colonel I.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

Declassified E.O. 12356 Section 3.3/NND No. 785016
1587

ting dealings with and movement of property seized from Jews and other persons persecuted by the Nazi-Fascists pending further Order of the Allied Military Government and

WHEREAS it is considered desirable to make Provisions for the reinstatement of Jews and other persons persecuted by the Nazi-Fascists for political reasons in their full rights over all forms of property within that part of Venezia Giulia administered by the Allied Military Government (hereinafter called the " Territory ")

NOW, THEREFORE, I, ALFRED C. BOWLAN, Colonel J.A.G.D., Senior Civil Affairs Officer in the Territory, hereby ORDER as follows:

26

ARTICLE I

PERSONS AFFECTED BY THIS ORDER

The Provisions of this Order shall apply not only to persons formerly considered of Jewish race, but also to all persons persecuted for political reasons after the 6 October 1939 and all Articles of this Order (except those that deal with Laws which applied exclusively to persons considered of Jewish race) shall be construed accordingly.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Article II

REPEAL OF FASCIST LEGISLATION AND RESTORATION OF PROPERTY RIGHTS

All Laws, Decrees, Provisions and measures, by whomsoever and whenever made, in force in the Territory, which limit or adversely affect or impose adverse conditions on the rights over any type of property of persons because of their so-called "Jewish race" or for Antifascist political activities are(except as hereinafter provided) hereby repealed. All such persons shall be and they are hereby (subject however to the Provisions in this Order hereinafter set out) reinstated in their legal rights over all forms of property and are authorized immediately to recover possession (subject as aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

Article III

CONTINUATION OF ACTIVITIES OF E.G.E L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.G.E L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

Article IV

RESTITUTION OF IMMOVABLE PROPERTY

A) By E.G.E L.I.

27

Declassified E.O. 12356 Section 3.3/NND No. 785016

aforesaid) of all property taken from them by or by order of the Nazi-Fascists.

Article III

CONTINUATION OF ACTIVITIES OF E.G.E L.I.

The "Ente di Gestione e Liquidazione Immobiliare" (known as " E.G.E L.I.") shall continue its activities for the purpose only of carrying out the Provisions of this Order and all other Orders and Instructions in force in the Territory.

Article IV

RESTITUTION OF IMMOVABLE PROPERTY

27

A) By E.G.E L.I.

All persons who were compelled by virtue of R.D.L. of 17 November 1938 No. 1728 and R.D.L. of 9 February 1939 No. 126 to transfer immovable property to E.G.E L.I., and all persons lawfully deriving title under them, may, within one year after the date of the cessation of the present state of war, claim restitution of the said property from E.G.E L.I. Provided however that it shall be a condition of such restitution that the claimant surrender to E.G.E L.I. any bonds

Declassified E.O. 12356 Section 3.3/NND No. 785016

issued by or sums paid or property transferred to him by E.G.E L.I. as a consideration for the said property. Where the claimant surrenders only part of such bonds, money or property a part of the said immovable property only shall be restored to him in proportion to the bonds, money or property surrendered by him Provided however that restitution will not be claimed or granted of part of an immovable property when such property cannot conveniently be further divided.

B) By Third Parties Deriving Title under E.G.E L.I.

Where the immovable property, restitution of which is claimed, has been acquired by third parties deriving title under E.G.E L.I., the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.G.E L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor (~~including E.G.E L.I.~~) to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered

Declassified E.O. 12356 Section 3.3/NND No. 785016

Where the immovable property, restitution of which is claimed, has been acquired by third parties deriving title under E.C.E L.I., the claimant will be entitled to restitution of his property from the owner of the property at the date of the claim Provided however that he shall surrender to such owner any bonds, money or property received by him from E.C.E L.I. The owner restoring the immovable property, and each of the persons who acquired the said immovable property after the date of expropriation of the claimant or his predecessor in title, shall have the right to be indemnified by his immediate vendor (~~including E.C.E L.I.~~) to the extent of the price paid by him to such immediate vendor, on condition that he hands over to such immediate vendor the bonds, money or property surrendered by the claimant to the owner who restored the immovable property as hereinbefore mentioned. The satisfaction of any right of indemnity hereinbefore granted shall not however be a condition precedent to or affect the right of the claimant to immediate restoration of the immovable property under the conditions of this paragraph.

25

C) Condition of the Property at the Date of Restitution

The immovable property shall be restored to the claimant as provided in paras A) and B) of this Article in the same material condition as on the date of the claim to restitution thereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE V

REPAIRS TO PROPERTY RESTORED DUE TO WAR DAMAGE AND CLAIMS IN RESPECT THEREOF

The claimant shall repay to E.G.E.L.I. or other persons who acquired the property after the date of expropriation of the claimant or his predecessor in title, on the restoration of property to him under the preceding Article hereof, any sums paid by them for repairs due to damage caused by war, act of God or unavoidable accident.

The benefit of any claim in respect of war damage vested in such persons shall pass to the claimant. The person who carried out such repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this

Declassified E.O. 12356 Section 3.3/NND No. 785016

repairs shall have a lien on the property for the sums paid in respect thereof. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who carried out the said repairs (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the refund of the sums paid by him for the said repairs. Nor may he (when he himself is not the person liable to restore the property) retain the sums paid by him for repairs as aforesaid out of the amount in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

25

ARTICLE VI

MORTGAGES ON PROPERTY RESTORED

Where restitution is claimed of property against which a mortgage or creditors' note of intended sale was registered after the date of expropriation of the claimant or his predecessor in title, the claimant shall retain out of the bonds or money to be surrendered

Declassified E.O. 12356 Section 3.3/NND No. 785016

by him by virtue of Article IV hereof an amount equivalent to the debt due under such mortgage or creditors' note, and shall deposit such amount in an account in a public financial institution in the name of the mortgagee or creditor in question. The Judge in charge of the Land Registration Office (Giudice Tavolare) shall, on production of the receipt issued by the said public financial institution in respect of such deposit, cancel the entry against the property in respect of the said mortgage or creditors' note.

ARTICLE VII

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICLE VIII

REVIVAL OF EXTINGUISHED RIGHTS OF USUFRUCT

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICIE VII

EASEMENTS AND THIRD PARTY RIGHTS OVER IMMOVABLE PROPERTY

All easements or other third party rights registered against property after the date of expropriation of the claimant or his predecessor in title shall be extinguished on restitution of the property to the claimant Provided however that the person or persons in whose favor such easements or rights were granted may claim the sum paid as consideration for the grant thereof against the grantor.

ARTICIE VIII

24

REVIVAL OF EXTINGUISHED RIGHTS OFUSUFRUCT

Any rights of usufruct over property restored under the terms of Article IV hereof which have been extinguished by E.G.E.I.I. for valuable consideration, shall automatically revive on restitution of the property to the claimant Provided however that in such case the usufructuary shall restore to E.G.E.I.I. the amount of the consideration paid to him on extinction of the usufruct.

1566

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE IX

COMPENSATION FOR IMPROVEMENTS TO THE PROPERTY MADE AFTER EXPROPRIATION.

Any person who has carried out improvements to property restored under the provisions of Article IV hereof may claim from the person to whom such property is so restored an amount equivalent to the sum actually spent on such improvements or the increase in the value of the property caused by such improvements whichever shall be the lesser. He shall moreover have a lien on the property for the amount of the said claim. The existence and amount of such lien shall be mentioned in the deed restoring the property and shall be noted in the Land Register by the Judge in charge thereof (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may (be) (when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE X

23

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be noted in the Land Registry

of (Giudice Tavolare) without necessity for any previous request therefor.

The person who has carried out the improvements to the property as aforesaid (where he himself is the person liable to restore the property) shall not be entitled to refuse to restore the property until the amount due to the improvements as hereinbefore mentioned has been paid. Nor may (he) (when he himself is not the person liable to restore the property) retain the amount due to him for improvements as provided in this Article out of the sum in which he is obliged to indemnify his immediate purchaser by virtue of Article IV of this Order.

ARTICLE X

ANNULMENT OF TRANSFERS OF PROPERTY BY JEWS.

A) Any person formerly considered of Jewish race who can prove to the Authority hereinafter established that he has been forced after the 6 October 1938 to transfer immovable property (whether for valuable consideration or not) in order to avoid the application of the racial Laws shall be entitled to have such transfer annulled. Provided that the application for such annulment be made within one year after the date of the cessation of the present state of war. In cases in which annulment is granted the property so transfered shall be restored to the claimant in the same material condition as at the date of his request for such annulment.

B) Applications for annulment under para A) of this Article shall

Declassified E.O. 12356 Section 3.3/NND No. 785016

be decided in accordance with the principles of strict Law.

Provid, however that documents may be adduced in evidence in support of such applications even though not registered or authenticated as required by Law.

ARTICLE XI

LEASES OF PROPERTY RESTORED.

All leases of property restored under Articles IV and X of this Order which were :

a) for a term of more than three years and

b) made after the date of expropriation of the claimant or his predecessor in title but before the effective date of this Order

shall be deemed to have been made for a term of three years only Provided however that after the expiration of such term of three years the Laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF IMMOVABLE PROPERTY.

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third parties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall be deemed to have been [illegible]

ly Provided however that after the expiration of such term of three years the Laws in force governing the renewal of leases shall apply.

ARTICLE XII

DONATIONS, INHERITANCES AND BEQUESTS OF IMMOVABLE PRO= PERTY.

A) DONATIONS

A donation made under Articles VI and LV of R.D.L. of February 9 1939 No. 126 may be revoked by the donor or persons deriving title under him within one year after the date of cessation of the present state of war. Such revocation shall not prejudice rights of third pa= rties in the property included in the donation acquired before the effective date of this Order. The donee shall however restore to the donor or his successors in title any sums received by the donee as consideration for alienation or granting of rights over the property to third parties.

22

B) INHERITANCES AND BEQUESTS.

1.- An heir or devisee who has renounced his inheritance or bequest in order to avoid the application of the racial laws, may, within one year after the date of cessation of the present state of war, accept such inheritance or bequest. All rights of any other heir or devisee who has accepted such inheritance or bequest in the meantime shall ce= ase but without prejudice to rights of third parties acquired through him over the subject matter of the inheritance or the bequest.

2.- A person who accepts an inheritance or bequest which he has previously renounced as provided by para B)1 of this Article shall take the property included in such inheritance or bequest in its

./.

1600

Declassified E.O. 12356 Section 3.3/NND No. 785016

material condition as at the date of such acceptance.

ARTICLE XIII

RESTITUTION OF BUSINESS PREMISES.

A) Business premises which on the 8 September 1943 were law= fully occupied by persons formerly considered as of Jewish race and of which they were dispossessed by or by order of the Nazi-Fascists, must be restored to them within thirty days from the date of request for such restitution. All leases of the premises made after the date of the said dispossession shall be null and void as from the expira= tion of thirty days after the date on which the request to repossess the premises is notified to the person who is then occupying them.

B) The Provisions of paragraph A) of this Article shall not apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-pay= ment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim reposses= sion as aforesaid shall be extinguished.

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1601

apply in favour of occupiers of premises who after dispossession have unequivocally given up their rights over the premises. Mere non-pay= ment of rent shall raise a presumption of abandonment of rights as aforesaid Provided however that any occupier dispossessed may rebut such presumption by proof that he was unable to pay the rent because of racial or political persecution at the hands of the Nazi-Fascists.

C) All requests to repossess premises by virtue of para A) of this Article shall be made to the Authority hereinafter established within six months after the effective date of this Order. After the expiration of the aforementioned period the right to claim reposses= sion as aforesaid shall be extinguished.

ARTICLE XIV

EXTINGUISHMENT OF JUDICIAL PROCEEDINGS.

21

A) PROCEEDINGS BY CREDITORS FOR ORDER TO SELL PROPERTY. All pro ceedings by creditors for an Order to sell property which were suspen ded by virtue of R.D.L. of 9 February 1939 No. 126 and which relate to property restored under any of the Provisions of this Order to per= sons effected by the racial laws, may be declared finally extinguished upon application by the interested parties to the competent Judicial Authority or by such Authority even when no such application to it has been made.

1602

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) PROCEEDINGS RENDERED INVALID THROUGH CANCELLATION OF RACIAL LAWS.

All proceedings in which the matter of dispute shall no longer exist by virtue of legislation restoring personal and property rights to persons formerly considered of Jewish race may be finally extinguished by the competent Judicial Authority on application of the interested parties or by such Authority even when no such application to it has been made. All parties shall bear their own costs of the proceedings extinguished under this paragraph.

ARTICLE XV

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of R.D.L. 9 February 1939 No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or

Declassified E.O. 12356 Section 3.3/NND No. 785016

RESTITUTION OF BUSINESSES AND COMPENSATION FOR IMPROVEMENTS THERETO

A) Restitution of Businesses and shares in Partnerships. Any owner of a business or partner therein whose business or share was transferred to other persons by virtue of Article LVIII and LX of R.D.L. 9 February 1939 No. 126 may claim restitution thereof in the same manner as claims to restitution of immovable property made under Article IV of this Order (subject however to the conditions of such Article) Provided that he shall surrender to the person making restitution the registered public bonds issued to the claimant or his predecessor in title at the time of expropriation.

B) Improvements to the business restored. Any person who has improved the business restored shall have the benefit of the Provisions of Article IX of this Order so far as applicable to property of this type and not contrary to any agreement made between the claimant or his predecessors in title, the other partners in the business and the persons deriving title under E.G.E.I.I.

C) No damages for events arising out of ordinary management of the business restored. The claimant will not be entitled to any compensation for damage to the business or share restored arising out of the ordinary carrying on of the said business.

ARTICLE XVI

TERMINATION OF MANAGEMENTS AND LIQUIDATIONS OF BUSINESSES AND PROPERTIES PROVIDED FOR BY RACIAL LAWS.

BUSINESS. All administrations, managements, sequestrations, and

1604

Declassified E.O. 12356 Section 3.3/NND No. 785016

liquidations of businesses provided for under Part II,head 4 of R.D.L. of the 9 February 1939 No. 126 shall cease and come to an end on application therefor by the true owner thereof to the person charged with such administration, management, sequestration and liquidation.

B) Other properties

The Provisions of para A of this Article shall also apply to administrations, managements and sequestrations of property from persons for reasons of so-called race or anti-fascist political activity.

C) Time limit for restitution and rendering of accounts.

The business or property referred to in paras A)and B) of this Article shall be restored and a detailed account of the administration, management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

A) Property transferred by fictitious contracts and deeds

Declassified E.O. 12356 Section 3.3/NND No. 785016

c) Time limit for restitution.

The business or property referred to in paras A)and B) of this Article shall be restored and a detailed account of the administration, management, sequestration or liquidation thereof shall be rendered by the person charged therewith to the true owner within thirty days after application is made for restitution by the true owner.

ARTICLE XVII

RESTITUTION OF PROPERTY TRANSFERRED BY FICTITIOUS CONTRACTS AND DEEDS OR ACQUIRED IN NAME OF THIRD PARTIES TO AVOID RACIAL LAWS.

19

A) Property transferred by fictitious contracts and deeds.

Fictitious contracts and deeds of transfer of property or rights therein effected in order to avoid the application of the racial laws may be set aside under the Provisions in that behalf contained in the Civil Code.

B) Property acquired in name of third parties

Persons affected by the racial laws may claim restitution under the terms of this Order of any property acquired by third parties as trustees for them in order to avoid the application of the racial laws.

Declassified E.O. 12356 Section 3.3/NND No. 785016

C) Proof in support of applications to set aside deeds or for restitution of property under paras A) and B)

Oral as well as documentary evidence may be admitted in support of all applications to set aside contracts and deeds or for restitution of property made under paras A) and B) of this Article. Written evidence is admissible in support of such applications even though given by means of documents which have not been authenticated or registered or in respect of which any tax or duty has not been paid or formality complied with as required by law.

ARTICLE XVIII

RESPONSIBILITY OF PERSONS WHO HAVE ALIENATED JEWISH MOVABLES RECEIVED DIRECTLY FROM NAZI-FASCIST AUTHORITIES OR CONTRARY TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No.18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration

Declassified E.O. 12356 Section 3.3/NND No. 785016

TO ORDERS FROM THE JEWISH OFFICE OR TO GENERAL ORDER No. 18

A) Goods received direct from Nazi-Fascist Authorities.

Private persons (including private firms and companies) who have transferred possession or custody of movable property of the types mentioned in Articles I and II of General Order No.18 received by them from any Authority, body or person mentioned in Article II of the said General Order, shall (notwithstanding such transfer) within two months after application for restitution of such property has been made by the true owner or his successor in title, at their own expense recover and restore to such true owner or his successor in title the property in question. Where they are unable for reasons beyond their control to effect such recovery and restoration they shall obtain for the true owner or his successor in title property of similar type, quantity, and quality or (if the true owner or his successor in title shall so elect) pay to him the value of the said property at the date of the application for restoration.

The Provisions of this paragraph shall also apply to movable property received as above from Authorities, bodies or persons other than those mentioned in Article II of General Order No.18 in circumstances which must have given the persons receiving such property reasonable suspicionthat the said property was of the types mentioned in Article II of the said General Order.

Declassified E.O. 12356 Section 3.3/NND No. 785016

B) Goods transferred contrary to Orders from the Jewish Office.

The Provisions of para A) of this Article shall also apply to persons who transferred movable property after service upon them of an Order of the Jewish Office referred to in Article III of General Order No.18 blocking the said property. Such transfer shall be presumed to have been made after the service of such Order unless the person served with the Order can prove that he filed with the Jewish Office a written reasoned protest against the same.

C) Goods transferred contrary to General Order No. 18.

The Provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No.18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitution.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be

1609
Declassified E.O. 12356 Section 3.3/NND No. 785016

The provisions of para A) of this Article shall also apply to transfers of movable property blocked by General Order No.18 without prejudice however to any penalty incurred under the said General Order by reason of such transfer.

ARTICLE XIX

CONSTITUTION AND GENERAL DUTIES AND POWERS OF EXAMINING COMMISSIONS.

A) Constitution.

One Examining Commission (or more than one if the local Area Commissioners of the Allied Military Government considers necessary) to assist in the recovery of property belonging to persons formerly considered of Jewish race is hereby established in each Area of the Territory. Each such Commission shall be constituted of not less than five or more than eleven persons of whom one shall be President and another Vice-President. The President, Vice-President and other members of the Commission shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government. Area Commissioners of the Allied Military Government may from time to time, as the volume of work so requires, set up and appoint members to further Examining Commissions, constituted in like manner.

17

B) General Duties of the Commission.

Each Examining Commission shall have the duty of investigating all dealings and movements of movable property seized or taken from persons formerly considered of Jewish race or persons having the custody thereof on behalf of such Jews. The Commission

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall act upon written application, setting out all relevant facts, of any person interested in the said property Provided however that the Commission may act of its own accord without having received any such application when it appears necessary in the interests of justice so to do.

C) General Powers of the Commission.

1. Each Examining Commission and all members thereof shall in the exercise of the said ~~powers and~~ duties have all powers of an Examining Magistrate (Giudice Istruttore) according to Law.

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

16

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY

Declassified E.O. 12356 Section 3.3/NND No. 785016

2. When it appears necessary to the Commission in the exercise of its said powers and duties to cause a search of premises to be made, it shall issue a search warrant. Such warrant shall be signed by the President or Vice-President of the Commission and countersigned by the Superintendent of the Venezia Giulia Police Force of the Zone in which such premises are situated.

Such searches shall be carried out by a member or members of the Commission accompanied by one or more members of the Venezia Giulia Police Force and each search warrant shall state the names of the members of the Commission and the said Police Force authorized to carry out the search.

ARTICLE XX

POWERS OF EXAMINING COMMISSIONS IN RESPECT OF GOODS FROZEN BY GENERAL ORDER No. 18.

An Examining Commission may issue such notices or directives as it shall consider necessary in regard to goods within its jurisdiction which have been frozen by virtue of General Order No.18.

ARTICLE XXI

DECLARATIONS MADE UNDER ARTICLE III OF GENERAL ORDER No. 18

The Jewish Office referred to in Article III of General Order No.18 shall forward all declarations received pursuant to the said Article to the Examining Commission of the Area in which

Declassified E.O. 12356 Section 3.3/NND No. 785016

the property declared is situated immediately on the expiration of the term laid down in the said Article for the making of such declarations.

ARTICLE XXII

CLAIMS TO MOVABLE PROPERTY

Any person who has a claim to or in respect of movable property (including persons who have declared goods or are considered as trustees thereof by virtue of this Order or of General Order No.18) shall within twenty days of the effective date of this Order make such claim in writing to the Examining Commission of the Area in which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No.18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No.18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION 15

A) Persons interrogated by members of the Examining Commission

1813

Declassified E.O. 12356 Section 3.3/NND No. 785016

which the property is situated on such date. Where the said property has been restored by virtue of Article IV of General Order No.18 or by agreement prior to the effective date of such Order, notice of a claim made by virtue of this Article shall also be given to the person to whom the property has been restored.

Movable property which has been restored as mentioned in this Article and in respect of which no claim has been made under this Article within the period of twenty days hereinbefore referred to, shall, on the expiration of such period, become automatically freed from the block imposed thereon by General Order No.18.

ARTICLE XXIII

DUTY OF ALL PERSONS TO EXAMINING COMMISSION

15

A) Persons interrogated by members of the Examining Commission in performance of their duties under this Order shall supply all information within their knowledge in respect of the goods the subject matter of such interrogation.

B) Any person who knows or has reason to suspect that movables of Jewish origin are abandoned, or are hidden or held by persons other than the true owner, shall supply full information of all facts giving rise to such knowledge or suspicion to the Examining Commission of the Area in which such movables are known or believed to be abandoned, hidden or held. Should the Examining Commission be satisfied that such information has led to the recovery of such movables, it shall recommend to the Judicial Commission hereinafter

Declassified E.O. 12356 Section 3.3/NND No. 785016

mentioned that the true owner recovering the property be ordered to pay a sum equal to five percent of the value of the property to the person supplying such information.

C) All information given by virtue of paras A) and B) of this Article shall be true and complete to the best of the knowledge and belief of the person giving it.

ARTICLE XXIV

PROCEDURE ON THE EXAMINING COMMISSION.

After having collected all available information with regard to any one matter in order to prove that the property the subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their

Declassified E.O. 12356 Section 3.3/NND No. 785016

subject of such matter is affected by the terms of this Order, the Examining Commission shall forward the file on such matter, complete with all documents relating thereto, to an Area Commission known as the Judicial Commission constituted as hereinafter set out.

ARTICLE XXV

CONSTITUTION, GENERAL POWERS AND DURATION OF JUDICIAL COMMISSIONS.

A) CONSTITUTION.

There is hereby established in each Area of the Territory a Judicial Commission consisting of a President, two members and two substitute members to act for the two members in their absence. The President shall be a magistrate not below the 5th grade and the other members and substitute members shall be magistrates not below the 8th grade. The President and other members and substitute members shall be appointed and removable in writing by the local Area Commissioner of the Allied Military Government.

B) GENERAL POWERS, DUTIES AND PROCEDURE

1. Movables

(a) Each Judicial Commission shall examine each file received from the Examining Commission under Article XXIV hereof. When it is satisfied that any movable property the subject matter of any such files belonged to and was seized or taken from persons affected by

Declassified E.O. 12356 Section 3.3/NND No. 785016

the racial laws, it shall order that such movables be restored to the person from whom such property was seized or taken as aforesaid or his successor in title.

Should it appear to the Commission that the said fact has not been sufficiently proved but that further proof necessary can be obtained, it shall refer the file back to the Examining Commission with instructions as to the further evidence required.

When it appears to the Commission that the proof of the above mentioned facts is insufficient and is not capable of perfection, it shall order that the property in question be freed forthwith from the block imposed by General Order No.18. Should further evidence on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

13

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provi-

Declassified E.O. 12356 Section 3.3/NND No. 785016

on the question come thereafter to the notice of the Examining Commission, it may re-submit the file to the Judicial Commission Provided however that rights of third parties acquired over the said property after the date of removal of the said block as aforesaid shall not be prejudiced by any subsequent order of the Judicial Commission made as a result of such further evidence.

(b) When the Judicial Commission agrees with the recommendation of the Examining Commission made under Article XXIII (B) of this Order, that a sum be paid by way of reward for information supplied, it shall make an order for payment of the said sum.

2. Immovables and other questions relating to property.

13

The Judicial Commission shall also decide all other disputes relating to all types of property arising by virtue of the Provisions of this Order and of General Order No.18 Provided however that one of the parties to such dispute be a person adversely affected by the racial laws or persecuted by the Nazi-Fascists for political reasons or his successor in title.

3. Procedure

The Judicial Commission shall, in deciding all questions and disputes under Sections 1 and 2 of this paragraph, employ such procedure as it shall (except as provided by Article X (B) of this Order in relation to applications for annulment of transfers) deem necessary to effect substantial justice according to the

Declassified E.O. 12356 Section 3.3/NND No. 785016

principles of equity.

The judgment of the Judicial Commission shall be final and not subject to Appeal. Proceedings may however be taken to revoke it under the terms of Articles 395 et seq. of the Code of Civil Procedure.

C) DURATION.

The Judicial Commission shall decide and give final judgment in all questions and disputes submitted to it within two years of the date of cessation of the present state of war.

All questions and disputes not submitted within the said period shall be dealt with by the appropriate Judicial Authority Provided however that proceedings for revocation of a judgment of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right within six months of the date of such

Declassified E.O. 12356 Section 3.3/NND No. 785016

Provided however [illegible]
of the Judicial Commission under Article 395 et seq. of the Code of Civil Procedure shall be dealt with by such Commission so long as it shall continue in existence by virtue of this Article, even though the period of two years hereinbefore mentioned has expired.

ARTICLE XXVI

RIGHT OF PERSON RESTORING GOODS TO REFUND OF PRICE PAID.

Any person ordered to restore goods by virtue of Article XXV, para B) 1 hereof and each of the persons who acquired title to the said goods after the date of expropriation of the person to whom they are ordered to be restored, or his predecessor in title, shall have the right, within six months of the date of such order, to recover from his immediate vendor the price paid for such goods by means of action before the appropriate Judicial Authority.

ARTICLE XXVII

PROCEDURE FOR UNBLOCKING OF PROPERTY OF JEWS HELD IN BANK ~~ACCOUNTS~~ ACCOUNTS AND PERSONAL SAFES.

A) Where the owners are identifiable.

Property held in bank accounts or personal safes in the name of persons adversely affected by the racial laws and which have been blocked by the Nazi-Fascists for so-called reasons of

Declassified E.O. 12356 Section 3.3/NND No. 935016

race, shall be and it is hereby immediately unblocked in favour of the persons in whose name such property is held or the persons deriving title under them so far as such persons can be identified, unless such property has been also blocked for reasons other than of race.

In cases in which the property in any one account or safe is held in the name of more than one person and the bank is unable to identify the portion thereof belonging to each of such persons, or there is a doubt or dispute as to the ownership of property held in any account or safe, the bank shall submit the matter to the local Examining Commission. The Examining Commission, after carrying out its duties as hereinbefore set out in relation to such property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) WHERE THE OWNERS ARE NOT IDENTIFIABLE.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ing out [illegible]

property shall submit the matter to the Judicial Commission for decision in the usual way. The Judicial Commission may, pending the making of an order as to the final disposition of such property, order an interim distribution of part thereof.

B) WHERE THE OWNERS ARE NOT IDENTIFIABLE.

Property in bank accounts or personal safes held in the names of persons adversely affected by the racial laws shall, where such persons or their successors in title cannot be identified or (if identified) are dead or non-existent, be collected under the supervision of the local Examining Commission in one central fund in each Area.

11

ARTICLE XXVIII

OTHER MOVABLE PROPERTY BELONGING TO PERSONS KNOWN TO BE JEWS BUT WHO ARE UNIDENTIFIABLE OR DEAD.

Movable property, (other than of the types mentioned in Article XXVII hereof), which is known to have belonged to persons affected by the racial laws shall, if such persons or their successors in title cannot individually be identified or are dead or non-existent, be collected under the supervision of the local Examining Commission in one central warehouse in each Area.

Declassified E.O. 12356 Section 3.3/NND No. 485016

ARTICLE XXIX

DISTRIBUTION AND CLAIMS IN RESPECT OF MOVABLE PROPERTY OF UNIDENTIFIABLE JEWISH OWNERS.

On completion of its duties in relation to property of identifiable ownership, each Examining Commission shall prepare a scheme for proportional distribution of all property in the Central fund and central warehouse respectively referred to Articles XXVII (B) and XXVIII hereof among the persons who have submitted claims to property to such Examining Commission under the Provisions of this Order and whose property has, through no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Covernment Gazette. Persons whose names do not appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate, setting out all material facts, to the Examining Commission in question, within thirty days after the date on the cover of the edition of the said Gazette in which such shheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the lo-

Declassified E.O. 12356 Section 3.3/NND No. 785016

under the Provisions of this Order and whose property has, through no fault of the claimants not been fully restored as provided by this Order.

Such distribution scheme shall be published by the Examining Commission preparing it in the Allied Military Government Gazette. Persons whose names do not appear therein and who consider themselves entitled to partake in such distribution scheme shall submit a claim to participate, setting out all material facts, to the Examining Commission in question, within thirty days after the date on the cover of the edition of the said Gazette in which such scheme shall be published as aforesaid. The Examining Commission shall on the expiration of the said period of thirty days forward all such claims to the local Judicial Commission. The Judicial Commission shall, after considering all such claims, prepare and publish in the said Gazette a final distribution scheme, against which there shall be no appeal or further claim. The Examining Commission shall on or after the date of publication of such final scheme distribute the property among the persons entitled in accordance with the said scheme.

1624

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXX

ENTRY IN PUBLIC RECORDS OF CLAIMS UNDER THIS ORDER.

At the request of any person who has a claim by virtue of the Provisions of this Order to property or any right therein, which property or right is registrable by Law in a public record, a note shall be made of such claim against the entry in the record relating to such property or right. Any person acquiring such property or right after the date of such note shall do so subject to such claim.

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceeded the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation

625
declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE XXXI

RIGHT OF RECOURSE TO JUDICIAL AUTHORITIES IN CASES NOT PROVIDED FOR IN THIS ORDER.

Persons affected by the racial laws shall be entitled in all cases not provided for by this Order to have recourse to the Judicial Authorities as provided by Law.

An action by any such person under Articles 1448 et seq. of the Civil Code for rescission of a contract of transfer made after 6 October 1938 shall be admissible if the value of the property transferred by such contract exceeded the contract price by a sum greater than one quarter of such value as at the date of the contract Provided however that such action must be commenced within one year of the date of the cessation of the present state of war. All such actions commenced after the expiration of such period shall be subject to the limitation as to damage mentioned in the Civil Code.

ARTICLE XXXII

REDUCTION OF CERTAIN FEES FOR THE PURPOSES OF THIS ORDER.

All fees due to notaries and stock-brokers in respect of restoration of property by virtue of this Order, and all fees due to financial institutions for the authentication of

1626

Declassified E.O. 12356 Section 3.3/NND No. 785016

endorsements of shares required in order to carry out the Provisions of this Order shall be and they are hereby reduced by fifty per cent.

ARTICLE XXXIII

FISCAL PROVISIONS.

A) Tax on deeds restoring property under this Order.

All deeds and documents for the purpose of restoring property or rights therein to persons affected by the racial laws or their heirs, entered into pursuant to the Provisions of this Order, shall be exempt from all stamp duties and taxes Provided however that such deeds are entered into within one year after the declaration of cessation of the present state of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission .

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to Law.

Declassified E.O. 12356 Section 3.3/NND No. 785016

year after the [illegible]

of war or, in cases in which the restoration necessitating the making of the deeds results from an Order of the Court or of the Judicial Commission hereinbefore constituted, within one year after the date of such Order of the Court or the Judicial Commission .

The fact that deeds or documents have been entered into in order to effect a restoration under the terms of this Order may be proved by the best evidence available, even though this be oral or by means of documents not authenticated or registered according to Law.

B) Tax on orders of the Court of Judicial Commission, made pursuant to this Order.

Documents containing orders of the Court or Judicial Commissions, made pursuant to the Provisions of this Order, shall be subject to a fixed registration charge of 20 Lire. .

C) Tax on deeds restoring shares.

Deeds restoring shares under the Provisions of this Order shall be free from all stamp duties and taxes provided that the persons who intend to request the restitution of such shares

Declassified E.O. 12356 Section 3.3/NND No. 785016

shall within one year after the date of the cessation of the present state of war lodge with the local Financial Registration Office (Ufficio del Registro) a statement indicating the numbers and type of the shares in question.

D) Tax on dissolution of small real property companies.

Divisions of property on the dissolution of real property companies formed before 14 April 1941 with a capital not exceeding 1.000.000.- lire, the shareholders or partners of which (or some of them) at the date of such dissolution and liquidation are persons affected by the racial laws, shall, insofar as such divisions are made among such shareholders or partners, be subject to the graduated registration fees set out in Article 89 of Appendix "A" to the Schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No.3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed

1629

Declassified E.O. 12356 Section 3.3/NND No. 785016

divisions are made among such [illegible]

ject to the graduated registration fees set out in Article 89 of Appendix "A" to the Schedule of taxes attached to the Taxation law approved by R.D.L. of 30 December 1923, No.3269 (Imposta Graduale di Registro) and also to the fixed registration tax (Imposta Ipotecaria) provided that deeds effecting such transfers are entered into within one year after the date of cessation of the present state of war.

E) Tax and succession duty on transfers of immovable property from one heir to another.

Transfers of immovable property to the legal heirs of persons affected by the racial laws from persons appointed heirs to such property by virtue of Article 30 of R.D.L. of 9 February 1939, No.126, shall be free of all stamp duties and taxes provided that they are entered into within one year after the date of cessation of the present state of war.

In such cases the transferee shall pay to the transferor such sum as he would have paid by way of succession duty had the property in question been transferred directly to him.

F) Taxes in connection with proceedings for cancellation of lost or stolen bonds and shares.

All applications, orders and other documents in connection

Declassified E.O. 12356 Section 3.3/NND No. 785016

with proceedings under Articles 2016 and 2027 of the Civil Code for cancellation of bonds and shares seized by the Nazi-Fascists from persons affected by the racial laws, shall be free from all stamp and registration taxes, provided that the application for such cancellation be made within one year after the date of cessation of the present state of war.

ARTICLE XXXIV

PENALTIES

Any person who violates or attempts to violate any of the Provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory

Declassified E.O. 12356 Section 3.3/NND No. 785016

the Provisions of this Order, or who does any act in order to evade or prevent restoration of property under the terms of this Order, shall commit an offence. Such offence shall be punished on conviction by the Judicial Authority or Allied Military Court with fine or imprisonment or both. Moreover any agreement, contract, deed or document entered into to avoid the Provisions of this Order shall (without prejudice however to the penal liability of any person in relation thereto) be null and void.

ARTICLE XXXV

EFFECTIVE DATE

This Order shall come into effect throughout the Territory on the date of its first publication therein.

Dated in Trieste this _____ day of November 1945.

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

This Order shall be published in:

☐ Gazzetta.

☐ Poster form

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

1632

Declassified E.O. 12356 Section 3.3/NND No. 785016

SERIE SPECIALE

Conto corrente con la Posta — Anno 85° — Numero 71

GAZZETTA UFFICIALE DEL REGNO D'ITALIA

PARTE PRIMA

Roma - Venerdì, 20 ottobre 1944

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF. 50-139 51 236 51-554

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI

In Italia e Colonie	Abb. anno	L. 200	All'Estero	Abb. anno	L. 400
	» semestrale	» 100		» semestrale	» 200
	» trimestrale	» 50		» trimestrale	» 100
	Un fascicolo	» 4		Un fascicolo	» 8

ALLA PARTE SECONDA

In Italia e Colonie	Abb. anno	L. 120	All'Estero	Abb. anno	L. 240
	» semestrale	» 60		» semestrale	» 120
	» trimestrale	» 30		» trimestrale	» 60
	Un fascicolo	» 4		Un fascicolo	» 8

Al solo «BOLLETTINO DELLE ESTRAZIONI» (sorteggio titoli, obbligazioni, cartelle)

In Italia e Colonie	Abb. anno	L. 100	All'Estero	Abb. anno	L. 200
	Un fascicolo	Prezzi vari		Un fascicolo	Prezzi vari raddopp.

Per gli annunzi da inserire nella "Gazzetta Ufficiale", veggansi le norme riportate nella testata della parte seconda

La «Gazzetta Ufficiale» e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma, Via XX Settembre, nel palazzo del Ministero delle Finanze, Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24), e presso le librerie depositarie di Roma e dei Capoluoghi delle provincie.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono in ROMA presso l'Ufficio "Inserzioni" della Libreria dello Stato - Palazzo del Ministero delle Finanze.

SOMMARIO

LEGGI E DECRETI

DECRETO LEGISLATIVO LUOGOTENENZIALE 18 settembre 1944, n. 250.
Nomina dei Comitati direttivi degli agenti di cambio. Pag. 429

DECRETO LEGISLATIVO LUOGOTENENZIALE 21 settembre 1944, n. 251.
Soppressione del Commissariato generale per la pesca e devoluzione delle relative attribuzioni al Ministero dell'agricoltura e delle foreste . . . . . Pag. 430

DECRETO LEGISLATIVO LUOGOTENENZIALE 5 ottobre 1944, n. 252.
Pubblicazione ed entrata in vigore del R. decreto-legge 20 gennaio 1944, n. 26, contenente disposizioni per la reintegrazione nei diritti patrimoniali dei cittadini italiani e stranieri già dichiarati o considerati di razza ebraica. Pag. 431

DECRETO MINISTERIALE 16 ottobre 1944.
Proroga dei termini per la consegna delle olive e per la presentazione delle denunce di produzione dell'olio. Pag. 432

LEGGI E DECRETI

DECRETO LEGISLATIVO LUOGOTENENZIALE 18 settembre 1944, n. 250.

Nomina dei Comitati direttivi degli agenti di cambio.

UMBERTO DI SAVOIA

PRINCIPE DI PIEMONTE

LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Visto il R. decreto-legge 30 ottobre 1935, n. 2316;

Visto il R. decreto-legge 29 maggio 1944, n. 141;

Visti la legge 20 marzo 1913, n. 272, ed il relativo regolamento approvato con R. decreto 4 agosto 1913, n. 1068, sull'ordinamento delle Borse di commercio;

Visto il R. decreto-legge 30 giugno 1932, n. 815, sulle

Declassified E.O. 12356, Section 3.3/NND No. 785016

1633

In Colonie	trimestrale	50	All'Estero	trimestrale	100		
	Un fascicolo	4		Un fascicolo	8		
In Colonie	trimestrale	30	All'Estero	trimestrale	60		
	Un fascicolo	4		Un fascicolo	8		

Al solo «BOLLETTINO DELLE ESTRAZIONI» (sorteggio titoli, obbligazioni, cartelle)

In Italia e Colonie: Abb. annuo L. 100 — Un fascicolo Prezzi vari. — All'Estero: Abb. annuo L. 200 — Un fascicolo Prezzi vari raddoppio

Per gli annunzi da inserire nella "Gazzetta Ufficiale", veggansi le norme riportate nella testata della parte seconda

La «Gazzetta Ufficiale» e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma Via XX Settembre, nel palazzo del Ministero delle Finanze, Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24); e presso le librerie depositarie di Roma e dei Capoluoghi delle provincie.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono in ROMA — presso l'Ufficio "Inserzioni" della Libreria dello Stato — Palazzo del Ministero delle Finanze.

SOMMARIO

LEGGI E DECRETI

DECRETO LEGISLATIVO LUOGOTENENZIALE 18 settembre 1944, n. 250.

Nomina dei Comitati direttivi degli agenti di cambio. Pag. 429

DECRETO LEGISLATIVO LUOGOTENENZIALE 21 settembre 1944, n. 251.

Soppressione del Commissariato generale per la pesca e devoluzione delle relative attribuzioni al Ministero dell'agricoltura e delle foreste . . . . . Pag. 430

DECRETO LEGISLATIVO LUOGOTENENZIALE 5 ottobre 1944, n. 252.

Pubblicazione ed entrata in vigore del R. decreto-legge 20 gennaio 1944, n. 26, contenente disposizioni per la reintegrazione nei diritti patrimoniali dei cittadini italiani e stranieri già dichiarati o considerati di razza ebraica. Pag. 431

DECRETO MINISTERIALE 16 ottobre 1944.

Blocco dei sottoprodotti della lavorazione delle olive e disciplina della distribuzione dei detti sottoprodotti e dell'olio al solfuro . . . . . Pag. 434

DISPOSIZIONI E COMUNICATI

Ministero dell'industria, del commercio e del lavoro: Nomina del commissario straordinario per la Cassa nazionale di assistenza per gli impiegati agricoli e forestali. Pag. 436

Ministero di grazia e giustizia: Autorizzazione a continuare l'esercizio delle funzioni notarili . . . . . Pag. 436

Ministero del tesoro: Medie dei titoli . . . Pag. 436

Disposizioni e comunicati del Governo Militare Alleato. Pag. 436

LEGGI E DECRETI

DECRETO LEGISLATIVO LUOGOTENENZIALE 18 settembre 1944, n. 250.

Nomina dei Comitati direttivi degli agenti di cambio.

UMBERTO DI SAVOIA

PRINCIPE DI PIEMONTE

LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Visto il R. decreto-legge 30 ottobre 1943, n. 2/B;

Visto il R. decreto-legge 29 maggio 1944, n. 141;

Visti la legge 20 marzo 1913, n. 272, ed il relativo regolamento approvato con R. decreto 4 agosto 1913, n. 1068, sull'ordinamento delle Borse di commercio;

Visto il R. decreto-legge 30 giugno 1932, n. 815, sulle Borse valori;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Ministro per il tesoro, d'intesa con il Ministro per l'industria, il commercio e il lavoro;

Abbiamo sanzionato e promulghiamo quanto appresso:

Art. 1.

Il Comitato direttivo degli agenti di cambio è composto presso ciascuna borsa da otto ovvero da quattro agenti di cambio, secondo l'importanza delle singole

1634

Declassified E.O. 12356 Section 3.3/NND No. 182016

borso e giusta quanto verrà stabilito con provvedimento del Ministro per il tesoro.

I componenti del Comitato direttivo sono eletti dall'assemblea generale degli agenti di cambio, alla quale assiste il funzionario del Ministero del tesoro, delegato alla vigilanza della borsa.

Art. 2.

Ciascun agente di cambio scrive sulla scheda sei ovvero tre nomi di colleghi, secondo che il comitato da eleggersi sia costituito, rispettivamente, da otto ovvero da quattro componenti; vengono eletti quelli che ottengano il maggior numero di voti; a parità di voti vengono scelti i più anziani di nomina ad agenti di cambio e, a pari anzianità di nomina, i più anziani di età.

Art. 3.

Per quanto riguarda le operazioni, la disciplina, la polizia dell'assemblea elettorale, i reclami sollevati nel seno di essa, la formazione del verbale, i documenti da annettersi e le pene ai contravventori alla legge ed ai regolamenti in materia elettorale, si applicano le disposizioni del testo unico della legge comunale e provinciale 4 febbraio 1915, n. 148, modificato con R. decreto 30 dicembre 1923, n. 2839.

Art. 4.

Gli agenti di cambio eletti durano in carica due anni e sono sempre rieleggibili.

La rinnovazione del Comitato direttivo avviene ogni due anni nel mese di dicembre.

I componenti del Comitato, eletti per la prima volta in applicazione del presente decreto, a qualunque epoca risalga la loro nomina, restano in carica fino al 31 dicembre 1946.

Art. 5.

Il presidente del Comitato direttivo degli agenti di cambio è il rappresentante legale del Comitato stesso;

Art. 7.

E' abrogata qualunque disposizione che sia incompatibile con quelle del presente decreto.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Roma, addì 18 settembre 1944

UMBERTO DI SAVOIA

BONOMI — SOLERI — GRONCHI

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 14 ottobre 1944
Registro Tesoro n. 1, foglio n. 104. — LOBOSO

DECRETO LEGISLATIVO LUOGOTENENZIALE 21 settembre 1944, n. 251.

Soppressione del Commissariato generale per la pesca e devoluzione delle relative attribuzioni al Ministero dell'agricoltura e delle foreste.

UMBERTO DI SAVOIA

PRINCIPE DI PIEMONTE

LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il testo unico delle leggi sulla pesca, approvato col R. decreto 8 ottobre 1931, n. 1604;

Visto il R. decreto-legge 31 dicembre 1939, n. 1953, convertito nella legge 29 marzo 1940, n. 384;

Visto il R. decreto 15 aprile 1940, n. 649;

Visto il R. decreto-legge 30 ottobre 1943, n. 2/B;

Visto il R. decreto-legge 29 maggio 1944, n. 141;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato e Ministro per l'interno, di concerto con i Ministri Segretari di Stato per la grazia e giustizia, per le finanze, per il tesoro, per la marina, per la pubblica istruzione, per i [illegible] e le foreste, per le

1935
Declassified E.O. 12356 Section 3.3/NND No. 785016

vengono scelti i più anziani di nomina ad agenti di cambio e, a pari anzianità di nomina, i più anziani di età.

Art. 3.

Per quanto riguarda le operazioni, la disciplina, la polizia dell'assemblea elettorale, i reclami sollevati nel seno di essa, la formazione del verbale, i documenti da annettersi e le pene ai contravventori alla legge ed ai regolamenti in materia elettorale, si applicano le disposizioni del testo unico della legge comunale e provinciale 4 febbraio 1915, n. 148, modificato con R. decreto 30 dicembre 1923, n. 2839.

Art. 4.

Gli agenti di cambio eletti durano in carica due anni e sono sempre rieleggibili.

La rinnovazione del Comitato direttivo avviene ogni due anni nel mese di dicembre.

I componenti del Comitato, eletti per la prima volta in applicazione del presente decreto, a qualunque epoca risalga la loro nomina, restano in carica fino al 31 dicembre 1946.

Art. 5.

Il presidente del Comitato direttivo degli agenti di cambio è il rappresentante legale del Comitato stesso; il vice presidente lo supplisce in caso di assenza o di legittimo impedimento. In mancanza di entrambi, le funzioni del presidente sono disimpegnate dal componente più anziano per appartenenza al Comitato e, in caso di pari anzianità di appartenenza, da quello più anziano di età.

Art. 6.

Il Comitato direttivo degli agenti di cambio esercita le sue funzioni o collettivamente ovvero a mezzo di una delegazione composta di tre componenti secondo la designazione fatta dal presidente.

Registrato alla Corte dei conti, addì 14 ottobre 1944
Registro Tesoro n. 1, foglio n. 104. — Lusca

DECRETO LEGISLATIVO LUOGOTENENZIALE 21 settembre 1944, n. 251.

Soppressione del Commissariato generale per la pesca e devoluzione delle relative attribuzioni al Ministero dell'agricoltura e delle foreste.

UMBERTO DI SAVOIA

PRINCIPE DI PIEMONTE

LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il testo unico delle leggi sulla pesca, approvato col R. decreto 8 ottobre 1931, n. 1604;

Visto il R. decreto-legge 31 dicembre 1939, n. 1953, convertito nella legge 29 marzo 1940, n. 384;

Visto il R. decreto 15 aprile 1940, n. 619;

Visto il R. decreto-legge 30 ottobre 1943, n. 2 B;

Visto il R. decreto-legge 29 maggio 1944, n. 141;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato e Ministro per l'interno, di concerto con i Ministri Segretari di Stato per la grazia e giustizia, per le finanze, per il tesoro, per la marina, per la pubblica istruzione, per i lavori pubblici, per l'agricoltura e le foreste, per le comunicazioni e per l'industria, il commercio e il lavoro;

Abbiamo sanzionato e promulghiamo quanto segue:

Articolo unico.

Il Commissariato generale per la pesca, istituito presso la Presidenza del Consiglio dei Ministri, è soppresso.

Sono devoluti al Ministero dell'agricoltura e delle foreste i servizi attinenti alla pesca già ad esso attri-

Declassified E.O. 12356 Section 3.3/NND No. 850016

buiti dall'art. 16 del testo unico delle leggi sulla pesca, approvato con R. decreto 8 ottobre 1931, n. 1604.

Il presente decreto entra in vigore il giorno successivo alla sua pubblicazione nella *Gazzetta Ufficiale* del Regno.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Roma, addì 21 settembre 1944

UMBERTO DI SAVOIA

BONOMI — TUPINI — SIGLIENTI — SOLERI — DE COURTEN — DE RUGGIERO — MANCINI — GULLO — CERABONA — GRONCHI

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 18 *ottobre* 1944
Registro Presidenza n. 1, *foglio* n. 199. — EMANUELI

DECRETO LEGISLATIVO LUOGOTENENZIALE 5 ottobre 1944, n. 252.

Pubblicazione ed entrata in vigore del R. decreto-legge 20 gennaio 1944, n. 26, contenente disposizioni per la reintegrazione nei diritti patrimoniali dei cittadini italiani e stranieri già dichiarati o considerati di razza ebraica.

UMBERTO DI SAVOIA

PRINCIPE DI PIEMONTE

LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il R. decreto-legge 20 gennaio 1944, n. 26, contenente disposizioni per la reintegrazione nei diritti patrimoniali dei cittadini italiani e stranieri già dichiarati o considerati di razza ebraica;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato e Ministro

Resta pertanto abrogato il termine di entrata in vigore stabilito nell'art. 21, primo comma, del Regio decreto-legge predetto.

ART. 2.

Il presente decreto entra in vigore il giorno della sua pubblicazione.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Roma, addì 5 ottobre 1944

UMBERTO DI SAVOIA

BONOMI — TUPINI — SIGLIENTI

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 18 *ottobre* 1944
Registro Presidenza n. 1, *foglio* n. 200. — EMANUELI

VITTORIO EMANUELE III

PER GRAZIA DI DIO E PER VOLONTÀ DELLA NAZIONE

RE D'ITALIA

Visto il R. decreto-legge 17 novembre 1938, n. 1728;
Visto il R. decreto-legge 9 febbraio 1939, n. 126;
Vista la legge 13 luglio 1939, n. 1024;
Vista la legge 9 ottobre 1942, n. 1420;
Visto l'art. primo 3° comma del Codice civile;
Visto l'art. 18 della legge 19 gennaio 1939, n. 129;
Ritenuta la urgente ed assoluta necessità di reintegrare nei propri diritti anteriori i cittadini italiani appartenenti alla razza ebraica per riparare prontamente alle gravi sperequazioni d'ordine patrimoniale create da un indirizzo politico infondatamente volto alla difesa della razza;
Visto il R. decreto-legge 30 ottobre 1943, n. 2/B;
Visto il R. decreto-legge 10 novembre 1943, n. 5/B;
Visto l'art. 7 del testo unico approvato con R. decreto 24 settembre 1931, n. 1256;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, d'intesa con i Sottosegretari per la grazia e giustizia e per le finanze;
Abbiamo decretato e decretiamo:

Declassified E.O. 12356 Section 3.3/NND No. 785016

GUELO — CERABONA — GRONCHI

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 18 *ottobre* 1944
Registro Presidenza n. 1, *foglio n.* 199. — EMANUELI

DECRETO LEGISLATIVO LUOGOTENENZIALE 5 ottobre 1944, n. 252.

Pubblicazione ed entrata in vigore del R. decreto-legge 20 gennaio 1944, n. 26, contenente disposizioni per la reintegrazione nei diritti patrimoniali dei cittadini italiani e stranieri già dichiarati o considerati di razza ebraica.

UMBERTO DI SAVOIA

PRINCIPE DI PIEMONTE

LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il R. decreto-legge 20 gennaio 1944, n. 26, contenente disposizioni per la reintegrazione nei diritti patrimoniali dei cittadini italiani e stranieri già dichiarati o considerati di razza ebraica;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato e Ministro per l'interno, di concerto con i Ministri per la grazia e giustizia e per le finanze;

Abbiamo sanzionato e promulghiamo quanto segue:

Art. 1.

E' ordinata la pubblicazione, nella *Gazzetta Ufficiale* del Regno, del R. decreto-legge 20 gennaio 1944, n. 26, che entra in vigore il giorno successivo a quello della pubblicazione medesima.

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 18 *ottobre* 1944
Registro Presidenza n. 1, *foglio n.* 200. — EMANUELI

VITTORIO EMANUELE III

PER GRAZIA DI DIO E PER VOLONTÀ DELLA NAZIONE

RE D'ITALIA

Visto il R. decreto-legge 17 novembre 1938, n. 1728;
Visto il R. decreto-legge 9 febbraio 1939, n. 126;
Vista la legge 13 luglio 1939, n. 1024;
Vista la legge 9 ottobre 1942, n. 1420;
Visto l'art. primo 3° comma del Codice civile;
Visto l'art. 18 della legge 19 gennaio 1939, n. 129;
Ritenuta la urgente ed assoluta necessità di reintegrare nei propri diritti anteriori i cittadini italiani appartenenti alla razza ebraica per riparare prontamente alle gravi sperequazioni d'ordine patrimoniale create da un indirizzo politico infondatamente volto alla difesa della razza;
Visto il R. decreto-legge 36 ottobre 1943, n. 2/B;
Visto il R. decreto-legge 10 novembre 1943, n. 5/B;
Visto l'art. 7 del testo unico approvato con R. decreto 24 settembre 1931, n. 1256;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, d'intesa con i Sottosegretari per la grazia e giustizia e per le finanze;
Abbiamo decretato e decretiamo:

Art. 1.

Sono abrogati i seguenti Regi decreti-legge e le seguenti leggi:

R. decreto-legge 17 novembre 1938, n. 1728, contenente provvedimenti per la difesa della razza italiana;

R. decreto-legge 9 febbraio 1939, n. 126, contenente norme di attuazione e di integrazione delle disposizioni di cui all'art. 10 del R. decreto-legge 17 novembre 1938

1638
Declassified E.O. 12356 Section 3.3/NND No. 785016

relative ai limiti di proprietà immobiliare e di attività industriale e commerciale per i cittadini italiani di razza ebraica;

Legge 13 luglio 1939, n. 1024, contenente norme integrative del R. decreto-legge 17 novembre 1938, numero 1728, sulla difesa della razza italiana;

Legge 9 ottobre 1942, n. 1420, riguardante le limitazioni di capacità degli appartenenti alla razza ebraica residenti in Libia;

Articolo 1° terzo comma del Codice civile.

Sono altresì abrogate tutte quelle disposizioni che, per qualsiasi atto o rapporto richiedono accertamento o menzione di razza, nonchè ogni altra disposizione o norma emanata sotto qualsiasi forma ed avente effetti patrimoniali, che sia di carattere razziale o comunque contraria al presente decreto o con esso incompatibile.

I cittadini italiani che l'art. 8 del R. decreto-legge 17 novembre 1938, n. 1728, dichiarava essere di razza ebraica o considerati di razza ebraica sono reintegrati nel pieno godimento dei diritti patrimoniali, eguali a quelli di tutti gli altri cittadini, coi quali hanno eguali doveri.

Art. 2.

L'Ente di gestione e liquidazione immobiliare, istituito con R. decreto-legge 9 febbraio 1939, n. 126, viene mantenuto in vita, per i compiti che il presente decreto-legge gli affida e per quanto altro gli compete a norma delle altre leggi in vigore.

Con decreto Reale, su proposta del Ministro per le finanze, di concerto coi Ministri per l'interno, per la grazia e giustizia e per l'industria commercio e lavoro, verranno introdotte nello statuto dell'Ente le modifiche che saranno considerate necessarie.

Art. 3.

Coloro che in seguito all'applicazione del R. decreto-legge 9 febbraio 1939, n. 126, dovettero operare in favore dell'Ente di gestione e liquidazione immobiliare trasferimento di beni immobili, ed i loro aventi causa, sono ammessi a chiedere, entro un anno dalla conclusione della pace, la retrocessione a loro favore di tutti [illegible] trasferiti dietro restitu-

R. decreto-legge 9 febbraio 1939, n. 126, a titolo di estinzione del diritto di usufrutto.

L'avvenuta estinzione del diritto di usufrutto di cui all'art. 31 del decreto succitato mercè il pagamento di una indennità è irrevocabile a tutti gli effetti di legge.

Art. 4.

Ove per gli immobili retrocedendi sia stata corrisposta ai sensi dell'art. 37 del R. decreto-legge 9 febbraio 1939, n. 126, una somma in contanti, coloro che, in forza del precedente art. 3, ne chiedono la retrocessione sono tenuti ad operare la restituzione integrale di tale somma all'atto stesso in cui verrà disposta la retrocessione dell'immobile o degli immobili.

Art. 5.

Le permute a norma dell'art. 37 del R. decreto-legge 9 febbraio 1939, n. 126, restano immutate.

Art. 6.

Nel caso in cui l'Ente di gestione e liquidazione immobiliare abbia trasferito a terzi beni immobili di cui esso è entrato in possesso in applicazione del R. decreto-legge 9 febbraio 1939, n. 126, anche i terzi sono tenuti al rilascio di detti beni a vantaggio degli antichi proprietari e dei loro aventi causa che ne facciano domanda ai sensi del precedente art. 3, e ciò dietro restituzione da parte dell'Ente di gestione e liquidazione immobiliare del prezzo da esso riscosso. Ove gli immobili di cui viene chiesta la retrocessione siano stati oggetto di successivi trasferimenti in dipendenza dei quali le somme pagate all'atto di essi siano state maggiori di quelle corrisposte agli antichi proprietari dell'Ente di gestione e liquidazione immobiliare ai sensi del R. decreto-legge 9 febbraio 1939, n. 126, e limitatamente a quanto di tali maggiori somme risulti dai pubblici atti di compravendita, l'ultimo acquirente avrà diritto al rimborso della maggiore somma pagata che dovrà essere effettuata da colui dal quale comprò e così di mano in mano fino a giungere all'Ente di gestione e liquidazione immobiliare. Ogni contestazione sulla reale misura di tale differenza risultante da atto

Declassified E.O. 12356 Section 3.3/NND No. 788016

1640

forma emanata sotto qualsiasi forma ed avente effetti patrimoniali, che sia di carattere razziale o comunque contraria al presente decreto o con esso incompatibile.

I cittadini italiani che l'art. 8 del R. decreto-legge 17 novembre 1938, n. 1728, dichiarava essere di razza ebraica o considerati di razza ebraica sono reintegrati nel pieno godimento dei diritti patrimoniali, eguali a quelli di tutti gli altri cittadini, coi quali hanno eguali doveri.

Art. 2.

L'Ente di gestione e liquidazione immobiliare, istituito con R. decreto-legge 9 febbraio 1939, n. 126, viene mantenuto in vita, per i compiti che il presente decreto-legge gli affida e per quanto altro gli compete a norma delle altre leggi in vigore.

Con decreto Reale, su proposta del Ministro per le finanze, di concerto coi Ministri per l'interno, per la grazia e giustizia e per l'industria commercio e lavoro, verranno introdotte nello statuto dell'Ente le modifiche che saranno considerate necessarie.

Art. 3.

Coloro che in seguito all'applicazione del R. decreto-legge 9 febbraio 1939, n. 126, dovettero operare in favore dell'Ente di gestione e liquidazione immobiliare trasferimento di beni immobili, ed i loro aventi causa, sono ammessi a chiedere, entro un anno dalla conclusione della pace, la retrocessione a loro favore di tutti ovvero parte degli immobili trasferiti, dietro restituzione integrale o proporzionale al valore della parte dell'immobile di cui si chiede la retrocessione, degli speciali certificati trentennali emessi dall'Ente di gestione e liquidazione immobiliare in pagamento del prezzo dei detti immobili, ovvero dietro restituzione degli speciali titoli obbligazionari di cui all'ultimo comma dell'art. 33 del R. decreto-legge 9 febbraio 1939, n. 126.

Coloro inoltre che intendono conseguire tale retrocessione dovranno versare all'Ente di gestione e liquidazione immobiliare la somma eventualmente pagata da quest'ultimo in contanti ai sensi dell'art. 31 del R. decreto-legge 9 febbraio 1939, n. 126, maggiorata di una somma all'atto stesso in cui verrà disposta la retrocessione dell'immobile o degli immobili.

Art. 5.

Le permute a norma dell'art. 37 del R. decreto-legge 9 febbraio 1939, n. 126, restano immutate.

Art. 6.

Nel caso in cui l'Ente di gestione e liquidazione immobiliare abbia trasferito a terzi beni immobili di cui esso è entrato in possesso in applicazione del R. decreto-legge 9 febbraio 1939, n. 126, anche i terzi sono tenuti al rilascio di detti beni a vantaggio degli antichi proprietari e dei loro aventi causa che ne facciano domanda ai sensi del precedente art. 3, e ciò dietro restituzione da parte dell'Ente di gestione e liquidazione immobiliare del prezzo da esso riscosso. Ove gli immobili di cui viene chiesta la retrocessione siano stati oggetto di successivi trasferimenti in dipendenza dei quali le somme pagate all'atto di essi siano state maggiori di quelle corrisposte agli antichi proprietari dell'Ente di gestione e liquidazione immobiliare ai sensi del R. decreto-legge 9 febbraio 1939, n. 126, e limitatamente a quanto di tali maggiori somme risulti dai pubblici atti di compravendita, l'ultimo acquirente avrà diritto al rimborso della maggiore somma pagata che dovrà essere effettuata da colui dal quale comprò e così di mano in mano fino a giungere all'Ente di gestione e liquidazione immobiliare. Ogni contestazione sulla reale misura di tale differenza risultante da atto pubblico è esclusa, comunque proposta.

Art. 7.

Nel caso che sull'immobile o sugli immobili gravino iscrizioni ipotecarie e vi sia trascrizione di precetto, il richiedente la retrocessione tratterrà sull'ammontare della somma dovuta la quota rappresentata dalla formalità ipotecaria e la depositerà nelle mani del notaio rogante, sia a mezzo degli speciali certificati trentennali emessi dall'Ente di gestione e liquidazione immo-

Declassified E.O. 12356 Section 3.3/NND No. 785016

biliare, sia in contante a seconda che egli si trovi nelle condizioni di cui al primo comma dell'art. 3 o in quella di cui all'art. 4.

Ove il deposito venga fatto in contante, il notaio avrà l'obbligo di versare la somma equivalente all'ammontare della ipoteca in un conto fruttifero vincolato presso un Istituto di credito di diritto pubblico o di interesse nazionale. Ove invece il deposito venga fatto a mezzo degli speciali certificati trentennali, di cui al primo comma del presente articolo, il notaio avrà l'obbligo di farseli rimborsare dall'Ente di gestione e liquidazione immobiliare, il quale li riscatterà al loro valore nominale.

Il notaio ne effettuerà quindi il versamento ai sensi del comma precedente.

Art. 8.

L'Ente di gestione e liquidazione immobiliare ed il terzo proprietario dell'immobile del quale viene chiesta la retrocessione ai sensi del precedente art. 2, avranno diritto a conseguire dal richiedente il prezzo delle migliorie arrecate all'immobile, nella minor somma tra lo speso ed il migliorato.

Nel caso di contestazione su l'esistenza o sull'importo di tali migliorie, la retrocessione dell'immobile o degli immobili, a favore dell'istante, dovrà avvenire ugualmente senza diritto di ritenzione da parte del retrocedente, il quale però per la liquidazione delle migliorie, la cui richiesta deve essere formulata nell'atto di trasferimento, avrà privilegio sull'immobile. Il conservatore delle ipoteche annoterà di ufficio tale privilegio nella nota di trascrizione dell'atto di trasferimento.

Art. 9.

Le procedure esecutive immobiliari, che fossero state sospese ai sensi dell'art. 8 del R. decreto-legge 9 febbraio 1939, n. 126, potranno essere riprese senza alcuna limitazione secondo le norme comuni, mentre rimangono sospese le procedure esecutive relative ai diritti patrimoniali di cui alla presente legge.

Art. 10.

tuate ai sensi degli articoli 6 e 55 del R. decreto-legge 9 febbraio 1939, n. 126, nonchè gli atti di trapasso conseguenziali alle domande di revocazione delle donazioni stesse; se la revoca dovrà avvenire in forza di pronunziato giudiziale, il termine sarà prorratto fino alla definizione del giudizio.

Art. 12.

I cittadini titolari di una azienda individuale o i soci illimitatamente responsabili di una società non azionaria che, a suo tempo, operarono, a norma dell'art. 58 del R. decreto-legge 9 febbraio 1939, n. 126, l'alienazione della azienda per atto pubblico, possono richiedere la retrocessione della stessa restituendo i titoli nominativi di consolidato da essi ricevuti in pagamento del prezzo e che saranno svincolati nel termine di un anno dalla domanda di retrocessione dell'azienda. Lo Stato rimborserà al retrocedente i titoli di consolidato in questione al loro prezzo di emissione.

Nel caso di miglioramenti apportati alle aziende, coloro che proporranno la domanda di retrocessione, saranno tenuti a versare il corrispettivo, se concordato; in caso invece di contestazioni intorno alla sussistenza ed alla misura dei miglioramenti esse sono devolute alla cognizione dell'autorità giudiziaria ordinaria, ma la loro proposizione non sospende l'obbligo della immediata consegna dell'azienda.

Il richiedente le migliorie che abbia formulato la richiesta ai sensi dell'art. 8 avrà privilegio sull'azienda e la relativa annotazione dovrà essere fatta nella cancelleria del Tribunale competente e nella nota di trascrizione dell'atto di trasferimento, se l'azienda comprende proprietà immobiliari.

Sono improponibili le domande per rivalsa di danni per fatti verificatisi nella gestione normale della società.

Art. 13.

Le domande di retrocessione di aziende non alienate a norma dell'articolo 58 del R. decreto-legge 9 febbraio 1939, n. 126, ma rilevate ai sensi dell'art. 60 del citato decreto, per motivo di pubblico interesse, da società anonima regolarmente costituita o da costituire,

Declassified E.O. 12356 Section 3.3/NND No. 785016

L'Ente di gestione e liquidazione immobiliare ed il terzo proprietario dell'immobile del quale viene chiesta la retrocessione ai sensi del precedente art. 3, avranno diritto a conseguire dal richiedente il prezzo delle migliorie arrecate all'immobile, nella minor somma tra lo speso ed il migliorato.

Nel caso di contestazione su l'esistenza o sull'importo di tali migliorie, la retrocessione dell'immobile o degli immobili, a favore dell'istante, dovrà avvenire ugualmente senza diritto di ritenzione da parte del retrocedente, il quale però per la liquidazione delle migliorie, la cui richiesta deve essere formulata nell'atto di trasferimento, avrà privilegio sull'immobile. Il conservatore delle ipoteche annoterà di ufficio tale privilegio nella nota di trascrizione dell'atto di trasferimento.

Art. 9.

Le procedure esecutive immobiliari, che fossero state sospese ai sensi dell'art. 8 del R. decreto-legge 9 febbraio 1939, n. 126, potranno essere riprese senza alcuna limitazione secondo le norme comuni, mentre rimangono sospese le procedure esecutive relative ai diritti patrimoniali di cui alla presente legge.

Art. 10.

Rimangono fermi i diritti derivanti da donazioni fatte ai sensi dell'art. 6 e dell'art. 55 del R. decreto-legge 9 febbraio 1939, n. 126, e, ove si tratti di donazione di una intera azienda o di una quota sociale, rimangono salvi i diritti spettanti per legge o per contratto agli altri soci ai sensi dello stesso art. 55 sumenzionato.

Art. 11.

Fino ad un anno dopo la conclusione della pace sono esenti da ogni onere o diritto fiscale gli atti di revoca consensuale totale o parziale di donazioni effettuate ai sensi del R. decreto-legge 9 febbraio 1939, n. 126, e quelli di trasferimento di beni immobili e di aziende da esse derivanti.

Lo Stato rimborserà ai retrocedenti i titoli di consolidato in questione al loro prezzo di emissione.

Nel caso di miglioramenti apportati alle aziende, coloro che proporranno la domanda di retrocessione, saranno tenuti a versare il corrispettivo, se concordato; in caso invece di contestazioni intorno alla sussistenza ed alla misura dei miglioramenti esse sono devolute alla cognizione dell'autorità giudiziaria ordinaria, ma la loro proposizione non sospende l'obbligo della immediata consegna dell'azienda.

Il richiedente le migliorie che abbia formulato la richiesta ai sensi dell'art. 8 avrà privilegio sull'azienda e la relativa annotazione dovrà essere fatta nella cancelleria del Tribunale competente e nella nota di trascrizione dell'atto di trasferimento, se l'azienda comprende proprietà immobiliari.

Sono improponibili le domande per rivalsa di danni per fatti verificatisi nella gestione normale della società.

Art. 13.

Le domande di retrocessione di aziende non alienate a norma dell'articolo 58 del R. decreto-legge 9 febbraio 1939, n. 126, ma rilevate ai sensi dell'art. 60 del citato decreto, per motivo di pubblico interesse, da società anonima regolarmente costituita o da costituire, vengono proposte, e la retrocessione viene effettuata, sotto l'osservanza delle medesime condizioni sancite per la retrocessione dei beni immobili e delle aziende individuali e sociali.

Art. 14.

Per tutti i contratti di alienazione di beni immobili, sia a titolo gratuito che oneroso, pel quali vi sia la prova incontestabile che il cittadino colpito dalle leggi razziali s'indusse all'alienazione per sottrarsi all'applicazione delle leggi stesse con la riduzione della pro-

Declassified E.O. 12356 Section 3.3/NND No. 1964

pria quota di disponibilità degli immobili, lo stesso avrà diritto di esercitare, nel termine di un anno dalla conclusione della pace, la relativa azione di annullamento. La prova di cui sopra può risultare da scritture private anche non registrate. La registrazione avverrà con la tassa fissa di L. 20 (venti). Il termine suindicato è stabilito in deroga all'art. 1442 Codice civile.

Art. 15.

Tutti gli atti occorrenti per porre in essere le nuove condizioni di diritto sancito dal presente decreto sono esenti da qualsiasi tassa di bollo e imposte di registro ed ipotecarie nonchè da qualsiasi altro gravame fiscale.

Saranno restituite agli aventi diritto le tasse di bollo e le imposte di registro ed ipotecarie in dipendenza di atti di alienazione resi giuridicamente inefficaci per retrocessione effettuata a norma del presente decreto.

Gli onorari dovuti ai notai sono ridotti alla metà.

Art. 16.

Fino ad un anno dopo la conclusione della pace sono esenti da ogni onere o diritto fiscale le retrocessioni consensuali in favore di persone già colpite dalle leggi razziali di titoli azionari da esse posseduti anteriormente al 25 ottobre 1941 e trasferiti ad altri dopo il 17 novembre 1938 ed anteriormente al 30 giugno 1942 nonchè di beni immobili da esse trasferiti dopo il 17 novembre 1938 ed anteriormente alla entrata in vigore del presente decreto.

I diritti degli agenti di cambio e gli onorari dovuti ai notai per gli atti relativi a tali retrocessioni sono ridotti a metà.

Il possesso dei titoli suindicati può risultare da scritture private anche non registrate. La registrazione avverrà con la tassa fissa di L. 20 (venti).

Art. 17.

Qualsiasi azione giudiziaria relativa ai diritti di cui alla presente legge deve essere proposta nel termine di un anno dalla conclusione della pace; le azioni a qualsiasi titolo spettanti al convenuto o ai chiamati in causa potranno spiegarsi non oltre i sei mesi succes-

Art. 19.

Le questioni relative all'applicazione del presente decreto saranno risolute dall'autorità giudiziaria, secondo le norme di competenza.

Art. 20.

Il presente decreto non sarà pubblicato nella *Gazzetta Ufficiale* del Regno, fino a quando non sarà diversamente disposto con Regio decreto su proposta del Capo del Governo.

Art. 21.

Il Capo del Governo è autorizzato ad emanare con propri decreti d'intesa con i Ministri per la grazia e giustizia e per le finanze le norme complementari, integrative e regolamentari per l'attuazione del presente decreto, che entra in vigore il giorno in cui saranno dichiarate cessate le ostilità con la Germania.

Il presente decreto sarà presentato al Parlamento per la sua conversione in legge.

Il Capo del Governo è autorizzato a presentare il relativo disegno di legge.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dal Comando Supremo, 20 gennaio 1944

VITTORIO EMANUELE

BADOGLIO — DE SANTIS — JUNG

Visto, (al sensi del R. decreto 30 ottobre 1933, n. 1/B)
Il Guardasigilli: BADOGLIO
Registrato alla Corte dei conti, addì 11 *ottobre* 1944
Registro Presidenza n. 1, *foglio n.* 178. — EMANUEL

DECRETO MINISTERIALE 16 ottobre 1944.

Blocco dei sottoprodotti della lavorazione delle olive e disciplina della distribuzione dei detti sottoprodotti e dell'olio al solturo.

IL MINISTRO PER L'INDUSTRIA
IL COMMERCIO E IL LAVORO
DI CONCERTO CON
IL MINISTRO PER L'AGRICOLTURA
E LE FORESTE

Declassified E.O. 12356 Section 3.3/NND No. 785016

esenti da qualsiasi tassa di bollo e imposte di registro ed ipotecarie nonchè da qualsiasi altro gravame fiscale.

Saranno restituite agli aventi diritto le tasse di bollo e le imposte di registro ed ipotecarie in dipendenza di atti di alienazione resi giuridicamente inefficaci per retrocessione effettuata a norma del presente decreto.

Gli onorari dovuti ai notai sono ridotti alla metà.

Art. 16.

Fino ad un anno dopo la conclusione della pace sono esenti da ogni onere o diritto fiscale le retrocessioni consensuali in favore di persone già colpite dalle leggi razziali di titoli azionari da esse possedute anteriormente al 25 ottobre 1941 e trasferiti ad altri dopo il 17 novembre 1938 ed anteriormente al 30 giugno 1942 nonchè di beni immobili da esse trasferiti dopo il 17 novembre 1938 ed anteriormente alla entrata in vigore del presente decreto.

I diritti degli agenti di cambio e gli onorari dovuti ai notai per gli atti relativi a tali retrocessioni sono ridotti a metà.

Il possesso dei titoli suindicati può risultare da scritture private anche non registrate. La registrazione avverrà con la tassa fissa di L. 20 (venti).

Art. 17.

Qualsiasi azione giudiziaria relativa ai diritti di cui alla presente legge deve essere proposta nel termine di un anno dalla conclusione della pace; le azioni a qualsiasi titolo spettanti al convenuto o ai chiamati in causa, potranno spiegarsi non oltre i sei mesi successivi alla proposizione della domanda principale.

Detti termini derogano alle disposizioni delle leggi in vigore.

La inosservanza del termine produce la decadenza dell'azione.

Art. 18.

Qualsiasi contrattazione o formalità ipotecaria posteriore alla presente legge ed alla stessa non consequenziale è nulla di pieno diritto.

Il Capo del Governo è autorizzato ad emanare con propri decreti d'intesa con i Ministri per la grazia e giustizia e per le finanze le norme complementari, integrative e regolamentari per l'attuazione del presente decreto, che entra in vigore il giorno in cui saranno dichiarate cessate le ostilità con la Germania.

Il presente decreto sarà presentato al Parlamento per la sua conversione in legge.

Il Capo del Governo è autorizzato a presentare il relativo disegno di legge.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dal Comando Supremo, 29 gennaio 1944

VITTORIO EMANUELE

BADOGLIO — DE SANTIS — JUNG

Visto, (ai sensi del R. decreto 30 ottobre 1933, n. 1/61)
Il Guardasigilli: BADOGLIO
Registrato alla Corte dei conti, addì 14 *ottobre* 1944
Registro Presidenza n. 1, *foglio n.* 178. — EMANUELI

DECRETO MINISTERIALE 16 ottobre 1944.

Blocco dei sottoprodotti della lavorazione delle olive e disciplina della distribuzione dei detti sottoprodotti e dell'olio al solfuro.

IL MINISTRO PER L'INDUSTRIA
IL COMMERCIO E IL LAVORO
DI CONCERTO CON
IL MINISTRO PER L'AGRICOLTURA
E LE FORESTE

Vista la legge 2 dicembre 1940, n. 1792, contenente modificazioni alle disposizioni sull'ammasso dell'olio di oliva e delle sanse;

Visto il decreto Ministeriale 8 ottobre 1942 recante norme per il blocco dei sottoprodotti della lavorazione delle olive e disciplina della lavorazione delle sanse;

Visto il decreto Ministeriale 7 settembre 1944 recante norme per la disciplina della produzione ed utilizzazione dell'olio di oliva della campagna 1944-45;

1644

Declassified E.O. 12356 Section 3.3/NND No. 785016

Ritenuta la necessità di modificare, integrare e sostituire le norme contenute nel precitato decreto 8 ottobre 1942;

Decreta:

Art. 1.

I residui della torchiatura delle olive, comunemente denominati con il nome di sanse (detriti della drupa, triturne di mandorle, frantumi di nocciole) ed i residui della lavorazione delle sanse stesse per levigazione al frullino (buccette e polpa), siano essi di produzione nazionale o importati dall'estero, debbono essere destinati esclusivamente per la estrazione di olio dalle sanse con solventi.

Art. 2.

Tutti i prodotti ed i sotto prodotti di cui al precedente art. 1 che sono attualmente disponibili o saranno in seguito prodotti presso i frantoi di qualunque categoria, nonchè presso gli stabilimenti di levigazione al frullino, anche se per conto di terzi, si intendono vincolati presso i frantoi e gli stabilimenti predetti a disposizione del Ministero dell'industria, del commercio e del lavoro, per essere ceduti al Consorzio nazionale degli industriali produttori di olio dalle sanse, che per delega del predetto Ministero, provvederà alla distribuzione dei suddetti prodotti fra gli stabilimenti industriali interessati, in base ad un piano di riparto predisposto dal Consorzio predetto, piano che dovrà essere preventivamente approvato dal Ministero della industria, del commercio e del lavoro, di concerto con il Ministero dell'agricoltura e delle foreste.

Il Consorzio nazionale degli industriali produttori olio dalle sanse, di cui al precedente comma, è tenuto a segnalare il 1° ed il 15 di ogni mese al Ministero dell'industria, del commercio e del lavoro, al Ministero dell'agricoltura e delle foreste, agli Uffici provinciali statistici ed economici dell'agricoltura e ai Consorzi agrari provinciali territorialmente competenti:

a) i quantitativi di sanse vergini ritirati dagli stabilimenti di estrazione;

b) i quantitativi di olio al solfuro a bassa e ad alta zione dei residui della torchiatura e dalla legivazione al frullino, sono bloccati presso gli stabilimenti medesimi, per essere assegnati alle industrie consumatrici, secondo le istruzioni che saranno impartite dal Ministero dell'industria, del commercio e del lavoro di concerto con il Ministero dell'agricoltura e delle foreste.

Resta confermato il divieto di macinazione delle sanse e dei noccioli di oliva, di commercio e di cessione a qualsiasi titolo o forma delle farine derivate.

Art. 4.

Gli importatori di sansa vergine ed esausta, di olio al solfuro, di buccette e di polpa, sono ugualmente tenuti alla osservanza di quanto disposto nel presente decreto.

Art. 5.

Il Ministero dell'agricoltura e delle foreste ed il Ministero dell'industria, del commercio e del lavoro, tenuto conto delle disponibilità di olio estratto dalle sanse con solvente sia di produzione nazionale che di importazione, provvederanno, anno per anno, a determinare i quantitativi da avviare alla rettificazione per uso alimentare, e di quelli da destinarsi ad uso industriale.

I quantitativi di olio di cui al precedente comma saranno ceduti, tramite il Consorzio nazionale degli industriali produttori di olio dalle sanse, agli Enti che saranno designati rispettivamente dal Ministero dell'agricoltura e delle foreste e dal Ministero dell'industria, del commercio e del lavoro.

Art. 6.

Sono abrogate tutte le disposizioni che comunque contrastino con quelle contenute nel presente decreto.

Art. 7.

Le infrazioni alle disposizioni contenute nel presente decreto sono punite ai sensi della legge 8 luglio 1941, n. 645, e del R. decreto legge 11 giugno 1942, n. 581.

Il presente decreto entra in vigore dal giorno della

Declassified E.O. 12356 Section 3.3/NND No. 785016

Art. 2.

Tutti i prodotti ed i sotto prodotti di cui al precedente art. 1 che sono attualmente disponibili o saranno in seguito prodotti presso i frantoi di qualunque categoria, nonchè presso gli stabilimenti di levigazione al frullino, anche se per conto di terzi, si intendono vincolati presso i frantoi e gli stabilimenti predetti a disposizione del Ministero dell'industria, del commercio e del lavoro, per essere ceduti al Consorzio nazionale degli industriali produttori di olio dalle sanse, che per delega del predetto Ministero, provvederà alla distribuzione dei suddetti prodotti fra gli stabilimenti industriali interessati, in base ad un piano di riparto predisposto dal Consorzio predetto, piano che dovrà essere preventivamente approvato dal Ministero della industria, del commercio e del lavoro, di concerto con il Ministero dell'agricoltura e delle foreste.

Il Consorzio nazionale degli industriali produttori olio dalle sanse, di cui al precedente comma, è tenuto a segnalare il 1° ed il 15 di ogni mese al Ministero dell'industria, del commercio e del lavoro, al Ministero dell'agricoltura e delle foreste, agli Uffici provinciali statistici ed economici dell'agricoltura e ai Consorzi agrari provinciali territorialmente competenti:

a) i quantitativi di sanse vergini ritirati dagli stabilimenti di estrazione;

b) i quantitativi di olio al solfuro a bassa e ad alta acidità prodotti da ciascun stabilimento;

c) il movimento di uscita, per gli olii di cui alla precedente lettera *b*), verificatosi nella quindicina e le rimanenze alla fine della quindicina stessa;

d) i quantitativi di sansa esausta prodotti.

Art. 3.

La sansa esausta e noccioli che gli stabilimenti estrattori di olio dalle sanse otterranno dalla lavorazione di cui al precedente art. 1 saranno ceduti, tramite il Consorzio nazionale degli industriali produttori di olio dalle sanse, agli Enti che saranno designati rispettivamente dal Ministero dell'agricoltura e delle foreste e dal Ministero dell'industria, del commercio e del lavoro.

Art. 4.

Il Ministero dell'agricoltura e delle foreste ed il Ministero dell'industria, del commercio e del lavoro, tenuto conto delle disponibilità di olio estratto dalle sanse con solvente sia di produzione nazionale che di importazione, provvederanno, anno per anno, a determinare i quantitativi da avviare alla rettificazione per uso alimentare, e di quelli da destinarsi ad uso industriale.

I quantitativi di olio di cui al precedente comma saranno ceduti, tramite il Consorzio nazionale degli industriali produttori di olio dalle sanse, agli Enti che saranno designati rispettivamente dal Ministero dell'agricoltura e delle foreste e dal Ministero dell'industria, del commercio e del lavoro.

Art. 5.

Il Ministero dell'agricoltura e delle foreste ed il Ministero dell'industria, del commercio e del lavoro, tenuto conto delle disponibilità di olio estratto dalle sanse con solvente sia di produzione nazionale che di importazione, provvederanno, anno per anno, a determinare i quantitativi da avviare alla rettificazione per uso alimentare, e di quelli da destinarsi ad uso industriale.

I quantitativi di olio di cui al precedente comma saranno ceduti, tramite il Consorzio nazionale degli industriali produttori di olio dalle sanse, agli Enti che saranno designati rispettivamente dal Ministero dell'agricoltura e delle foreste e dal Ministero dell'industria, del commercio e del lavoro.

Art. 6.

Sono abrogate tutte le disposizioni che comunque contrastino con quelle contenute nel presente decreto.

Art. 7.

Le infrazioni alle disposizioni contenute nel presente decreto sono punite ai sensi della legge 8 luglio 1941, n. 645, e del R. decreto-legge 11 giugno 1942, n. 584.

Il presente decreto entra in vigore dal giorno della sua pubblicazione nella *Gazzetta Ufficiale* del Regno.

Roma, addì 16 ottobre 1944

Il Ministro per l'industria, il commercio e il lavoro
GRONCHI

Il Ministro per l'agricoltura e le foreste
GULLO

1646
Declassified E.O. 12356 Section 3.3/NND No. 785016

DISPOSIZIONI E COMUNICATI

MINISTERO DELL'INDUSTRIA DEL COMMERCIO E DEL LAVORO

Nomina del commissario straordinario per la Cassa nazionale di assistenza per gli impiegati agricoli e forestali.

Con decreto in data 30 settembre c. a. il Ministro per l'industria, il commercio ed il lavoro, ha nominato l'avv. Ivo Cecchi commissario straordinario per l'amministrazione della Cassa nazionale di assistenza per gli impiegati agricoli e forestali, con i poteri del presidente, del Consiglio direttivo e del Comitato esecutivo.

MINISTERO DI GRAZIA E GIUSTIZIA

Autorizzazione a continuare l'esercizio delle funzioni notarili

Con decreto del Ministro Guardasigilli in data 12 ottobre 1944, il dott. Argentiero Giovanni, notaio nel comune di Vezzo Messapico, viene autorizzato a continuare l'esercizio professionale in detta sede fino a sei mesi dalla cessazione dell'attuale stato di guerra.

MINISTERO DEL TESORO

DIVISIONE 1ª - UFFICIO I

Media dei titoli del 9 ottobre 1944

Rendita 3,50 % 1906	L.	103,30
Id. 3,50 % 1902	»	95 —
Id. 3 % lordo	»	72 —
Id. 5 % 1935	»	94 —
Redimibile 3,50 % 1934	»	84,90
Id. 5 % 1936	»	97 —
Obbligaz. Venezie 3,50 %	»	95,25
Buoni novennali 5 % (15 giugno 1948)	»	96,25
Id. 5 % (15 febbraio 1949)	»	94 —
Id. 5 % (15 febbraio 1950)	»	93,95
Id. 5 % (15 settembre 1950)	»	93,95
Id. 5 % (15 aprile 1951)	»	93,95
Id. 4 % (15 settembre 1951)	»	85,65

Media dei titoli del 10 ottobre 1944

Rendita 3,50 % 1906	L.	103,10
Id. 3,50 % 1902	»	95 —
Id. 3 % lordo	»	72 —
Id. 5 % 1935	»	93,90
Redimibile 3,50 % 1934	»	85,10
Id. 5 % 1936	»	87,25
Obbligaz. Venezie 3,50 %	»	95,25
Buoni novennali 5 % (15 giugno 1948)	»	96,25
Id. 5 % (15 febbraio 1949)	»	94,10
Id. 5 % (15 febbraio 1950)	»	94,05
Id. 5 % (15 settembre 1950)	»	94,10
Id. 5 % (15 aprile 1951)	»	94,05
Id. 4 % (15 settembre 1951)	»	85,35

DISPOSIZIONI E COMUNICATI DEL GOVERNO MILITARE ALLEATO

Io, Brigadiere Generale G. R. UPJOHN, Sottocapo di Stato Maggiore della Commissione Alleata di Controllo, con la presente ordino che i decreti contenuti nel numero 66 del 10 ottobre 1944 della *Gazzetta Ufficiale* entrino in vigore ed abbiano piena forza ed effetto di legge in ogni Provincia del territorio soggetto al Governo Militare Alleato a partire dalla data in cui il Prefetto di tale Provincia riceverà dalla Commissione Alleata di Controllo una copia del presente numero della *Gazzetta Ufficiale*.

Sono esclusi dalla presente ordinanza i decreti sottoindicati, i quali vengono pubblicati nel detto territorio a solo titolo informativo.

In data 16 ottobre 1944

G. R. UPJOHN
BRIGADIERE GENERALE
Sottocapo di Stato Maggiore
della Commissione Alleata di Controllo

DECRETO MINISTERIALE 5 OTTOBRE 1944.

Nomina di commissario straordinario dell'Istituto italiano di credito fondiario.

DECRETO MINISTERIALE 5 OTTOBRE 1944.

Scioglimento dell'Istituto centrale delle banche e banchieri e nomina del commissario straordinario.

Declassified E.O. 12356 Section 3.3/NND No. 759016

Con decreto del Ministro Guardasigilli in data 1° ottobre 1944, il dott. Argentiero Giovanni, notaio nel comune di Foglia Mesapico, viene autorizzato a continuare l'esercizio professionale in detta sede fino a sei mesi dalla cessazione dell'attuale stato di guerra.

MINISTERO DEL TESORO

DIVISIONE I^a - PORTAFOGLIO

Media dei titoli del 9 ottobre 1944

Rendita 3,50 % 1906	L.	103,30
Id. 3,50 % 1902	»	96 —
Id. 3 % lordo	»	72 —
Id. 5 % 1935	»	94 —
Redimibile 3,50 % 1934	»	84,90
Id. 5 % 1936	»	97 —
Obbligaz. Venezie 3,50 %	»	95,25
Buoni novennali 5 % (15 giugno 1948)	»	96,25
Id. 5 % (15 febbraio 1949)	»	94 —
Id. 5 % (15 febbraio 1950)	»	93,95
Id. 5 % (15 settembre 1950)	»	93,95
Id. 5 % (15 aprile 1951)	»	93,95
Id. 4 % (15 settembre 1951)	»	85,05

nel numero 66 del 10 ottobre 1944 della *Gazzetta Ufficiale* entrino in vigore ed abbiano piena forza ed effetto di legge in ogni Provincia del territorio soggetto al Governo Militare Alleato a partire dalla data in cui il Prefetto di tale Provincia riceverà dalla Commissione Alleata di Controllo una copia del presente numero della *Gazzetta Ufficiale*.

Sono esclusi dalla presente ordinanza i decreti sottoindicati, i quali vengono pubblicati nel detto territorio a solo titolo informativo.

In data 16 ottobre 1944

G. R. UPJOHN
BRIGADIERE GENERALE
Sottocapo di Stato Maggiore
della Commissione Alleata di Controllo

DECRETO MINISTERIALE 5 OTTOBRE 1944.

Nomina di commissario straordinario dell'Istituto italiano di credito fondiario.

DECRETO MINISTERIALE 5 OTTOBRE 1944.

Scioglimento dell'Istituto centrale delle banche e banchieri e nomina del commissario straordinario.

GIOLITTI GIUSEPPE, *direttore* — SANTI RAFFAELE, *gerente*

Roma - Istituto Poligrafico dello Stato - G. C.

1648

Declassified E.O. 12356 Section 3.3/NND No. 785016

1649

Declassified E.O. 12356 Section 3.3/NND No. 785016

SCMO, VENEZIE GIULIA

RESTRICTED DLO 9549 PRIORITY Region -

* Matter is under consideration. Reply to questions raised in your signal will be sent as soon as possible.

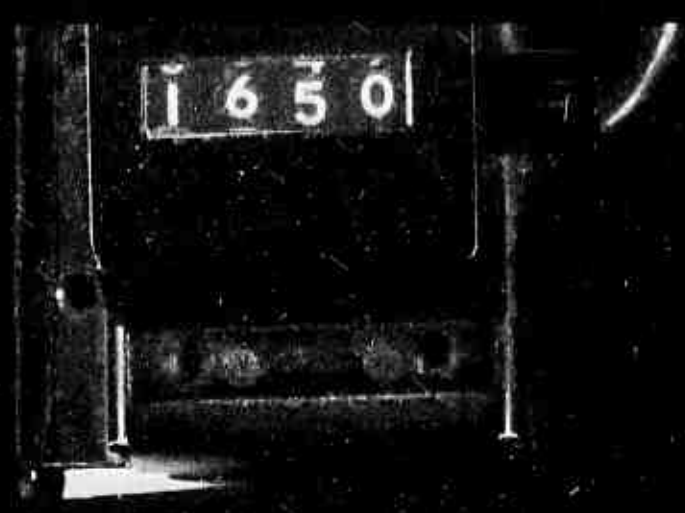
PARA ONE P REFERENCE your signal EIGHT POINT ZERO of 19 December PD

PAREN TO _____ FROM _____

PAREN

PARA TWO PD +

1


1650